



Civilian Police Oversight Agency

Finding Letters of the CPOA

The CPOA Executive Director's findings in each case are attached and listed below. The following notifications of the findings were provided to the citizen during the month of March 2023. The findings become part of the officer's file, if applicable.

March 2023:

074-22	084-22	095-22	130-22	151-22	167-22
176-22	185-22	189-22	194-22	196-22	197-22
202-22	204-22	205-22	206-22	211-22	213-22
217-22	219-22	227-22	230-22	240-22	244-22
250-22	252-22	258-22	259-22	261-22	264-22
265-22	271-22	272-22	281-22	031-23	041-23

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 22, 2023

Via Certified Mail

7011 2000 0000 8968 6255

Re: CPC # 074-22

S on Behalf of O

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

S submitted a complaint on behalf of O that alleged Mr. O called the police to have a female removed from his residence after she locked him out. The officers let the female pack up and remove everything she claimed was hers and didn't let Mr. O enter the residence to see what the female was packing. It was alleged that \$9,000.00 in cash, jewelry, clothing, and cologne were missing. Ms. S alleged that Mr. O was seeking the replacement of his belongings and for the officers to be reprimanded for not knowing that Mr. C called the police. Mr. O said Sergeant O asked him if he was a racist or called him a racist because he didn't know or speak with any black people. Mr. O said he didn't care about making a complaint against Sgt. O for the comment.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant O

Other Materials: n/a

Date Investigation Completed: November 28, 2022

FINDINGS

Policies Reviewed: Obey Orders 1.1.6.C.1 & Conduct 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. | <input checked="" type="checkbox"/> |
| 2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. | <input type="checkbox"/> |
| 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. | <input type="checkbox"/> |
| 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. | <input type="checkbox"/> |
| 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. | <input type="checkbox"/> |
| 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. | <input type="checkbox"/> |

Additional Comments:

Policy 1.1.6.C.1: The investigator determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer. Sergeant O did respond to the call for service but was not the primary officer. Sergeant O stood by with O in a parking lot across from the residence while the primary officer conducted the investigation. Mr. G and the female both called for the police, and the female had already packed before the officers arrived. Sgt. O said the parties were kept separate to avoid escalation. Sgt. O said it the claim that someone called the police would matter but the incident would still need to be investigated. Mr. O had not filed a theft report and did not have a list of the missing property. Sgt. O recorded the entire incident on her OBRD.

Policy 1.1.5.A.1: Sgt. O said she did not call or tell Mr. O he was a racist. A review of the OBRD showed that Sgt. O made no such comment.

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

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

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 22, 2023

Via Certified Mail

7011 2000 0000 8968 6255

Re: CPC # 074-22

S on Behalf of IO

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

S. submitted a complaint on behalf of O, that alleged Mr. O called the police to have a female removed from his residence after she locked him out. The officers let the female pack up and remove everything she claimed was hers and didn't let Mr. O enter the residence to see what the female was packing. It was alleged that \$9,000.00 in cash, jewelry, clothing, and cologne were missing. Ms. S alleged that Mr. O was seeking the replacement of his belongings and for the officers to be reprimanded for not knowing that Mr. O called the police.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer G

Other Materials: n/a

Date Investigation Completed: November 28, 2022

FINDINGS

Policies Reviewed: Obey Orders 1.1.6.C.1

- | | |
|---|-------------------------------------|
| 1. Unfounded. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. | <input checked="" type="checkbox"/> |
| 2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. | <input type="checkbox"/> |
| 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. | <input type="checkbox"/> |
| 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. | <input type="checkbox"/> |
| 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. | <input type="checkbox"/> |
| 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. | <input type="checkbox"/> |

Additional Comments:

Policy 1.1.6.C.1: The investigator determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer. Officer G did respond to the call for service but was not the primary officer. Officer G stood by with O in a parking lot across from the residence while the primary officer conducted the investigation. O and the female both called for the police, and the female had already packed before the officers arrived. Officer G did not recall Mr. O asking to enter the residence. A review of the OBRD showed that Mr. C said he should just go in and beat the female and then wanted to know if he could wait inside; Officer G said not yet. Officer G said it wouldn't matter who called for the police and that the outcome would be based on the investigation. Mr. O had not filed a theft report and did not have a list of the missing property. Officer G recorded the entire event on his OBRD.

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

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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

March 22, 2023

Via Certified Mail

7011 2000 0000 8968 6255

Re: CPC # 074-22

S Behalf of O:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

S: submitted a complaint on behalf of C that alleged Mr. O called the police to have a female removed from his residence after she locked him out. The officers let the female pack up and remove everything she claimed was hers and didn't let Mr. C enter the residence to see what the female was packing. It was alleged that \$9,000.00 in cash, jewelry, clothing, and cologne were missing. Ms. S alleged that Mr. C was seeking the replacement of his belongings and for the officers to be reprimanded for not knowing that Mr. O called the police.

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 I

Other Materials: n/a

Date Investigation Completed: November 28, 2022

FINDINGS

Policies Reviewed: Obey Orders 1.1.6.C.1

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



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



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:

Policy 1.1.6.C.1: The investigator determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer. Officer I did respond to the call for service but was not the primary officer. Officer I arrived on the scene, was advised he was not needed, provided O₂ with a water, and departed.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 22, 2023

Via Certified Mail

7011 2000 0000 8968 6255

Re: CPC # 074-22

S on Behalf of O

PO Box 1293

Albuquerque

NM 87103

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COMPLAINT:

S submitted a complaint on behalf of O that alleged Mr. C called the police to have a female removed from his residence after she locked him out. The officers let the female pack up and remove everything she claimed was hers and didn't let Mr. O enter the residence to see what the female was packing. It was alleged that \$9,000.00 in cash, jewelry, clothing, and cologne were missing. Ms. S alleged that Mr. C was seeking the replacement of his belongings and for the officers to be reprimanded for not knowing that Mr. O called the police. Mr. O alleged Officer K said he was a drug dealer and pill head.

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 K

Other Materials: n/a

Date Investigation Completed: November 28, 2022

FINDINGS

Policies Reviewed: Obey Orders 1.1.6.C.1 & Conduct 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.



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:

Policy 1.1.6.C.1: The investigator determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer. Officer K responded to the call for service and was the primary officer. Officer K did not allow the female to pack or take whatever she wanted; the female had already packed before the officers arrived and only allowed her to take the items already packed and next to the front door. Officer K said Mr. O. wasn't allowed to enter the residence to prevent further issues and because there was possibly a firearm inside the residence. The CAD showed Mr. C and the female both called for the police. Officer K said he believed both parties called for the police and that it wouldn't matter who called first because officers don't respond and only offer to help the reporting party. Mr. O. had not filed a theft report and did not have a list of the missing property. Officer K recorded the entire incident on his OBRD.

Policy 1.1.5.A.1: A review of the OBRD showed that Officer K never said or called Mr. O. a drug dealer or pill head.

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S on Behalf of Or

PO Box 1293

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NM 87103

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COMPLAINT:

S submitted a complaint on behalf of C that alleged Mr. C called the police to have a female removed from his residence after she locked him out. The officers let the female pack up and remove everything she claimed was hers and didn't let Mr. O enter the residence to see what the female was packing. It was alleged that \$9,000.00 in cash, jewelry, clothing, and cologne were missing. Ms. S alleged that Mr. O was seeking the replacement of his belongings and for the officers to be reprimanded for not knowing that Mr. C called the police.

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: November 28, 2022

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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: Sergeant M

Other Materials: n/a

Date Investigation Completed: November 28, 2022

FINDINGS

Policies Reviewed: Obey Orders 1.1.6.C.1

- | | |
|---|-------------------------------------|
| 1. Unfounded. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. | <input checked="" type="checkbox"/> |
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Additional Comments:

Policy 1.1.6.C.1: The investigator determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer. Sergeant M did respond to the call for service but was not the primary officer. Sgt. M supervised the call for service while officers restored the peace and made other arrangements for the female involved. Paul O and the female both called for the police, and the female had already packed before the officers arrived. Sgt. M said the parties were kept separate because of the nature of the call, to prevent an altercation, and because of reports of a firearm inside the residence. Sgt. M said it wouldn't matter who called for the police and that the outcome would be based on the investigation. Mr. O had not filed a theft report and did not have a list of the missing property. Sgt. M recorded the entire incident on her OBRD.

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

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- B) The findings by the Director were not supported by evidence that was available at the time of the investigation; or,
- C) The APD policy or APD policies that were considered by the Director were the wrong policies or they were used in the wrong way; or,
- D) The APD policy or APD policies considered by the Director were chosen randomly or they do not address the issues in your complaint.

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 2, 2023

Via Certified Mail

7011 2000 0000 8968 6132

Re: CPC # 084-22

Dear Mr. C

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

On 05/03/2020 Mr. C reported he suspected his ex-wife was having an affair with a guy. He went to confront her and she called the guy instead of the police. The guy came to the house and pointed a 45 Caliber at Mr. C and then started shooting at him 4 to 5 times and one of the bullets went through his femur and he was bleeding. Mr. C reported he was not a threat to anyone as he was not armed like the guy was. Police came and did not take a statement from Mr. C. The police took the guy's side as the guy was not charged with attempted murder or child endangerment because of Mr. C's daughter being present in the home during this entire incident.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer S

Other Materials: n/a

Date Investigation Completed: January 11, 2023

FINDINGS

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

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

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

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

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

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

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

Additional Comments:

It is determined by the preponderance of the evidence, that the alleged conduct in this complaint occurred, but did not violate APD policies, procedures and/or training. Officer S. conducted his preliminary investigation and contacted a specialized unit/detective to take over the investigation due to the incident involving a firearm. Officer S did not have any interaction with Mr. C due to his injuries. The specialized detective did interview Mr. C. Officer S did conduct some preliminary information gathering.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 2, 2023

Via Certified Mail

7011 2000 0000 8968 6132

Re: CPC # 084-22

Dear Mr. C:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

On 05/03/2020 Mr. C : reported he suspected his ex-wife was having an affair with a guy. He went to confront her and she called the guy instead of the police. The guy came to the house and pointed a 45 Caliber at Mr. C and then started shooting at him 4 to 5 times and one of the bullets went through his femur and he was bleeding. Mr. C reported he was not a threat to anyone as he was not armed like the guy was. Police came and did not take a statement from Mr. C took the guy's side as the guy was not charged with attempted murder or child endangerment because of Mr. C laughter being present in the home during this entire incident.

