

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 May 2023. The findings become part of the officer's file, if applicable.

May 2023:

137-22	149-22	201-22	210-22	212-22
247-22	248-22	253-22	262-22	287-22
294-22	298-22	300-22	001-23	002-23
009-23	012-23	014-23	019-23	028-23
029-23	034-23	065-23		

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

May 4, 2023

Via Certified Mail

7011 2000 0000 8968 6415

Re: CPC # 137-22

B

PO Box 1293

COMPLAINT:

Ms. B reported that the police arrived at the home and did not take a report or give her a case number or their names, badge number, or business card. Ms. B noted that the police promised to return with an incident report number. Ms. B questioned why the suspect was allowed to walk away and not arrested.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer R

Other Materials: n/a

Date Investigation Completed: March 9, 2023

FINDINGS

Policies Reviewed: 1.1.6.A.2, 2.60.4.A.5.e, & 2.60.4.A.5.f

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



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



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



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



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



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



Additional Comments:

1.1.6.A.2: A review of the available evidence showed that at no time in the interaction between Officer R and Ms. B did Ms. B ask Officer R for his name, badge number, or business card.

2.60.4.A.5.e: A review of the available evidence showed that it was a misdemeanor and the incident occurred outside the officer's presence, so a physical arrest was not warranted, and the suspect was issued a criminal summons to appear in court by the primary officer. Officer R was not the primary, investigating, or reporting officer.

2.60.4.A.5.f: A review of the available evidence showed that Ms. B never requested a case number, and Officer R never promised to give her one. A review of the incident report showed that it was completed and submitted by the primary officer on 05/13/2022. Officer R was not the primary, investigating, or reporting officer.

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA 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

May 4, 2023

Via Certified Mail

7011 2000 0000 8968 6415

Re: CPC # 137-22

B

PO Box 1293

COMPLAINT:

Albuquerque

Ms. B reported that the police arrived at the home and did not take a report or give her a case number or their names, badge number, or business card. Ms. B noted that the police promised to return with an incident report number. Ms. B questioned why the suspect was allowed to walk away and not arrested.

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 R.S.

Other Materials: n/a

Date Investigation Completed: March 9, 2023

FINDINGS

Policies Reviewed: 1.1.6.A.2 & 2.60.4.A.5.f

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



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



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

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.A.2: A review of the available evidence showed that at no time in the interaction between Officer R.S. and Ms. B did Ms. B ask Officer R.S. for his name, badge number, or business card.

2.60.4.A.5.f: A review of the available evidence showed that Ms. B never requested a case number, and Officer R.S. never promised to give her one. While interviewing Ms. B neighbor, the suspect was spotted, and Officer R.S. left the scene to apprehend the suspect. A review of the incident report showed that it was completed and submitted on 05/13/2022.

2.60.4.A.5.e: A review of the available evidence showed that it was a misdemeanor and the incident occurred outside the officer's presence, so a physical arrest was not warranted, and the suspect was issued a criminal summons to appear in court by Officer R.S.

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

May 4, 2023

Via Certified Mail

7011 2000 0000 8968 6415

Re: CPC # 137-22

B

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. B reported that the police arrived at the home and did not take a report or give her a case number or their names, badge number, or business card. Ms. B noted that the police promised to return with an incident report number. Ms. B questioned why the suspect was allowed to walk away and not arrested.

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 B.S.
Other Materials: n/a
Date Investigation Completed: March 9, 2023

FINDINGS

Policies Reviewed: 1.1.6.A.2, 2.60.4.A.5.e, & 2.60.4.A.5.f

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



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



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Additional Comments:

1.1.6.A.2: A review of the available evidence showed that there was no interaction between Officer B.S and Ms. B. and Ms. B. did not ask Officer B.S. for her name, badge number, or business card.

2.60.4.A.5.e: A review of the available evidence showed that it was a misdemeanor and the incident occurred outside the officer's presence, so a physical arrest was not warranted, and the suspect was issued a criminal summons to appear in court by the primary officer. Officer B.S. was not the primary, investigating, or reporting officer.

2.60.4.A.5.f: A review of the available evidence showed that Ms. B. never requested a case number, and Officer B.S. never interacted with or promised to give her one. A review of the incident report showed that it was completed and submitted by the primary officer on 05/13/2022. Officer B.S. was not the primary, investigating, or reporting officer.