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: Det. Z

Other Materials: n/a

Date Investigation Completed: January 11, 2023

FINDINGS

- 1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.
- 2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.
- 3. **Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.
- Policies Reviewed: **2.60.4.B.5.b.d.i**
- 4. **Exonerated.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.
- 5. **Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.
- 6. **Administratively Closed.** Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.

Additional Comments:

It is determined by the preponderance of the evidence, that the alleged conduct in this complaint occurred, but did not violate APD policies, procedures and/or training. Det. Z did conduct an interview of Mr. C . He reviewed the facts of the investigation with Officer S. Det. Z determined with information from Officer S that the situation was a self-defense situation and therefore did not arrest the shooter. Det. Z did inform Mr. C that he does not make the final determination as that rested with the District Attorney. Det. Z informed Mr. C that he would submit his non-bias report because he was not taking anyone's side in this investigation as he was only gathering information to complete his 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 Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email CPOA@cabq.gov. Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur.** If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 2, 2023

Via Email

Re: CPC # 095-22

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

M reported that Officer R threatened to arrest him if he did not identify himself and advised M that he was going to trespass him. M reported that he asked Officer R if he was being detained or if he was free to leave so he can pick up his order. Officer R advised him yes, he was free to go but continued to ask more questions and became emotional which resulted in Officer R acting aggressively and wrongfully detaining him.

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 R

Other Materials: n/a

Date Investigation Completed: December 16, 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: 2.71.4.A.1

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



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



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



Additional Comments:

2.71.4.A.1 A review of the available lapel video showed that Officer R initially asked the complainant to leave the property, however, the security guard who was the proprietor of the property wanted the complainant to be served a Criminal Trespass Notice. The complainant was detained during the process of determining the complainant's identity. The complainant was given a copy of the CT notice, a copy was also given to the security guard. Once the complainant was given the CT notice he was cleared to leave the scene.

1.1.5.A.1 A review of the lapel video showed Officer R was not disrespectful, unprofessional, acting aggressively, raising his voice, or demanding. Furthermore, the CPOA investigator did not observe Officer R present as angry, or arrogant. Officer R did not delay in calling a supervisor and the complainant asked only once.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 2, 2023

Via Email

Re: CPC # 095-22

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

The complainant (M) reported that Officer J tried to be manipulative and stated that he was going to speak to the security guard and let him know that M was working for Grub Hub and it would be up to the security guard whether he wanted to proceed with trespassing charges. M advised that per the complaint that he requested a supervisor and when the supervisor arrived he tried to be manipulative with him. M stated that the APD supervisor tried to trick him into getting out of his vehicle so he could handcuff him.

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 J

Other Materials: n/a

Date Investigation Completed: December 16, 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.



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 the lapel videos, the CPOA investigator did not observe Officer J being manipulative or ask the complainant to exit his vehicle so he could handcuff him. Officer J did offer to go with the complainant to pick up his food order. The complainant (M.) refused and did not at any time exit his vehicle.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 2, 2023

Via Certified Mail

7011 2000 0000 8968 6125

Re: CPC # 130-22

Dear Mr. Al

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. A submitted a complaint alleging that Officer P unholstered his firearm during an encounter in the Southeast substation.

Mr. A advised that he pulled into the Southeast substation to report a vehicle that had crashed into a curb. Mr. A advised that he was met by a police officer who at first he did not know that he had drawn his gun. He saw 2-3 other officers come up to him and he began to inform them of what he had seen and noticed that the officer in question (Officer P) had his weapon at the low and ready position.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer P

Other Materials:

Date Investigation Completed: November 17, 2022

FINDINGS

Policies Reviewed: 2.52.4.F.1.e and 1.1.5.C.2

- | | |
|---|-------------------------------------|
| 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. | <input checked="" type="checkbox"/> |
| 2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. | <input type="checkbox"/> |
| 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. | <input type="checkbox"/> |
| 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. | <input type="checkbox"/> |
| 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. | <input type="checkbox"/> |
| 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. | <input type="checkbox"/> |

Additional Comments:

Mr. A [redacted] reported in his complaint and interview that Officer P drew his firearm, however, he kept it at a low and ready position and did not point his firearm at him. A review of officers OBRD does not specifically focus on or capture Officer P unholstering his firearm and holstering his firearm, however, all statements agree that the firearm was not pointed at Mr. A [redacted] and lapel videos do not show a firearm raised. Having a weapon at low ready is not a reportable show of force. Policy does not dictate when a firearm may be unholstered. The officers all expressed some concern at Mr. A [redacted]'s intentions originally and had a different perception of the situation than Mr. A [redacted] intended. The interaction was less than a minute long and the firearm holstered when the officer understood Mr. A [redacted]'s intention.

Mr. A [redacted] claimed in his interview that Officer P used profanity when speaking with him. The lapel videos showed there was no profanity used by Officer P.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 2, 2023

Via Certified Mail

7011 2000 0000 8968 6125

Re: CPC # 130-22

Dear Mr. A

PO Box 1293

COMPLAINT:

Mr. A submitted a complaint alleging that Officer P unholstered his firearm during an encounter in the Southeast substation.

Albuquerque

Mr. A advised that he pulled into the Southeast substation to report a vehicle that had crashed into a curb. Mr. A advised that he was met by a police officer who at first he did not know that he had drawn his gun. He saw 2-3 other officers come up to him and he began to inform them of what he had seen and noticed that the officer in question (Officer P) had his weapon at the low and ready position.

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer D

Other Materials:

Date Investigation Completed: November 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.

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: 2.8.5.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.

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:

Mr. A [redacted] did not report any complaints pertaining to Officer D. The CPOA Investigator conducted a search utilizing Evidence.com for OBRD videos related to this incident including deleted videos. CPOA Investigator was not able to locate the OBRD video for Officer D.

A review of the OBRD video footage provided by Officers P and D showed that officer D did not interact or have contact with Mr. A [redacted]. Officer D was not the primary officer named in the complaint. The situation was not a call to service and occurred quickly. Officer D advised that once he realized that there was no immediate threat and the other officers were able to take care of the situation, there was no need for him to have interaction with Mr. A [redacted].

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

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

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 6, 2023

Via Certified Mail

7011 2000 0000 8968 6156

Re: CPC # 151-22

Dear Ms. L,

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. L submitted a citizen complaint report that there was a police vehicle with an officer in the vehicle parked at a house party where music was being blasted from a Mazda vehicle, and some people started messing around with the APD vehicle's loudspeaker. Ms. L reported that the loud music shook all the neighbor's windows, and the officer did not do anything about it. Ms. L reported that a video was available.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: N/A

APD Employee Involved: N/A

Other Materials: Emails

Date Investigation Completed: December 2, 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: None

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:

No Officer was identified. The evidence shows that APD vehicle was totaled in a crash incident on 03/16/2022, and from that date to current, the vehicle has been in storage at Pino Yards and will be salvaged. The complainant reported that the incident occurred on 06/11/2022; vehicle W114 had been in storage at Pino yard since 03/16/2022. The investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.

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

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

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

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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

March 2, 2023

Via Certified Mail

7011 2000 0000 8968 6095

Re: CPC # 167-22

E :

PO Box 1293

COMPLAINT:

B submitted a complaint that alleged Officer O should not have given her any traffic citations, and none of the citations were true. Ms. B reported that she received a speeding citation and could not have been speeding.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer O

Other Materials: Traffic Citations

Date Investigation Completed: January 17, 2023

FINDINGS

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

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

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

Policies Reviewed: 1.1.5.A.4 (Public Welfare)

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

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

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

Additional Comments:

It was determined that the traffic stop conducted by Officer O and the citations issued to Ms. B , were within the scope of Officer O's duties and that the interaction was conducted professionally.

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

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The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 2, 2023

Via Certified Mail

7011 2000 0000 8968 6118

Re: CPC # 176-22

Dear Ms. C

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. C reported that a friend called her and advised that the police had detained her son. Ms. C reported that at no time did the police explain to Ms. C what had transpired. Ms. C reported that the police had no reason to detain Mr. C who was minding his own business going to a friend's house. Ms. C reported that her son was self-harming, banging his head inside the police car. Ms. C reported that APD refused to let Ms. C talk to Mr. C. Ms. C reported that at no time did officers tell Ms. C why her son was being detained or why or how Mr. C hurt himself. Ms. C reported that Mr. C advised her that the officers detained him, did not tell him anything, and they attacked him.

EVIDENCE REVIEWED:

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

Complainant Interviewed: No Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant H

Other Materials: n/a

Date Investigation Completed: December 1, 2022

FINDINGS

Policies Reviewed: Procedural Order 2.22.4.C.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:

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



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



Policies Reviewed: Procedural Order 2.52.4.F.1

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:

Procedural Order 2.22.4.C.1.a- OBRD video confirmed atleast two separate officers spoke with Ms. Cl [redacted] about Mr. Cl [redacted]. Officer H updated Ms. C. [redacted] on why officers detained Mr. C [redacted] and why officers took Mr. Cl [redacted] into custody.

Procedural Order 2.52.4.F.1-The allegations of use of force were investigated by Internal Affairs Force Division, please refer to Force Report Number F 2022-282. The CPOA will Administratively close this portion of the investigation via duplicate investigation.

A review of the OBRD videos confirmed that Ms. C [redacted] never asked to talk to her son, and none of the officers on the scene advised Ms. Cl [redacted] that she could not talk to her son. While on scene at the location where the use of force occurred, Ms. C [redacted] advised Sergeant H that she knew Mr. Cl [redacted] probably did not want to see Ms. C [redacted], so she would stand back and let them do their thing.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 2, 2023

Via Certified Mail

7011 2000 0000 8968 6118

Re: CPC # 176-22

Dear Ms. C

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. C : reported that the police had no reason to detain Mr. C , who was minding his own business going to a friend's house. Ms. C : reported that her son was self-harming, banging his head inside the police car. Ms. Chavez reported that she did not find out about that until she arrived at the hospital because APD refused to let Ms. C talk to Mr. C Ms. Cl reported that Mr. Cl advised her that the officers detained him, did not tell him anything, and they attacked him. Ms. C reported that the female officer screamed at Mr. C like a psychopath even though she knew Mr. C had mental issues.

EVIDENCE REVIEWED:

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

Complainant Interviewed: No Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer R

Other Materials: n/a

Date Investigation Completed: December 1, 2022

FINDINGS

Policies Reviewed: General Order 1.1.5.A.1

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



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



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



Policies Reviewed:

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



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



Policies Reviewed: Procedural Order 2.52.4.F.1

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



Additional Comments:

General Order 1.1.5.A.1-After a review of the OBRD videos, the CPOA Investigator did not observe Officer R ever scream at Mr. C , per the complaint.

Procedural Order 2.52.4.F.1-The allegations of use of force were investigated by Internal Affairs Force Division, please refer to Force Report Number F 2022-282. The CPOA will Administratively close this portion of the investigation via duplicate investigation.

A review of the OBRD videos confirmed that Mr. C asked Officer R what he was being arrested for; Officer R advised Mr. C that he was not being arrested; he was just being detained for possession of marijuana and a deadly weapon.

A review of the OBRD videos confirmed that Ms. C never asked to talk to her son, and none of the officers on the scene advised Ms. C that she could not talk to her son. While on scene at the location where the use of force occurred, Ms. C advised Sergeant H that she knew Mr. C probably did not want to see Ms. C , so she would stand back and let them do their thing.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 2, 2023

Via Certified Mail

7011 2000 0000 8968 6118

Re: CPC # 176-22

Dear Ms. C:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. C reported that a friend called her and advised that the police had detained her son. Ms. C reported that at no time did the police explain to Ms. C what had transpired. Ms. C reported that the police had no reason to detain Mr. C, who was minding his own business going to a friend's house. Ms. C reported that her son was self-harming, banging his head inside the police car. Ms. C reported that APD refused to let Ms. C talk to Mr. C. Ms. C reported that at no time did officers tell Ms. C why her son was being detained or why or how Mr. C hurt himself. Ms. C reported that Mr. C advised her that the officers detained him, did not tell him anything, and they attacked him. Ms. C reported that APD spoke to Mr. C without consent.

EVIDENCE REVIEWED:

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

Complainant Interviewed: No Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer H

Other Materials: n/a

Date Investigation Completed: December 1, 2022

FINDINGS

Policies Reviewed: Procedural Order 2.22.4.C.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: Procedural Order 2.22.4.B.1

- 4. **Exonerated.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.
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Policies Reviewed: Procedural Order 2.52.4.F.1

- 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:

Procedural Order 2.22.4.C.1.a- OBRD video confirmed atleast two separate officers spoke with Ms. C. about Mr. C Officer H updated Ms. C on why officers detained Mr. C. and why officers took Mr. Cl into custody.

Procedural Order 2.22.4.B.1-After Mr. C invoked the 5th, Officer H no longer questioned Mr. C about the potential“delinquent act.”Per the OBRD video, while at the hospital Ms. Cl advised officers that officers could talk to Mr. C.

Procedural Order 2.52.4.F.1-The allegations of use of force were investigated by Internal Affairs Force Division, please refer to Force Report Number F 2022-282. The CPOA will Administratively close this portion of the investigation via duplicate investigation.

A review of the OBRD videos confirmed that Ms. C never asked to talk to her son, and none of the officers on the scene advised Ms. C that she could not talk to her son.

While on scene at the location where the use of force occurred, Ms. Cl advised Sergeant H that she knew Mr. C probably did not want to see Ms. C so she would stand back and let them do their thing.

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

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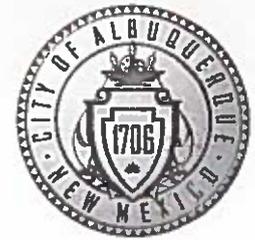
Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 2, 2023

Via Certified Mail

7011 2000 0000 8968 6118

Re: CPC # 176-22

Dear Ms. C

PO Box 1293

COMPLAINT:

Ms. C reported that after she called and asked APD to stop harassing them, APD came to her door again on 07/13/2022 to intimidate and harass them.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): No

CAD Report(s): No

Complainant Interviewed: No

Witness(es) Interviewed: No

APD Employee Interviewed:

APD Employee Involved: Detective L

Other Materials: CIT Notes and recorded phone conversation

Date Investigation Completed: December 1, 2022

FINDINGS

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

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

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

Policies Reviewed: General Order 1.1.5.C.3

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

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

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

Additional Comments:

General Order 1.1.5.C.3-Detective L confirmed he tried to reach out several times, but his intent was to offer resources to Mr. C: and Ms. C: . Detective L did not communicate further with Ms. C: ; after the phone call on 08/09/2022 when Ms. C: advised for officers to never return to her property.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 2, 2023

Via Certified Mail

7011 2000 0000 8968 6118

Re: CPC # 176-22

Dear Ms. C

PO Box 1293

COMPLAINT:

Albuquerque

Ms. C reported that on 06/27/2022, while she was out with Mr. C she reviewed her security cameras and 3 Investigators dressed in full gear with guns were pounding on their front door trying to intimidate Ms. C and Mr. C

NM 87103

Ms C reported that Detective J left a card and Detective J was the same Detective she saw speaking to Mr. C at the hospital without her knowledge or permission.

www.cabq.gov

EVIDENCE REVIEWED:

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

Complainant Interviewed: No Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Detective J

Other Materials: CIT Notes

Date Investigation Completed: December 1, 2022

FINDINGS

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

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Policies Reviewed: General Order 1.1.5.C.3

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Additional Comments:

General Order 1.1.5.C.3-Due to Ms. C not reaching out to the CPOA Investigator, the CPOA Investigator was unable to review Ms. C's security footage of the alleged incident.

Detective J stated he was a plain clothes Detective, but they wore tactical vests. Detective J stated that per policy, he wore a magazine, handcuffs, and a gun on his belt. Detective J stated that during home visits, he wore his ballistic vest, which identified them as police officers.

Detective J stated he probably did knock on the door pretty hard, but only because he wanted to let them know he was there and why he was there.

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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

March 3, 2023

Via Certified Mail

7011 2000 0000 8968 6149

Re: CPC # 185-22

Dear Ms. S.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. S. alleged an argument escalated between her daughter and her ex. Her ex pulled his car over in front of a witness residence and started choking her daughter. Her daughter defended herself, punching her father. Her sister opened the door and both her daughters got out. Witnesses recorded the incident. Ms. S. acknowledged the video did not show physical contact, however, yelling can be heard. The report stated her one daughter only heard her father and sister arguing, but no physical violence. However, her daughter never shared what happened in the truck because neither child was asked what happened by police. Procedures in making the children were safe were not followed. Ofcr L refused to go to the witnesses' home to review the evidence.

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: Ofcr L

Other Materials: cyfd findings letter, witness video

Date Investigation Completed: November 30, 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 Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email CPOA@cabq.gov. Include your CPC number. Please note, at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 6, 2023

Via Email

Re: CPC # 189-22

Mr. D

PO Box 1293

COMPLAINT:

Albuquerque

Mr. D had alleged the police came to his apartment and forced him out. Mr. D wanted compensation because he said the police injured his shoulders when they grabbed him, twisted his arms, and held him up against the wall. Mr. D said he did not commit any crimes, did nothing wrong, and wanted the officers terminated.

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): Yes CAD Report(s): Yes
Complainant Interviewed: Yes Witness(es) Interviewed: N/A
APD Employee Interviewed: N/A
APD Employee Involved: Officer F
Other Materials: IAFD use of force investigation
Date Investigation Completed: December 13, 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: 2-52-4-F-1

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 original investigation of this case centered around a use-of-force incident that occurred on 8/4/2022 and involved two APD Officers and Mr. D[REDACTED]. The use of force by both officers was classified as a level 2 resisted handcuffing with a complaint of pain.

The Internal Affairs Force Division of the Albuquerque Police Department investigated this use of force incident. As a result of that investigation, and *"based on the preponderance of evidence, the use of force (was) found to be in compliance with all applicable APD policies, City, State or Federal laws.* Both officers were found to be in compliance with the level of force used on Mr. D[REDACTED]. Officers were called because Mr. D[REDACTED] threatened suicide. After a review of the evidence presented in the IAFD Investigative Form of the use of force investigation, the interview with Mr. D[REDACTED], multiple lapel videos, interviews with the involved officers, and investigative reports, the investigator found no inconsistencies or uncovered additional evidence not reported or investigated.