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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

May 19, 2023

Via Certified Mail

7009 3410 0000 2321 2064

Re: CPC # 149-22

Dear Mr. B

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

On 05/12/2022, Mr. B reported that his vehicle was being repossessed and he had a confrontation with the tow truck driver about the repossession involving his firearm and other belongings located in vehicle. The tow truck driver grabbed Mr. B's firearm and pointed it at him. The tow truck driver informed Mr. B that he placed the firearm in his truck and called the police. The first officer arrived on scene and was "very angry." He told me to, "Get out of the fucking car and to shut the fuck up" every time he tried to talk to him. Mr. B reported he feared for his life and thought the officer was going to shoot him. The officer continued to curse at Mr. B and through his keys at him for no reason while he was sitting on the curb and Mr. B reported he feared for his life.

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: Officer P

Other Materials: n/a

Date Investigation Completed: February 13, 2023

FINDINGS

Policies Reviewed: **2.7.4.B.1.a damage to property 1.1.5.C.2 use of profanity**

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.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:

2.7.4.B.1.a The evidence showed that Officer P did not damage Mr. B's cell phone and took its protection into consideration.

1.1.5.A.1 The evidence showed that Officer P was stern at times with Mr. E due to him not listening to the directions provided to him. Officer P tossed Mr. B's house keys, which happened to land near his feet rather than handing them to him. Mr. E was already irritated with Officer P so he did not approach closer. There was some friction between Officer P and Mr. B but not to a level that violated policy. There was no evidence to support Mr. B's claim that he feared an assault by the officer.

1.1.5.C.2 Mr. B claimed Officer P repeatedly used several profanities against him. Officer P did not use profanity with Mr. E as shown by the OBRD evidence, which captured the incident.

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

May 15, 2023

Via Certified Mail

7011 2000 0000 8968 6422

Re: CPC # 201-22

L

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. L reported that he was stopped by Officer C in Rio Rancho for speeding while off-duty and outside of his jurisdiction. Officer C called for the Rio Rancho DWI unit because he thought Mr. L was intoxicated and wanted the DWI officers to conduct a DWI field test on him. Mr. L completed the DWI field test, and it was negative, and he was sent on his way home. Mr. L reported that Officer C was unprofessional during his face-to-face interaction and disrespected him by accusing him of being intoxicated and speeding in a construction zone. Mr. L reported that Officer C was playing games and manipulated the entire traffic stop because he was off-duty and could have possibly had a bad day.

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 C

Other Materials: Not Applicable

Date Investigation Completed: April 28, 2023

FINDINGS

Policies Reviewed: 1.1.5.A.1 (Public Welfare)

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: 2.81.4.B.1 (Off-Duty Responsibilities)

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:

1.1.5.A.1: It was determined that even though Officer C conducted a traffic stop outside of his jurisdiction, the interaction on his part was not unprofessional. The conducting of a traffic stop out of jurisdiction and while off-duty was reviewed on its own and not taken into account regarding this SOP.

2.81.4.B.1: It was determined that Officer C did conduct a traffic stop for speeding while off-duty and in the City of Rio Rancho, County of Sandoval, State of New Mexico. The traffic stop was conducted outside of the City of Albuquerque, County of Bernalillo, State of New Mexico, for a minor traffic violation, which is a non-violent offense, and therefore prohibited while off-duty and outside of the APD's jurisdiction. The belief that Mr. L was possibly a drunk driver did not change the fact that Officer C was off-duty and outside of the APD's 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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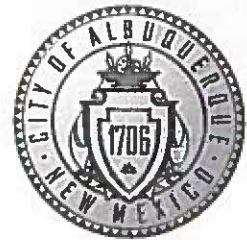
Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

May 4, 2023

Via Certified Mail

7011 2000 0000 8968 6408

Re: CPC # 210-22

G:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

R reported that she was sitting in her backyard when her son asked if she would be home. R did not know the APD was going to her residence, and her son and daughter took the APD through her residence and into her backyard. The APD did not identify themselves, did not provide a warrant or any documentation, or advised Rachel of her Miranda Rights. R was immediately handcuffed, pulled through her home, and put into a patrol vehicle. R suffered bruises from handcuffs on both arms.