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

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Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 6, 2023

Via Email

Re: CPC # 189-22

Mr. D

PO Box 1293

COMPLAINT:

Albuquerque

Mr. I had alleged the police came to his apartment and forced him out. Mr. D wanted compensation because he said the police injured his shoulders when they grabbed him, twisted his arms, and held him up against the wall. Mr. D said he did not commit any crimes, did nothing wrong, and wanted the officers terminated.

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: N/A

APD Employee Involved: Officer S

Other Materials: IAFD use of force investigation

Date Investigation Completed: December 13, 2022

FINDINGS

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

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Policies Reviewed: 2-52-4-F-1

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Additional Comments:

The original investigation of this case centered around a use-of-force incident that occurred on 8/4/2022 and involved two APD Officers and Mr. D. The use of force by both officers was classified as a level 2 resisted handcuffing with a complaint of pain.

The Internal Affairs Force Division of the Albuquerque Police Department investigated this use of force incident. As a result of that investigation, and *“based on the preponderance of evidence, the use of force (was) found to be in compliance with all applicable APD policies, City, State or Federal laws.* Both officers were found to be in compliance with the level of force used on Mr. D. Officers were called because Mr. Donnelly threatened suicide. After a review of the evidence presented in the **IAFD Investigative Form** of the use of force investigation, the interview with Mr. D. multiple lapel videos, interviews with the involved officers, and investigative reports, the investigator found no inconsistencies or uncovered additional evidence not reported or investigated. Therefore, Mr. D.'s complaint was found to be duplicative and was administratively closed.

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Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 27, 2023

Via Certified Mail

7011 2000 0000 8968 6309

Re: CPC # 194-22

Mr. M.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Complainant, M reported being arrested on 08/26/2022 at 15:00 hours for felony criminal damage. M said he was thrown to the ground, then thrown on a gurney and strapped with chains; he also said restraints were too tight causing injury and a female officer gave him an injection in the neck.

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: Ofcr A

Other Materials: n/a

Date Investigation Completed: December 27, 2022

FINDINGS

Policies Reviewed: 2.52.4.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.



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Additional Comments:

After the completion of interviews and review of OBRD videos, there was no evidence noted to suggest Ofcr A used force on Mitchell at any point on 08/26/2022. This investigation has determined all of M's allegations are refuted by the available evidence. An IA Pro search for a force investigation involving complainant Mitchell was conducted. Search revealed there was no investigation on M's allegations because no reportable force occurred.

Mitchell also alleged being tortured by unknown officers, unknown officers playing mind games, unknown officers were involved in human-trafficking, unknown officers kicked an individual off a bridge. M was unable to address any of the allegations listed above; due to an inability to elaborate or provide evidence to support the claims. On video M was observed to allege rape from Ofcr A, but video evidence refuted the allegation. Sgt. T attempted to assist M and investigated his claims on the date of incident, but the available evidence showed no violation of policy occurred.

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

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cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 27, 2023

Via Certified Mail

7011 2000 0000 8968 6309

Re: CPC # 194-22

Mr. M

PO Box 1293

COMPLAINT:

Complainant M reported being arrested on 08/26/2022 at 15:00 hours for felony criminal damage. M said he was thrown to the ground, then thrown on a gurney and strapped with chains; he also said restraints were too tight causing injury and a female officer gave him an injection in the neck.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Ofcr H

Other Materials: n/a

Date Investigation Completed: December 27, 2022

FINDINGS

Policies Reviewed: 2.52.4.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.

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

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

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

Additional Comments:

After the completion of interviews and review of OBRD videos, there was no evidence noted to suggest Ofcr H used force on M at any point on 08/26/2022. This investigation has determined all of M allegations are refuted by the available evidence. An IA Pro search for a force investigation involving complainant M was conducted. Search revealed there was no investigation on M allegations because no reportable force occurred.

M also alleged being tortured by unknown officers, unknown officers playing mind games, unknown officers were involved in human-trafficking, unknown officers kicked an individual off a bridge. M was unable to address any of the allegations listed above; due to an inability to elaborate or provide evidence to support the claims. On video M was observed to allege rape from Ofcr A, but video evidence refuted the allegation. Sgt. T attempted to assist M and investigated his claims on the date of incident, but the available evidence showed no violation of policy occurred.

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

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

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 22, 2023

Via Email

Re: CPC # 196-22

B :

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. C B 1 had alleged that when he approached four officers near Zuni and Georgia St SE on a traffic incident, he stopped to record the event per his First Amendment Right. During that time, he documented the police vehicle numbers. After he had finished recording, An APD police car, unit T-61, followed and tailgated him as he drove from Zuni and Georgia towards Lead and Columbia. The officer in T-61 followed him closely at one point to run his license plate. Mr. B 1 felt there was no probable cause for this action and that the officer could have driven around him because no one else was on the road.

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: Yes

APD Employee Involved: Officer R

Other Materials: n/a

Date Investigation Completed: December 15, 2022

FINDINGS

Policies Reviewed: 1.1.6.D.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. | <input checked="" type="checkbox"/> |
| 2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. | <input type="checkbox"/> |
| 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. | <input type="checkbox"/> |
| 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. | <input type="checkbox"/> |
| 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. | <input type="checkbox"/> |
| 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. | <input type="checkbox"/> |

Additional Comments:

After review, the evidence is clear and convincing that Officer R was never on the traffic incident scene and therefore was never motivated to retaliate by following and tailgating Mr. B. after he had finished recording the officers during the traffic incident, as Mr. B. said was the reason. Mr. B.'s evidence of the recorded incident, uploaded onto his YouTube channel, captured all four police vehicles on the scene, but T-61 was not one of them, corroborating what Officer R said that he was not on the scene. Additionally, the officer's lapel video and the computer aided dispatch (CAD) report did not capture police car T-61 on the scene of the traffic incident. It was merely coincidental that Officer R was on the road to his next call at the same time as Mr. B.

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 3, 2023

Via Email

Re: CPC # 197-22

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Q -A1

COMPLAINT:

Q -A submitted a complaint that alleged their recovered stolen vehicle contained drug paraphernalia and a heavy odor of fentanyl but the officers allowed Mx. Q -A to leave the scene in the vehicle without a care in the world for their safety.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant H

Other Materials: n/a

Date Investigation Completed: December 19, 2022

FINDINGS

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

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

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

Policies Reviewed: 1.1.6.C.1 (Conduct)

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

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

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Additional Comments:

1.1.6.C.1: It was determined that Sergeant H advised Q -A riz that the vehicle was recovered in a known drug area, and the vehicle was disgusting, smelled like fentanyl, and wasn't safe for anyone. When asked, Sgt. H advised Mx. Quintana-Armendariz that the officers dealt with the odor daily and that the vehicle was okay to drive.

Another officer collected and removed the items that Mx. Q -A requested be removed from the vehicle. There was no visible smoke inside the vehicle, and the doors to the vehicle had been open for approximately an hour, with officers going in and out without issue. Mx. Q -A entered the vehicle and left the scene, knowing that drugs had been present in the vehicle. The officers had no justification for denying Mx. Q -A access to the vehicle.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 3, 2023

Via Email

Re: CPC # 197-22

Q -A:

PO Box 1293

COMPLAINT:

Albuquerque

Q. A submitted a complaint that alleged their recovered stolen vehicle contained drug paraphernalia and a heavy odor of fentanyl but the officers allowed Mx. Q. -A to leave the scene in the vehicle without a care in the world for their safety.

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer S

Other Materials: NMOneSource.com Documents

Date Investigation Completed: December 19, 2022

FINDINGS

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

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

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

Policies Reviewed: 1.1.6.C.1 (Conduct) & 2.71.4.A.1 (Arrest)

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

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

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Additional Comments:

1.1.6.C.1: It was determined that Officer S advised Mx. Q. a-A. z that there might be foil or other items in the vehicle that could be thrown away. Officer S collected and removed the items that Mx. Q requested be removed from the vehicle. Mx. Q advised Officer S that the odor in the vehicle was strong, and he agreed that it stunk. There was no visible smoke inside the vehicle, and the doors to the vehicle had been open for approximately an hour, with officers going in and out without issue. Mx. Q entered the vehicle and left the scene knowing that drugs had been present in the vehicle. The officers had no justification for denying Mx. Q access to the vehicle.

2.71.4.A.1: It was determined that Officer S was the primary officer and did not arrest or charge the individual for possessing a stolen vehicle because there was insufficient evidence to prove that the individual knew or should have known that the vehicle was stolen. Policy dictates that sworn personnel shall only make an arrest that they knew or should have known was lawful. Mx. Q was advised of this information multiple times and by multiple officers.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 2, 2023

Via Email

Re: CPC # 202-22

Mr. E. G.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Alexander E. G. submitted a complaint that alleged Officer G transported him and his personal belongings from the Kirkland Air Force Base (KAFB) to the APD Prisoner Transport Center on 09/18/2022. Mr. E. G. contacted the KAFB, APD, and Sandoval County Sheriff's Office, but his property was not located. Mr. E. G. later advised that he was only missing a knife, and wished to withdraw 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 G

Other Materials: Property Inventory Sheets & Emails.

Date Investigation Completed: December 19, 2022

FINDINGS

Policies Reviewed: Property & Evidence 2.73.5.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:

2.73.5.A.1: The investigation determined that the alleged misconduct did not occur. The investigator found no evidence that Kirkland Air Force Base personnel placed a knife into E C 's property bag. The investigator found no evidence that Officer G or anyone else removed a knife from r F C 's property bag.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 27, 2023

To File

Anonymous-no contact information provided

Re: CPC # 204-22

to file

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

The complaint, who wished to remain anonymous, was a customer of Starbucks located at Academy and Wyoming. While sitting in her car, she was confronted by PSAs who told her to leave because she had been there for two hours and someone had complained about her. She said she was not doing anything different than any Starbucks customer while parked in an accessible parking spot. The PSA asked the complaint inappropriate questions. She felt harassed and believed the complaint came from the business next door to Starbucks.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: N/A

APD Employee Interviewed: No

APD Employee Involved: Officer S

Other Materials: n/a

Date Investigation Completed: December 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.

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Policies Reviewed:

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

Additional Comments:

The investigation determined that the complainant had an encounter with members of the Albuquerque Community Services Unit (ACS) instead of with Police Service Aides, as stated in the civilian complaint. During a review of his lapel video, Officer S mentioned the contact with ACS when he spoke with employees from the hair salon and with A , the manager of Starbucks. A review of the Computer-Aided Dispatch (CAD) report confirmed that employees from ACS contacted the complainant at 1055 hours on 8/31/2022 before Officer S arrived on the scene.

During a review of the interview, the complainant did not complain about Officer S or PSA H, who was riding with Officer S. Since Albuquerque Community Services is not within the Albuquerque Police Department, the CPOA does not investigate its employees. This case should be administratively closed as no jurisdiction.

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

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 16, 2023

Via Email

Re: CPC # 205-22

Dear Mr. W

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

On 08/29/2022, Mr. W reported that he was driving near Lead/Coal exits where each street goes one way and he noticed a vehicle going the wrong way. He also noticed an APD officer drive right past him. Mr. W reported that he followed the officer down the street where he was headed downtown. Mr. W reported that he was not sure if the officer was on duty heading to a call or if he was off duty. Mr. W reported he drives a lot and he wants to make the streets a safer place and police officers need to pay more attention to issues like this.

EVIDENCE REVIEWED:

Video(s): N/A

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer F.

Other Materials: N/A

Date Investigation Completed: January 24, 2023

FINDINGS

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

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

Policies Reviewed: 1.1.6.C.1

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

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

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

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:

Mr. W expected enforcement action to be taken. Officer F did not recall observing a vehicle traveling the wrong direction and would have taken action had he observed the infraction. The investigation based on the preponderance of the evidence was unable to determine if misconduct did or did not occur.

The finding in this investigation was determined NOT SUSTAINED.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 22, 2023

Via Certified Mail

7011 2000 0000 8968 6248

Re: CPC # 206-22

K

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

K submitted a complaint that alleged PSA P ticketed his vehicle on 09/08/2022 for no license plate when it had a valid license plate in the window. Mr. K and PSA P went to high school together, and she had his location on Snapchat, which she blocked after ticketing the vehicle. Mr. K felt targeted and violated because he knew PSA P from high school, and she ticketed his vehicle outside his residence while he was inside the residence. Mr. K later alleged that PSA P had also gone to his residence on 09/17/2022 but left when she observed Mr. K

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: PSA P

Other Materials: Unit History Logs, Photograph, Screenshots, & Ordinance

Date Investigation Completed: December 23, 2022

FINDINGS

Policies Reviewed: Misconduct 1.1.5.C.3

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



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



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



Policies Reviewed: Parking Enforcement 1.78.6.C.5.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.



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



Additional Comments:

1.1.5.C.3: This was determined to be unfounded because no evidence was provided or discovered that showed that John Kelly and PSA P were anything but high school acquaintances. PSA P was unaware that she took any official action against Mr. K on 09/08/2022 until Mr. K brought it to her attention via a Snapchat message. PSA P did not communicate with Mr. K and immediately blocked him due to the nature of the message and to avoid confrontation. No evidence was provided or discovered that showed PSA P had gone to Mr. K's residence on 09/17/2022 or any other occasion.

1.78.6.C.5.a: This is determined to be exonerated because PSA P did red tag a vehicle that Mr. K claimed belonged to him, but parking enforcement is one of the duties carried out by PSA's. PSA P did not observe a license plate properly displayed on the vehicle and red-tagged the vehicle per Albuquerque Ordinance 8-5-1-19 due to window tint and alleged placement of the plate.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 6, 2023

Via Email

..
..

Re: CPC # 211-22

Ms. K ..

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. K reported that during what was probably a 5-10-minute conversation with the consumer, Officer P interrupted her three times in an attempt to direct her toward the decision that he wanted her to make.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed:

APD Employee Interviewed: No

APD Employee Involved: Officer P

Other Materials: n/a

Date Investigation Completed: December 14, 2022

FINDINGS

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

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

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Additional Comments:

In an email, Ms. K advised the CPOA Investigator that in regards to her complaint, she no longer wanted to pursue the matter. When asked, Ms. K advised the CPOA Investigator that there were no threats or coercion that affected her decision.

This incident will be Administratively Closed via Ms. K no longer wanting to pursue 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 Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email CPOA@cabq.gov. Include your CPC number. Please note, at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 6, 2023

Via Email

Re: CPC # 213-22

Dear Mr. G

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. G reported that Officer J forbade people from going to their homes near their residences due to a police incident. Mr. G reported that there was only one way in and one way out. Families and other people needed to get home to their pets and they could have had perishables in their vehicle. Officer J was unwilling to make any attempt to allow people to go to their homes.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: N/A

APD Employee Involved: n/a

Other Materials: n/a

Date Investigation Completed: December 19, 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 Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email CPOA@cabq.gov. Include your CPC number. Please note, at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 6, 2023

To File

Re: CPC # 217-22

Ms. D.

PO Box 1293

COMPLAINT:

Albuquerque

Ms. D. submitted a complaint that alleged a passenger in APD patrol vehicle A20 shunned her away when she approached the patrol vehicle at Chipotle on 09/14/2022 at 0345 hours. Ms. D. contacted the driver of the patrol vehicle inside Chipotle and provided him with the information she tried to provide the passenger. The passenger ended his telephone call but never attempted to contact Ms. D. to see if she and her son were all right, even though they were still within view.

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: Yes

APD Employee Interviewed: N/A

APD Employee Involved: n/a

Other Materials: n/a

Date Investigation Completed: December 19, 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:

This complaint was administratively closed because the the investigator determined that the passenger in the APD patrol vehicle was not APD personnel and was a clinician with the Albuquerque Community Safety Department (ACS). The CPOA has no authority to investigate ACS personnel.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 27, 2023

Via Certified Mail

7011 2000 0000 8968 6293

Re: CPC # 219-22

Ms. R

PO Box 1293

COMPLAINT:

Albuquerque

NM 87103

Ms. D R contacted the city's 311 Customer Service line to make a complaint about a rude officer. Ms. R described in her complaint that she was in her lane at a traffic light downtown. An officer entered her lane and almost hit her car. She honked her horn to warn him that he was in the wrong. After that, the officer got upset, activated his siren, pulled alongside her, and rolled down his window. Ms. R did not appreciate the officer's treatment when he was wrong. The officer should have admitted his mistake and apologized. The officer's patrol car was #1804.

www.cabq.gov

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: unidentified

Other Materials: APD fleet search

Date Investigation Completed: December 13, 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:

APD Fleet Management reported that no vehicle with 1804 was in the APD fleet system. A check with Evidence.com of the reported date, time, and location of the incident for possible lapel video evidence was negative. APD Records checked the date and location of the incident for possible matches which provided negative results.

In a follow-up conversation with Ms. R _____, she said that she was sure of car number 1804 and that it was an APD vehicle because she had written it down.

After attempts to locate the driver and vehicle were negative and without additional information to proceed further in this investigation, this case should be 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 Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email CPOA@cabq.gov. Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:**

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 22, 2023

Via Certified Mail

7011 2000 0000 8968 6231

Re: CPC # 227-22

Mrs. [REDACTED] R[REDACTED]

PO Box 1293

COMPLAINT:

Albuquerque

Mrs. [REDACTED] K [REDACTED] alleges that she was sexually assaulted by her neighbor across the street and called 911. The complaint further alleges that when the police arrived and contacted her, Officer S discovered that she was married to a black man and began to abuse her by verbally assaulting her interracial family. Officer S violated three civil rights and five human rights.

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer S.

Other Materials: n/a

Date Investigation Completed: January 3, 2023

FINDINGS

Policies Reviewed: 1.1.5.A.2

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



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



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



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



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



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



Additional Comments:

The alleged sexual assault by the neighbor consisted of grabbing the clothed crotch area, verbal threats, profanity, and racial slurs. Based on the officer's investigation, no arrests were made, but the incident was documented, and civil restraining order papers were issued to both parties for civil litigation.

After a review of the evidence, it was clear and convincing that Officer S did not violate any policies. A review of Officer S' and Officer M's lapel videos did not corroborate the allegations in the complaint. There was no mention of race by Officer S, no violation of rights observed, nor did Officer S or Officer M treat Mrs. R differently because she was white and her husband was black.

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 15, 2023

Via Email

Re: CPC # 230-22

M

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. M stated that when he called Sergeant H, he told Mr. M that Officer J did not have to contact Mr. M. Mr. M stated that Sergeant H was rude. Mr. M stated that Sergeant H advised him that Mr. M seemed pissed off at the police and was anti-police.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant H

Other Materials: n/a

Date Investigation Completed: January 31, 2023

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 15, 2023

Via Email

Re: CPC # 230-22

Mr. M

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. M reported that he received a summons in the mail for a harassment charge and the officer never attempted to contact Mr. M for his statement. Mr. M reported that the information in the summons was false. Mr. M reported that the officer sent the summons to the incorrect address.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer J

Other Materials: summons

Date Investigation Completed: January 31, 2023

FINDINGS

Policies Reviewed: General Order 1.1.5.A.2

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 Orders 2.8.4.G and 2.8.5.B

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



Policies Reviewed: Procedural Orders 2.60.4.A.5.b, 2.60.4.A.5.f, and 2.60.4.A.5.e

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



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



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



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



Additional Comments:

2.60.4.A.5.b- There was not enough evidence located to confirm that Officer J did or did not attempt to contact Mr. M

2.60.4.A.5.f-There was not enough evidence located to confirm that Officer J did or did not document the incident and statements inaccurately per the complaint.