R reported that she owned the residence and that her son and daughter did not reside with her. R was of sound mind, was not provided with an explanation of why she was arrested or what was occurring, and was transported to an emergency psych ward against her will.

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 O

Other Materials: Not Applicable

Date Investigation Completed: January 23, 2023

FINDINGS

Policies Reviewed: 2.52.4.F.1.d

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: 2.71.4.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:

2.52.4.F.1.d: Officer O did not use any reportable force. R passively resisted, and low-level control tactics were used to handcuff her and place her into a patrol vehicle. R showed no signs of pain or injury and was not pulled or dragged through the house or thrown into the rear of a patrol vehicle.

2.71.4.A.1: Officer O was enforcing a Certificate for Evaluation issued for R. Officer O was escorted into the residence, directed to R location, and seized the opportunity to handcuff R before the situation was escalated. Officer O did not introduce himself because he was standing off to the side while the primary officer interacted with R, but he was wearing a vest with an APD patch on the chest and a police patch on the back. Officer O was not asked for his name or badge number. R was not immediately advised of the reason for the detainment but was advised after being secured in a patrol 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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- 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,
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Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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

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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

May 4, 2023

Via Certified Mail

7011 2000 0000 8968 6408

Re: CPC # 210-22

G

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ri reported that she was sitting in her backyard when her son asked if she would be home. Ri did not know the APD was going to her residence, and her son and daughter took the APD through her residence and into her backyard. The APD did not identify themselves, did not provide a warrant or any documentation, or advised R of her Miranda Rights. R was immediately handcuffed, pulled through her home, and put into a patrol vehicle. R suffered bruises from handcuffs on both arms. Ri reported that she owned the residence and that her son and daughter did not reside with her. R was of sound mind, was not provided with an explanation of why she was arrested or what was occurring, and was transported to an emergency psych ward against her will.

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 D-M

Other Materials: Not Applicable

Date Investigation Completed: January 23, 2023

FINDINGS

Policies Reviewed: 2.52.4.F.1.d

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:

2.52.4.F.1.d: Officer D-M did not use any reportable force. R passively resisted, and low-level control tactics were used to handcuff her and place her into a patrol vehicle. R showed no signs of pain or injury and was not pulled or dragged through the house or thrown into the rear of a patrol vehicle.

2.71.4.A.1: Officer D-M was enforcing a Certificate for Evaluation issued for R: Officer D-M was escorted into the residence, directed to R location, introduced himself, advised her she was being detained, and seized the opportunity to handcuff R before the situation was escalated. Officer D-M introduced himself and was wearing a vest with APD patches on the chest and left arm and a police patch on the back. Officer D-M was not asked for his name or badge number. R was not immediately advised of the reason for the detainment but was advised after being secured in a patrol 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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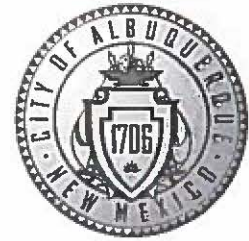
Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

May 18, 2023

Via Certified Mail

7009 3410 0000 2321 2057

Re: CPC # 212-22

. M.

PO Box 1293

COMPLAINT:

Albuquerque

M. reported needing assistance from her drug-dealing neighbors. They've been harassing and threatening her; M. stated she has evidence. M. warned 911 on her various calls for help that the situation was escalating. "I warned Ofcr S they were going to kill my cats because they have done that in the past. That was February. By 07/24/2022, my one cat-Sebastian, was placed on my porch and it died the same day."

NM 87103

Ofcr S did many things wrong during his call for service. He met with the neighbor before me-that was wrong and biased. I was then told to stop calling 911 on the neighbors. From reading his body language, he acted as if I was a bother and was mentally ill.

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 S

Other Materials: n/a

Date Investigation Completed: December 29, 2022

FINDINGS

Policies Reviewed: **1.1.5.A.4**

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



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



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



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

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



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



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Additional Comments:

2.60.4.A.5.a: Ofcr S said he did not have probable cause or reasonable suspicion that a crime was committed. As a result of this investigation, it has been determined that Ofcr S never conducted an improper investigation. Ofcr S was unable to establish any criminal charges based on the information that M. provided. Ofcr S asked for evidence that M. was unable to provide.