1.1.5.A.2-There was no evidence provided or located to confirm that Officer J violated Mr. M's civil rights.

2.60.4.A.5.e-Although a review of Officer J incident report does not note any of Mr. M's medical information, there was no OBRD Video from either officer to corroborate that none of the employees did or did not violate HIPAA.

2.8.4.G- Although it appears Officer J recorded the incident, the OBRD video that was uploaded had not been assigned an identification number (CAD number or case number) or properly categorized in Evidence.com which violated policy.

2.8.5.B-Officer J failed to activate her OBRD prior to attempted contact with Mr. M: per policy.

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

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

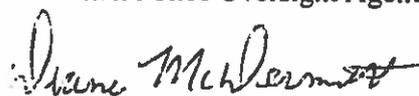
Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 15, 2023

Via Email

Re: CPC # 230-22

M.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. M. reported that he received a summons in the mail for a harassment charge and the officer never attempted to contact Mr. M. for his statement. Mr. M. reported that the information in the summons was false. Mr. M. reported that the officer sent the summons to the incorrect address.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer A

Other Materials: summons

Date Investigation Completed: January 31, 2023

FINDINGS

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

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

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

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

Policies Reviewed: Procedural Order 2.8.4.G

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

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

Additional Comments:

Procedural Order 2.8.4.G-Officer A advised that she recorded the incident and it was possible that the video is out there somewhere, however, due to Officer A failing to assign an identification number (CAD number or case number) or properly categorize in Evidence.com per policy, the video could not be located.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 16, 2023

Via Certified Mail

7011 2000 0000 8968 6224

Re: CPC # 240-22

G.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

On 05/31/2022, complainant G. alleges he was unlawfully arrested for DWI. He felt he should not have been arrested as he was sleeping off his intoxication in his car. G. also stated he never had a gun but the officers still drew their weapons on him. He said his window was broken and felt it should have never been broken.

G. explained he did not drive his car and that a female friend drove him around and that's why the car had moved from its original location. G. said he was not filmed driving the vehicle since he was passed out inside the car. Lapel cams were purposely turned off during the event, later justified as "convening" of involved personnel to discuss the event, which made KRQE News.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Sgt. S

Other Materials: crime scene photos

Date Investigation Completed: February 1, 2023

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 16, 2023

Via Certified Mail

7011 2000 0000 8968 6224

Re: CPC # 240-22

G

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

On 05/31/2022, complainant G. alleges he was unlawfully arrested for DWI. He felt he should not have been arrested as he was sleeping off his intoxication in his car. G. also stated he never had a gun but the officers still drew their weapons on him. He said his window was broken and felt it should have never been broken.

G. explained he did not drive his car and that a female friend drove him around and that's why the car had moved from its original location. G. said he was not filmed driving the vehicle since he was passed out inside the car. Lapei cams were purposely turned off during the event, later justified as "convening" of involved personnel to discuss the event, which made KRQE News.

EVIDENCE REVIEWED:

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

Complainant Interviewed: No Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Ofc. C

Other Materials: crime scene photos

Date Investigation Completed: February 1, 2023

FINDINGS

Policies Reviewed: *2.42.4.A.1; 2.52.4.F.1.a; 2.8.5.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: *2.48.4.A.1.b*

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

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

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

Additional Comments:

2.42.4.A.1: This investigation revealed G was lawfully arrested for Aggravated DWI.

2.52.4.F.1.a: After the completion of interviews and review of OBRD, there was no evidence noted to suggest Ofc. C used force on Gauvin at any point on 05/31/2022. G was displaying levels of passive resistance as defined by SOP 2.53.N.1.a. All present officers including Ofc. C did not violate SOP 2.52.

2.8.5.A: Video review and officers' testimony confirmed that OBRD was appropriately turned off after the first interaction with G but was appropriately reactivated a second time when G: disobeyed commands to not operate his vehicle.

2.48.4.A.1.b: After review of OBRD and G failure to comply with DWI protocols followed with his arrest, corroborating officer testimonies confirmed that the car had to be towed.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 2, 2023

Via Email

Re: CPC # 244-22

Mr. C

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. C submitted a complaint that alleged he called 505-768-2020 (APD Records) on 10/11/2022. Mr. C spoke with a female supervisor who would only provide an ID number of 4143 but refused to provide her name or information on filing a complaint about the negative interaction. The female wouldn't allow Mr. C to speak, explain what had occurred, was condescending, and continued to interrupt Mr. C. The female provided Mr. C with a telephone number to call, but the number was inactive, and he was advised that the individual no longer worked for the agency. Mr. C called back, spoke with a different supervisor, and received information on his case.

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: Yes

APD Employee Involved: Police Communications Shift Supervisor H

Other Materials: Audio Recordings & Emails

Date Investigation Completed: December 16, 2022

1

FINDINGS

Policies Reviewed: Policies 1.1.5.A.4 (Conduct) & 3.41.4.B.2 (Complaints)

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: Policy 1.1.6.A.2 (Identification)

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



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



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



Additional Comments:

1.1.5.A.4: Supervisor H was professional in her interaction with Mr. C: Supervisor H wasn't rude, condescending, or passive-aggressive, and didn't provide him with an incorrect telephone number, allowed Mr. C: to speak, and assisted him by transferring him to the correct staff member.

3.41.4.B.2: Supervisor H did not provide Mr. C with the information to file a complaint because the information was not requested.

1.1.6.A.2: Supervisor H did provide her correct operator number twice and Mr. C repeated it back to her correctly. Supervisor H did not provide her name when requested but did not do so because she was unaware of a policy that she had to provide her name and had been trained to always provide her operator number. Communications policy 2.100.4.B.6.b.v, states, "Always use the Department personnel's call sign, and never use titles and names unless necessary. A recommendation will be made to review the discrepancy between the two policies.

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

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- B) The findings by the Director were not supported by evidence that was available at the time of the investigation; or,
- C) The APD policy or APD policies that were considered by the Director were the wrong policies or they were used in the wrong way; or,
- D) The APD policy or APD policies considered by the Director were chosen randomly or they do not address the issues in your complaint.

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY Civilian Police Oversight Agency Board

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

March 2, 2023

Via Certified Mail

7011 2000 0000 8968 6101

Re: CPC # 250-22

C

PO Box 1293

COMPLAINT:

Albuquerque

----- C: submitted a complaint that alleged Officer C took a report on 10/09/2022. Upon calling the Foothill Substation on 10/20/2022, it was discovered that Officer C had not completed the report. Ms. C: also alleged that she was informed that Officer R went to her residence on 10/10/2022 at 0750 hours to speak with her, but no one had been to her residence.

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: Yes

APD Employee Involved: Officer C

Other Materials: Case Detail Sheet

Date Investigation Completed: February 6, 2023

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

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

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 6, 2023

Via Email

Re: CPC # 252-22

S

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

S. S. alleged that a "Srgt" knocked on his door at approximately 0415 hours on 11/02/2022 and claimed to be with the police department but at the residence on behalf of the FBI. Mr. S. claimed the approach was unprofessional and "to videotaped."

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: N/A

Other Materials: N/A

Date Investigation Completed: January 26, 2023

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 10, 2023

Via Certified Mail

7011 2000 0000 8968 6170

Re: CPC # 258-22

A

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

The complainants reported that APD invited themselves into their house without knocking. The complainants reported that the officer began to get hostile when the officer was asked to leave the house and property. The complainants reported that when Mr. A: Sr told the officer not to come back to their property, the Officer stated in an angry tone, "what are you going to do about it?" Mr. A Sr. reported that the officer was unprofessional and called Mr. A: Sr a piece of shit while shining the officer's light in Mr. A Sr's face. reported that the officer did not properly identify himself. Several of the complainants reported that before Officer W began being hostile toward Mr. A Sr, Officer W appeared to be messing with his belt in order to turn off his OBRD.

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: Former Officer W

Other Materials:

Date Investigation Completed: March 7, 2023

FINDINGS

Policies Reviewed: Order 2.71.4.A.1, Order 1.1.6.A.2 and Order 2.8.5.

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



Policies Reviewed: General Order 1.1.5.C.2

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



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



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



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



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



Additional Comments:

2.71.4.A.1-A review of the OBRD Videos confirmed that as Officer W and the CYFD employees approached the house in question, there was a female standing at the door. Officer W advised that they were there on a welfare check and asked the female if they could step inside to make sure everyone was good. The unidentified female stated, "yes." Officer W and the CYFD employees walked into the home. OBRD Video confirmed that Officer W did not go into the home in question uninvited or force his way in, per the complaint. 1.1.5.C.2-OBRD Video confirmed that Officer W's initial interactions with the complainants were calm and professional, however as things began to escalate between Officer W and Mr. A Sr, Officer W made several comments to/toward Mr. A Sr and the CYFD employees that were unprofessional and a violation. 1.1.6.A.2-After a review of the OBRD videos, it was confirmed that when Officer W walked into the house, he advised the people inside the living room (4 adults and 1 child) that he was Officer W with APD. 2.8.5.A-After a review of the OBRD Videos, it was confirmed that while Officer W had interacted with the complainants, he never turned off his OBRD. A suspension of 8 hours is recommended, however Officer W has already left the department.