1.1.5.A.4: Evidence shows M. was never treated with bias by Ofcr S. Lapel video shows Ofcr S conducted his job professionally, appropriately and was courteous towards M. throughout their entire interaction. Lapel video shows Ofcr S did not talk to the neighbors first and spoke to M. first.

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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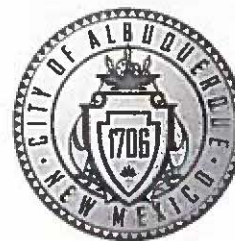
Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

May 2, 2023

Via Certified Mail

7011 2000 0000 8968 6392

Re: CPC # 247-22

Mr. A D

PO Box 1293

COMPLAINT:

Albuquerque

Mr. A D called the police and alleged that his estranged wife, A D, had left their eight-year-old daughter home alone. Later, a police dispatcher called and asked him for his daughter's phone, but dispatch called his wife instead. Mr. A D had claimed the police operator or someone tipped off to return home before the police arrived. Mr. A D additional complaint concerned his air tag being taken off car by the officers, which he was unable to track.

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: No

APD Employee Involved: Telecommunications Operator II P

Other Materials: Recorded voice communications

Date Investigation Completed: March 23, 2023

FINDINGS

Policies Reviewed: 2.100.4.B.8.i.iii

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



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



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



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



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Additional Comments:

The investigation determined that Operator P committed no misconduct during her conversations. No one called [redacted] and told her to go back home to avoid her getting in trouble. Operator P called Mr. A [redacted], explained the reason for the call, asked for [redacted] and his daughter's phone numbers, and advised, when asked, that she was going to call Nicole. After some hesitation, Mr. A [redacted] provided the phone numbers. Next, Operator P called [redacted], explained the reason for the call, and asked if her daughter was with her, to which [redacted] replied that she was. Although no operator or the police called [redacted] and explicitly or suggestively told her to go back home because the police were responding there, Operator P talked with [redacted] about meeting the responding officer at her apartment since she was close to her home after [redacted] said her daughter was with her and not home alone. Operator P was concerned about the child's safety and determining what course of action to pursue when she called [redacted]. Policy says in part that ECC personnel shall keep Department personnel and community member safety first and foremost in mind during any conversation with a community member.

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

May 2, 2023

Via Certified Mail

7011 2000 0000 8968 6392

Re: CPC # 247-22

Mr. A. D.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. A. D. i called the police and alleged that his estranged wife, A. D. had left their eight-year-old daughter home alone. A. D. left her residence, and Mr. A. D. used an air tag to track A. D.'s car. Because the daughter's cell phone was reported as being at home, Mr. A. D. believed she was left alone. When the officers arrived, they removed the air tag from A. D. car. Mr. A. D. wanted the air tag returned as he could no longer track his wife's car.

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: Yes

APD Employee Involved: Officer C

Other Materials: Recorded voice communications

Date Investigation Completed: March 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.

☐

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

☐

Policies Reviewed: 2.73.5.A.1

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

☒

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

☐

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☐

Additional Comments:

Officer C reported the initial call for service was for child neglect, but upon further investigation, there was possibly domestic violence or stalking that had been occurring. The recovered air tag from [redacted] car was removed and taken into evidence. Mr. A. D. [redacted] was charged with stalking. Since the air tag was evidence of the alleged offense of stalking, the tag had been tagged into evidence and could not be given back to Mr. A. D. [redacted] until after his court case had been concluded. Once the case was resolved, the air tag could be returned to Mr. A. D. [redacted] That information was explained to Mr. A. D. [redacted] during a phone conversation with Officer C two days after the initial incident. During that conversation, Mr. A. D. [redacted] disagreed and argued about his pending court case with Officer C before the call was disconnected. The investigation concluded that Officer C followed policy when she took Mr. A. D. [redacted] air tag and did not return it to him because it was evidence of an alleged crime.

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

May 9, 2023

Via Certified Mail

7009 3410 0000 2321 2002

Re: CPC # 248-22

R

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Chad R submitted a complaint that alleged he called 911 because a former spouse had damaged the windows to his residence and was attempting to break in, and the officers didn't respond for twelve (12) hours. Mr. R advised the officers where the alleged offender could be found, but a couple of months later, he saw and was approached by the alleged offender, who said he was going to kill Mr. R.

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: 2 employees interviewed, but citizen withdrew
Other Materials: Photographs & Emails
Date Investigation Completed: February 15, 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.

☐

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

☐

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

☒

Additional Comments:

This complaint investigation was Administratively Closed because the complaint was withdrawn by the citizen. No evidence of a violation in reference to this complaint was discovered during a review of available evidence.

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

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

May 18, 2023

Via Email

Re: CPC # 253-22

W

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. W submitted a complaint that alleged she was wrongfully pulled over for speeding by Officer H. Ms. W reported that she was not speeding and that Officer H didn't pay attention to the people in front of her who continued to speed. Ms. W reported that Officer H scared her autistic daughter half to death when he told her she would go to prison if she failed to appear in court. Ms. W reported that Officer H pulled her over because she was a multiracial brown woman and that her only crime was driving while being brown and passing by the officers. Ms. W believed Officer H purposely wrote her a ticket after seeing she had a clean record and believed that the stop was racially and financially motivated.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer H.

Other Materials: Citation

Date Investigation Completed: March 21, 2023

FINDINGS

Policies Reviewed: 1.4.4.A.1.a (Bias-Based Policing and/or Profiling)

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



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



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



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



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



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



Additional Comments:

It was determined that Officer H conducted a professional traffic stop based on probable cause, and no evidence was provided, located, reviewed, or observed that substantiated Ms. W allegations that the traffic stop was racially or financially motivated.

Note: Officer H advised Ms. W that a warrant would be issued for her arrest if she failed to appear or make other arrangements. This information is printed directly on the citation and is routinely relayed to those receiving a citation. Officer H was friendly during the interaction and did not use the term jail or prison. How an individual perceives and feels about receiving the information is of their own making, and no indicators were observed in the lapel video that would lead one to believe that Officer H had scared anyone during the interaction.

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

May 9, 2023

Via Certified Mail

7009 3410 0000 2321 2019

Re: CPC # 262-22

Mr. M

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

M reported that he interacted with an officer over the telephone who lectured him, treated him rudely, and did not treat him properly. H reported that the officer banned his wife from the store and was charging him with a misdemeanor for supposedly threatening violence. H said the officer never gave him a chance to prove his innocence and that he told the officer he had recordings and to listen. H said the officer didn't want to listen and told him he could sort it out in court. H said the officer hung up on him before he could request a supervisor and then said that he had requested a supervisor. H said that the APD retaliated against him because he notified the mayor about a drug trap house when he needed APD to assist, and they didn't.

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 J

Other Materials: NM OneSource

Date Investigation Completed: March 9, 2023

FINDINGS

Policies Reviewed: 1.1.5.C.3 (Misconduct)

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:

1.1.5.C.3: The allegation that Hugo was treated differently due to past complaints to the Mayor was determined to be unfounded by the available evidence. No calls for service for the date named in July were located. The videos did not show any reference to or knowledge of past interactions involving Mayoral complaints.

1.1.5.A.4: It was determined that Officer J assisted Officer A with her investigation and did contact Hugo via telephone. The videos showed Officer J was professional in her interactions. The store requested the criminal trespass notice be issued to the complaint's wife, which is a business' option. The officers had sufficient information to file charges against Hugo at the request of the alleged victim in the case. Officer J explained to Hugo over the phone that any additional evidence he might have had may be presented in Court. The videos showed Officer J advised that the call would be ended after determining that their continued conversation was unproductive. The videos showed there was a sufficient pause in the conversation conclusion and Hugo did not request a supervisor. Hugo said he had a recording but did not provide it to the investigator.

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

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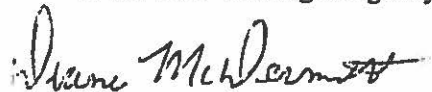
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If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>.

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

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

May 17, 2023

Via Certified Mail

7009 3410 0000 2321 2033

Re: CPC # 287-22

J

PO Box 1293

COMPLAINT:

J submitted a complaint that alleged Officer S hired F S to kill him during an incident on 09/16/2020.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: N/A

APD Employee Involved: n/a

Other Materials: Payroll/HR Emails, IA Pro, ESS Portal, & CABQ Email.