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

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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

March 10, 2023

Via Certified Mail

7011 2000 0000 8968 6187

Re: CPC # 258-22

Mary Ann Gutierrez:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

The complainants reported that APD invited themselves into their house without knocking. The complainants reported that the officer began to get hostile when the officer was asked to leave the house and property. The complainants reported that when Mr. A [redacted] told the officer not to come back to their property, the Officer stated in an angry tone, "what are you going to do about it?" Mr. A [redacted] Sr. reported that the officer was unprofessional and called Mr. A [redacted] Sr a piece of shit while shining the officer's light in Mr. A [redacted] Sr's face. Stephanie reported that the officer did not properly identify himself. Several of the complainants reported that before Officer W began being hostile toward Mr. A [redacted] Sr, Officer W appeared to be messing with his belt in order to turn off his OBRD.

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: Former Officer W

Other Materials:

Date Investigation Completed: March 7, 2023

FINDINGS

Policies Reviewed: Order 2.71.4.A.1, Order 1.1.6.A.2 and Order 2.8.5.

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



Policies Reviewed: General Order 1.1.5.C.2

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



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



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



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



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



Additional Comments:

2.71.4.A.1-A review of the OBRD Videos confirmed that as Officer W and the CYFD employees approached the house in question, there was a female standing at the door. Officer W advised that they were there on a welfare check and asked the female if they could step inside to make sure everyone was good. The unidentified female stated, "yes." Officer W and the CYFD employees walked into the home. OBRD Video confirmed that Officer W did not go into the home in question uninvited or force his way in, per the complaint. 1.1.5.C.2-OBRD Video confirmed that Officer W's initial interactions with the complainants were calm and professional, however as things began to escalate between Officer W and Mr. A Sr, Officer W made several comments to/toward Mr. A Sr and the CYFD employees that were unprofessional and a violation. 1.1.6.A.2-After a review of the OBRD videos, it was confirmed that when Officer W walked into the house, he advised the people inside the living room (4 adults and 1 child) that he was Officer W with APD. 2.8.5.A-After a review of the OBRD Videos, it was confirmed that while Officer W had interacted with the complainants, he never turned off his OBRD. A suspension of 8 hours is recommended, however Officer W has already left the department.

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

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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

March 10, 2023

Via Certified Mail

7011 2000 0000 8968 6194

Re: CPC # 258-22

Steven Archuleta Sr.:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

The complainants reported that APD invited themselves into their house without knocking. The complainants reported that the officer began to get hostile when the officer was asked to leave the house and property. The complainants reported that when Mr. A Sr told the officer not to come back to their property, the Officer stated in an angry tone, "what are you going to do about it?" Mr. A Sr. reported that the officer was unprofessional and called Mr. A Sr a piece of shit while shining the officer's light in Mr. A Sr's face. Sr. reported that the officer did not properly identify himself. Several of the complainants reported that before Officer W began being hostile toward Mr. A Sr, Officer W appeared to be messing with his belt in order to turn off his OBRD.

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: Former Officer W

Other Materials:

Date Investigation Completed: March 7, 2023

FINDINGS

Policies Reviewed: Order 2.71.4.A.1, Order 1.1.6.A.2 and Order 2.8.5.

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



Policies Reviewed: General Order 1.1.5.C.2

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



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



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



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



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



Additional Comments:

2.71.4.A.1-A review of the OBRD Videos confirmed that as Officer W and the CYFD employees approached the house in question, there was a female standing at the door. Officer W advised that they were there on a welfare check and asked the female if they could step inside to make sure everyone was good. The unidentified female stated, "yes." Officer W and the CYFD employees walked into the home. OBRD Video confirmed that Officer W did not go into the home in question uninvited or force his way in, per the complaint. 1.1.5.C.2-OBRD Video confirmed that Officer W's initial interactions with the complainants were calm and professional, however as things began to escalate between Officer W and Mr. A Sr, Officer W made several comments to/toward Mr. A Sr and the CYFD employees that were unprofessional and a violation. 1.1.6.A.2-After a review of the OBRD videos, it was confirmed that when Officer W walked into the house, he advised the people inside the living room (4 adults and 1 child) that he was Officer W with APD. 2.8.5.A-After a review of the OBRD Videos, it was confirmed that while Officer W had interacted with the complainants, he never turned off his OBRD. A suspension of 8 hours is recommended, however Officer W has already left the department.

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

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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

March 10, 2023

Via Certified Mail

7011 2000 0000 8968 6163

Re: CPC # 258-22

A.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

The complainants reported that APD invited themselves into their house without knocking. The complainants reported that the officer began to get hostile when the officer was asked to leave the house and property. The complainants reported that when Mr. A. Sr told the officer not to come back to their property, the Officer stated in an angry tone, "what are you going to do about it?" Mr. A. Sr. reported that the officer was unprofessional and called Mr. Archuleta Sr a piece of shit while shining the officer's light in Mr. A. Sr's face. S. reported that the officer did not properly identify himself. Several of the complainants reported that before Officer W began being hostile toward Mr. A. Sr, Officer W appeared to be messing with his belt in order to turn off his OBRD.

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: Former Officer W

Other Materials:

Date Investigation Completed: March 7, 2023

FINDINGS

Policies Reviewed: Order 2.71.4.A.1, Order 1.1.6.A.2 and Order 2.8.5.

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



Policies Reviewed: General Order 1.1.5.C.2

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



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



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



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



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



Additional Comments:

2.71.4.A.1-A review of the OBRD Videos confirmed that as Officer W and the CYFD employees approached the house in question, there was a female standing at the door. Officer W advised that they were there on a welfare check and asked the female if they could step inside to make sure everyone was good. The unidentified female stated, "yes." Officer W and the CYFD employees walked into the home. OBRD Video confirmed that Officer W did not go into the home in question uninvited or force his way in, per the complaint. 1.1.5.C.2-OBRD Video confirmed that Officer W's initial interactions with the complainants were calm and professional, however as things began to escalate between Officer W and Mr. A Sr, Officer W made several comments to/toward Mr. A Sr and the CYFD employees that were unprofessional and a violation. 1.1.6.A.2-After a review of the OBRD videos, it was confirmed that when Officer W walked into the house, he advised the people inside the living room (4 adults and 1 child) that he was Officer W with APD. 2.8.5.A-After a review of the OBRD Videos, it was confirmed that while Officer W had interacted with the complainants, he never turned off his OBRD. A suspension of 8 hours is recommended, however Officer W has already left the department.

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

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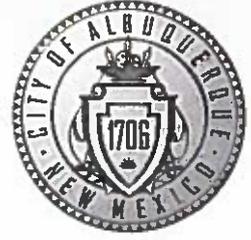
Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 15, 2023

Via Certified Mail

7011 2000 0000 8968 6217

Re: CPC # 259-22

W.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. W. reported that the criminal trespass notification order did not meet the criteria based on possessing written permission, proof of text, and testimony that they (Ms. W. and the property owner) were meeting for a towel after church. Ms. Wright reported she was a victim of a theft, and the only known suspect called the police as Ms. Wright was outside the suspect's house. Ms. W. reported that the officer attempted to escalate the conversation by threatening the victim with criminal trespass order. Ms. W. reported that within minutes the officer issued a criminal trespass notification to Ms. W., who was a victim of a crime. Ms. W. reported that the officer threatened to arrest Ms. W. while Ms. W. was no longer on the property in question.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer G

Other Materials: n/a

Date Investigation Completed: March 12, 2023

FINDINGS

Policies Reviewed: Field Services Bureau Order 4.23.1.A.1

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



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



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



Policies Reviewed: Procedural Order 2.60.4.A.1 and General Order 1.1.5.C.3

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



Policies Reviewed: Procedural Order 2.60.4.A.5.d

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:

4.23.1.A.1- It was confirmed that the property owner did request Officer G to complete a criminal trespass notice; therefore, it was appropriate for Officer G to issue a criminal trespass notice to Ms. W as Ms. W was on Mr. P's property at the time of the request.

2.60.4.A.1- A review of the OBRD Videos confirmed that Officer G asked Ms. W questions as to when the incident may have occurred and advised Ms. W that Officer G would complete an Incident Report on Ms. W's behalf.

2.60.4.A.5.d- Officer G advised Ms. W that Officer G would see if the neighbors had camera footage. Officer G confirmed with the CPOA Investigator that she failed to follow up with the neighbors regarding the incident in question. A Verbal Reprimand is recommended.

1.1.5.C.3- A review of the OBRD Videos confirmed that Officer G explained to Ms. W what the criminal trespass notice was and that Ms. W could be arrested if she violated the criminal trespass notice by returning to Mr. P's property. The criminal trespass notice was issued because Mr. Pino requested that Officer G complete the criminal trespass notice against Ms. W while Ms. W was on Mr. Pino's property.

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

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

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 2, 2023

To File

Re: CPC # 261-22

L

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

L submitted a complaint that alleged that a PSA was rude and told her to "get the hell out of the way" and that she was blocking traffic after she asked him if anyone needed assistance because she was a nurse. Ms. L was unable to be contacted for an interview because she did not respond to telephone calls and did not provide an email or physical address.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: PSA B

Other Materials: N/A

Date Investigation Completed: January 10, 2023

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: Policy 1.1.5.A.1 (Public Welfare)

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: The investigator determined that there was an interaction between [redacted] and PSA B but that the language allegedly used by PSA B was inaccurate. Ms. [redacted] stopped and blocked the only open lane of traffic at a green light, and PSA B told her to keep moving, that she was holding up traffic, and asked what she was doing. PSA B may have come off rude because it came out as a demand and not as a request and because he was in his PSA vehicle and Ms. [redacted] was in her vehicle, and he had to raise his voice to be heard over their vehicles and the other traffic. PSA B could not hear what Ms. [redacted] was saying due to the noise, and EMS was on the scene and tending to the involved individuals while PSA B was in his PSA vehicle doing paperwork.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 10, 2023

Via Email

Re: CPC # 264-22

At

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

A submitted a complaint that alleged that Officer M did not care, write an incident report, request the witness's name or contact information, and advised her that it wasn't really what the police attended to. Ms. A alleged that she asked for an incident report twice, which was not provided. Ms. Acosta advised that Officer M did not leave a business card or police number. Ms. A also alleged her neighbor was not arrested for putting her hands on her.