Date Investigation Completed: February 2, 2023

1

FINDINGS

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

Additional Comments:

It was determined that this complaint be administratively closed. The evidence reviewed showed that R J was involved in an incident on 09/19/2020 that somewhat matched the information provided by Mr. J . The information provided by Mr. J about Officer S could not be verified, and no evidence was discovered that the APD ever employed Officer S.

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

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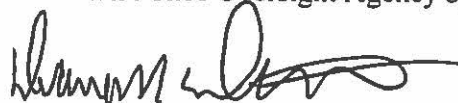
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If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>. There was a delay in the issuance of findings due to the resignation of the Executive Director and another not being appointed by City Council until some months later.

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

May 26, 2023

Via Email

Re: CPC # 294-22

D

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

I called 911 to report a hate crime against my nephew C J, for accusing me of giving him HIV by using the soap in the bathroom that everyone shared and that he was always trying to fight me and locking me out of my sister's house. I advised the 911 operator of various things he had done, including sending me doggy porn of our dogs having sex. I also advised the officers of his selling the marijuana he grew in the backyard. The officer's involved told me that in his 20-year career, he has never charged anyone with a hate crime. I think that all hate crimes against people living with HIV need to be investigated and not up to the officer's personal opinion.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: No

Witness(es) Interviewed: No

APD Employee Interviewed: N/A

APD Employee Involved: None Identified

Other Materials: None

Date Investigation Completed: April 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.

☐

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

☐

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

☐

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

☐

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

☒

Additional Comments:

This case was **Administratively Closed** because the investigation was unable to determine if an APD employee was involved, if the incident had occurred, and because Mr. D advised, "I'm not interested in any further action or investigations."

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

May 5, 2023

Via Email

Re: CPC # 298-22

PO Box 1293

COMPLAINT:

H submitted a complaint that alleged he submitted an online report on 12/18/2022 regarding property damage that he believed was racially motivated. Mr. H received no response from APD and believed that the lack of response was because he was Jewish or because of his last name.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): N/A

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: N/A

APD Employee Involved: n/a

Other Materials: n/a

Date Investigation Completed: April 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.

☐

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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☐

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

☐

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☒

Additional Comments:

This case was Administratively Closed because the complaint was withdrawn, and no evidence of a violation regarding this complaint was discovered during a review of the pertinent information. When interviewed, Mr. H advised that the APD had taken care of the issue, the officers were amazing, and the complaint could be withdrawn.

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

May 15, 2023

Via Certified Mail

7009 3410 0000 2321 2026

Re: CPC # 300-22

M

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. M reported that she was seeking that Ms. B and Mr. S be charged with embezzlement and possession. Ms. M reported that Ms. B went to jail and was released with embezzlement charges, but there were no charges for Fentanyl on the report. Ms. M reported that on 12/04/2022, Ms. M went down to pick up her stolen vehicle, and when she asked Sergeant W why Ms. B was not charged for Fentanyl, he would not answer her. Ms. M reported that Sergeant W was acting all cocky, like putting his chest up during the time of the incident. Ms. M reported that Sergeant W was acting as if Ms. M should just be happy that she got her car back.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: No

APD Employee Involved: Sergeant W

Other Materials: n/a

Date Investigation Completed: May 5, 2023

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: Administrative Order 3.14.4.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:

3.14.4.A.1.b-A review of NM Courts.com confirmed that the Embezzlement and Fentanyl charges were filed.

The narrative of the initial report noted the fentanyl charge; however, there was a clerical error based on where the officer did not list the charge. Sergeant W confirmed he missed the error on the initial review but corrected the mistake and had the officer fix the charge.

1.1.5.A.1-After a review of the OBRD Videos, it was confirmed that when Ms. M asked, "What about the Fentanyl possession? No one cares?" Sergeant W did not ignore Ms. M per the complaint as he responded by stating, "They were still going through the process with it."

After a review of the OBRD Videos, the CPOA Investigator did not observe Sergeant W acting cocky, walking with his chest out, or being unprofessional during his interactions with Ms. M on 12/04/2022, per 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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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

May 15, 2023

Via Certified Mail

7009 3410 0000 2321 2026

Re: CPC # 300-22

M

PO Box 1293

COMPLAINT:

Ms. M reported that she was seeking that Ms. B and Mr. Sisk be charged with embezzlement and forgery. Ms. M reported that on 12/04/2022, Ms.

Albuquerque

B was not charged for having the stolen title, and officers drove Ms. B home.

Ms. M reported that she stated that she wanted to know why the two girls who were with Ms. B the first time the car was located were just let go.

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer S

Other Materials: n/a

Date Investigation Completed: May 5, 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: Procedural Order 2.80.4.A.1.a

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

☒

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

☐

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

☐

Additional Comments:

2.80.4.A.1.a-A review of Officer S' report confirmed that Ms. B and Mr. S were charged with Forgery.

Sergeant W provided the CPOA Investigator verification that Officer S' report with the charges noted above was sent to "Felony and Arrest," who is the liaison who sends the reports to the District Attorney's office on 12/17/2022.

Per the policy in question, it was noted that the officer "may" make probable cause felony arrest for felony narcotic offenses; therefore, the policy implies that the officer has discretion, as Officer S confirmed that although the female admitted to purchasing the pills, the transaction was not witnessed by officers, the female in question did not have the pills on her possession, and it would have been a tenuous charge.

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

May 15, 2023

Via Certified Mail

7009 3410 0000 2321 2026

Re: CPC # 300-22

M

PO Box 1293

COMPLAINT:

Ms. M reported that Sergeant W called her and scolded her. Sergeant W asked why Ms. M was trying to get her title. Ms. M reported that Sergeant W was like, "What are you doing trying to get your title."

Albuquerque

Ms. M reported that while speaking with Sergeant W, he tried to coerce her not to file charges against her daughter.

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant J

Other Materials: n/a

Date Investigation Completed: May 5, 2023

FINDINGS

Policies Reviewed: General Order 1.1.5.A.4

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



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



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Additional Comments:

1.1.5.A.4-After the completion of the interviews, it was determined that it was not Sergeant W that made the call to Ms. M regarding why she was trying to obtain her car title and who was reportedly scolding Ms. M. During the interview with Officer S, he disclosed that Officer S had called and had a conversation with Ms. M when she was trying to obtain her title from evidence.

After a review of the OBRD Videos, it was confirmed that during the phone conversation (Sergeant W and Ms. M) regarding Sergeant W entering Ms. M's car as embezzled, Sergeant W did not coerce Ms. M not to file the charges against her daughter, per 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



May 18, 2023

Via Email

Re: CPC # 001-23

D

COMPLAINT:

PO Box 1293

Albuquerque

D submitted a complaint that alleged Officer F made offensive comments toward her, told her she was wasting her time, pressured her to hurry, didn't allow her to retrieve all of her property, and stepped in front of her to prevent her from obtaining her property. Ms. D listed E M and G A as witnesses.

NM 87103

When interviewed, Ms. D advised that Officer F told her she wasn't going to fight, was laughing with J C the other party, and made her feel like she was in the wrong and wasn't being treated as nicely as Ms. C

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer F

Other Materials: n/a

Date Investigation Completed: April 19, 2023

FINDINGS

Policies Reviewed: 1.1.5.A.1 (Public Welfare)

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: 2.104.4.A.3 (Disputes Over Property Disposition)

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



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



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Additional Comments:

1.1.5.A.1: The investigation determined that Officer F didn't tell D that she wasn't going to fight when she approached Ms. D ; vehicle and didn't tell Ms. D that she was wasting her time. Laughing could be heard, but there were no indicators that it had anything to do with Ms. D Officer F was neutral in her treatment of all of the involved individuals.

2.104.4.A.3: Officer F did not pressure Ms. D to hurry; Officer F informed the parties that the stand-by was over after the property was disputed between the individuals and advised them to contact the court regarding the disputed property. Officer F did not physically stand in anyone's way or limit access to any part of the business.

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

May 17, 2023

Via Email

Re: CPC # 002-23

F

PO Box 1293

COMPLAINT:

Albuquerque

NM 87103

Ms. F submitted a complaint that alleged officers responded to a call for service and contacted the non-reporting party first. While speaking with Ms. F the officers had an attitude, escalated the situation, were combative, and defended the neighbor. Ms. F believed the officers were racially discriminatory and made the neighbor the victim and her the offender. Ms. F believed an officer tried to incite her anger to the point that he put his hand on his gun and took a step toward Ms. F. The officers involved the neighbor's friends and upset Ms. F to the point that medical personnel had to be called.

www.cabq.gov

When interviewed, Ms. F requested that the complaint be withdrawn.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: No

APD Employee Involved: Not Applicable

Other Materials: Not Applicable

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. ☐

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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.