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: Yes

APD Employee Involved: Officer M

Other Materials: n/a

Date Investigation Completed: February 28, 2023

FINDINGS

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

Policies Reviewed: 2.60.4.A.b,f (Preliminary Investigations)

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.e (Preliminary Investigations)

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

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

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

Additional Comments:

2.60.4.A.b,f

It was determined that Connie A did not request an incident report or case number or request a business card from Officer M; however, Officer M advised that he would document this incident in a report when Ms. A asked him if he was going to. An incident report was not completed. Only a CAD with notes was generated. Officer M did speak with Ms. A: witness but did not attempt to collect their identification or contact information.

2.60.4.A.5.e

Connie Acosta alleged that her neighbor was not arrested for putting her hands on her. It was determined that no arrest was made, however, the alleged incident did not occur in the presence of Officer M and neither party requested charges.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 16, 2023

To File

Anonymous

Re: CPC # 265-22

PO Box 1293

COMPLAINT:

An anonymous citizen complainant alleged that PSA E took her PSA vehicle home and kept it overnight on 11/11/2022.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: No

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: PSA E

Other Materials: supervisor email

Date Investigation Completed: March 7, 2023

FINDINGS

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

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

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

Policies Reviewed: 1.1.5.E.2 (Department Issued Property)

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

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

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Additional Comments:

The anonymous citizen was not interviewed. The anonymous citizen did not provide a name, physical address, or email address and only provided a telephone number. The CPOA Investigator attempted to contact the complainant on two different dates and times by telephone at the number provided in the complaint and received a recording stating, "the person you are trying to reach has a voice mailbox that has not been set up yet. Please try your call later; goodbye."

PSA E advised she had permission to take home her vehicle for a specific reason on the date in question. Sergeant J confirmed he authorized PSA E to take the department issued vehicle home on the day in question.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 10, 2023

Via Certified Mail

7011 2000 0000 8968 6200

Re: CPC # 271-22

G.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

G. submitted a complaint that alleged he found his daughter, G, and APD put her in a shelter. APD picked Josephine up with a Certificate for Evaluation, took her to UNM, and dropped her off but never called or informed him about the situation. The officers allowed J : to check in voluntarily, and then she walked out. Mark listed G, as a witness on the submitted complaint. M alleged that the incident occurred on 11/09/2022. When interviewed, M requested that the investigator investigate two individual incidents that occurred on 11/10/2022 instead of the incident on 11/09/2022. M alleged that Officer A did not hand J : over to him after he located her, didn't clearly explain his rights and options, and just got in a patrol vehicle and left.

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 A

Other Materials: NM OneSource

Date Investigation Completed: February 28, 2023

FINDINGS

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

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

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

Policies Reviewed: 1.1.5.A.4 (Public Welfare)

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

Policies Reviewed: 2.16.5.C.1 (Timeliness of Reports)

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 investigation showed that Officer A did not hand JG over to M: Officer A was professional and patient, attempted to answer everyone's questions, and attempted to get JG to go home with M. Officer A did get in his patrol vehicle and leave, but only after M: walked away, ending the interaction. Officer A was not mandated by policy or law to assist in locating or returning JG. NM Statute 32A-1-21 summarized is when law enforcement receives a report from a parent that a child has without permission left the residence and the parent believes the child has run away, a law enforcement agent may help the parent locate the child and: A. return the child to the parent unless safety concerns are present; B. hold the child for up to 6 hours if a parent is not located. C. after the six hours has expired, follow the procedures outlined in Section 32A-3B-3 NMSA 1978, which state a child may be taken into protective custody when there is reasonable grounds to believe a child has run away. The situation is permissive and not appropriate to resort to physical force to return the teenager to the parent. M: did know the location of JG. It was determined by the investigator that Officer A did not complete a report for the incident in timelines dictated by policy. A verbal reprimand was recommended.

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

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

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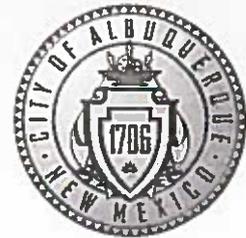
Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 10, 2023

Via Certified Mail

7011 2000 0000 8968 6200

Re: CPC # 271-22

Mr. Gi

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. Gi submitted a complaint that alleged he found his daughter, G, and APD put her in a shelter. APD picked J up with a Certificate for Evaluation, took her to UNM, and dropped her off but never called or informed him about the situation. The officers allowed J to check in voluntarily, and then she walked out. Mr. listed G as a witness on the submitted complaint. Mr. alleged that the incident occurred on 11/09/2022. When interviewed, Mr. requested that the investigator investigate two individual incidents that occurred on 11/10/2022 instead of the incident on 11/09/2022. Mr. alleged that Officer R did not hand Josephine over to him after he followed her to an apartment complex.

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 R

Other Materials: NM OneSource

Date Investigation Completed: February 28, 2023

FINDINGS

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

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

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

Policies Reviewed: 1.1.5.A.4 (Public Welfare)

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

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

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

Additional Comments:

The investigation determined that Officer R did not hand the minor (16), JG, over to her father, G. Officer R mediated an outcome that both individuals agreed on and ensured that the agreement was carried out. Officer R was not mandated by policy or by law to assist in locating or returning J. NM Statute 32A-1-21 summarized is when law enforcement receives a report from a parent that a child has without permission left the residence and the parent believes the child has run away, a law enforcement agent may help the parent locate the child and: A. return the child to the parent unless safety concerns are present; B. hold the child for up to 6 hours if a parent is not located. C. after the six hours has expired, follow the procedures outlined in Section 32A-3B-3 NMSA 1978, which state a child may be taken into protective custody when there is reasonable grounds to believe a child has run away. The situation is permissive and not appropriate to resort to physical force to return the teenager to the parent. M did know the location of JG. A policy recommendation was made by the investigator regarding the handling of located runaway minors.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 6, 2023

Via Email

Re: CPC # 272-22

Dear Ms C

COMPLAINT:

Ms. C submitted a citizen complaint reporting that she went to an APD Substation located on Montgomery Blvd next to Rudy's Barbecue to file a police report and was told she couldn't. Ms. C reported that the female person at the front desk asked if she wanted to speak to a male or female officer. Ms. C reported that she requested to speak to a female officer; however, the female officer spoke to her in the presence of other male officers. Ms. C reported that she felt like the officer did not want to help her and told her that phone evidence was not good enough. Ms. C reported feeling discouraged from filing a report and was told she needed phone evidence with eyesight. Ms. C felt the officers like black-on-black crimes, and the officers offered no help.

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: N/A

APD Employee Involved: none

Other Materials: n/a

Date Investigation Completed: December 28, 2022

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

FINDINGS

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

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

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

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Additional Comments:

Ms. C n was interviewed and it was discovered and confirmed by Ms. C that she went to the New Mexico State Police station and not the the APD station and the complaint was made against New Mexico State personnel, not APD personnel. CPOA does not investigate complainants against New Mexico State Police personnel due to being out of the CPOA jurisdiction.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 22, 2023

Via Email

Re: CPC # 281-22

S

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

S submitted a complaint that alleged she had a restraining order, and APD refused to enforce it. Ms. S alleged that as a result of APD's negligence and disregard for her and her children's safety, photographs and videos of her children in "uncompromising situations" were being exploited. Ms. S alleged the incident occurred on 10/19/2022 at 0630 hours but did not list the address where the incident allegedly occurred.

EVIDENCE REVIEWED:

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: N/A

APD Employee Involved: none identified

Other Materials: n/a

Date Investigation Completed: January 13, 2023

FINDINGS

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

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

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Additional Comments:

This case was Administratively Closed because the investigation was unable to locate any evidence to determine if an APD employee was involved or if the incident had occurred.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 22, 2023

Via Email

Re: CPC # 031-23

: D'

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

On 02/04/2023, E submitted a complaint online that alleged a child was abused at an APS school and that they tried to file a police report but were turned away. Mr. D indicated that he was filing the complaint on behalf of J. M

When interviewed, Ms. M advised that she had called 911 and was referred to the APS Police and provided with their contact information. Ms. M advised that she had no complaints regarding APD personnel.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: N/A

APD Employee Involved: Not Applicable

Other Materials: Communications Policy 2-100, Emails, & Mark43 Search Results

Date Investigation Completed: February 23, 2023

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 this complaint be Administratively Closed because the complaint was regarding the actions of the APS Police and their personnel, whom the CPOA has no investigative jurisdiction or authority over. The APD communications operator acted within policy (2.100.4.B.8.g.vii and 2.100.4.B.8.k.vii) by referring J. M. to the appropriate agency and providing her with the contact information for that agency.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 27, 2023

Via Email

Re: CPC # 041-23

G

PO Box 1293

COMPLAINT:

G submitted a complaint that alleged Officer C wrote a false report and charged him without any evidence and without trying to contact him to get his statement.

Albuquerque

When interviewed, P requested that the complaint be withdrawn.

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: N/A

APD Employee Involved: Not Applicable

Other Materials: Nm Courts Case Detail Sheet & NM OneSource Information (30-45-5)

Date Investigation Completed: March 2, 2023

FINDINGS

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Additional Comments:

This complaint investigation was Administratively Closed because the complaint was withdrawn, and no evidence of a violation in reference to this complaint was discovered during a review of available evidence.

Policy recommendations were submitted for 2-60 and 2-68 regarding when interviews or interrogations are required.

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

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(505) 924-3770

cc: Albuquerque Police Department Chief of Police