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>. There was a delay in the issuance of findings due to the resignation of the Executive Director and another not being appointed by City Council until some months later.

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

May 17, 2023

Via Certified Mail

7009 3410 0000 2321 2040

Re: CPC # 009-23

Q

PO Box 1293

COMPLAINT:

Albuquerque

Ms. Q reported she and her mother were fighting, but did not require officer assistance. Officers insisted on still speaking with them and forcibly pulled her from her home. Officers pushed her down. Officers reported she was abusive towards them. Ms. Q said she would make poems about the officers and they laughed at her. The officers acknowledged they abused her. The officers wrote a false report that were being used improperly in her medical diagnosis.

NM 87103

When interviewed, Ms. Q requested that the complaint be withdrawn.

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): No

Complainant Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: No

APD Employee Involved: n/a

Other Materials: n/a

Date Investigation Completed: January 31, 2023

FINDINGS

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☐

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☒

Additional Comments:

This complaint investigation was Administratively Closed because the complaint was withdrawn, and no evidence of a violation in reference to this complaint was discovered during a review of available evidence. Ms. Q acknowledged she called in the complaint while still experiencing some mental health stress

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

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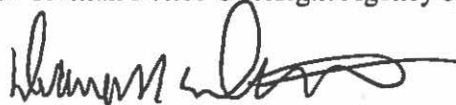
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Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



May 18, 2023

To File

Anonymous Anonymous

Re: CPC # 012-23

Anonymous:

COMPLAINT:

Anonymous submitted a complaint that alleged Officer B walked out in front of them and waved at them to pull over while holding something in his hand that looked like a weapon. Officer B was not wearing a standard-issue police uniform and had a baseball cap on when Anonymous initially saw him. Anonymous did not initially see a patrol vehicle but saw the patrol vehicle when turning and noticed that Officer B appeared to be a police officer with a radar device in his hand. Anonymous alleged that the patrol vehicle and Officer B were "completely obscured" from the motoring public until "he popped out from behind the wall he was hiding behind to radar drivers in order to flag me to stop."

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer B

Other Materials: Google Maps, NM OneSource, & Policy 2.1.4.D.1.A

Date Investigation Completed: May 9, 2023

FINDINGS

Policies Reviewed: 1.95.5.E.1.a (Motors Unit)

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.4 (Dept.-Issued Property) & 2.1.4.B (General Uniform Requirements)

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:

1.95.5.E.1.a: The investigation determined that Officer B was enforcing observed traffic violations and was not hiding behind a wall to do so.

1.1.5.E.4: The investigation determined that Officer B did park his patrol on a separate roadway but did not operate the patrol vehicle in a careless or imprudent manner and was not required to utilize the patrol vehicle to conduct traffic stops.

2.1.4.B: The investigation determined that Officer B wore a complete and approved "Alternate Duty Uniform" and used an empty hand to direct the motorist while conducting traffic stops.

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

May 25, 2023

Via Email

Re: CPC # 014-23

N

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. N reported that Officer L advised that he medically cleared a patient that was brought into the Psychiatric ED. Ms. N reported that, per Officer L, the patient hadn't eaten in days, and the PES Doctor asked for the patient to be medically cleared. Ms. N reported that Officer L advised, "She's fine medically! She doesn't need to go to the emergency room." Ms. N reported that Officer L implied he had medical training to overrule an MD's concern. Ms. N reported that she asked that an officer not make a medical determination if a patient had not been eating and, at minimum, have EMS take vital signs.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: No

APD Employee Interviewed: No

APD Employee Involved: Officer L

Other Materials: n/a

Date Investigation Completed: May 18, 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.

☐

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:

While the CPOA Investigator was attempting to set up an interview with Ms. N , she emailed the CPOA Investigator and advised that Ms. N was told by her management to drop it, so she was going to drop it. CPOA Investigator inquired if Ms. N had been coerced or threatened by any APD Personnel regarding dropping the complaint, and Ms. N stated no.

After a review of the OBRD Videos, the CPOA Investigator did not note any observable violations of SOPs by Officer L.

This Incident will be **ADMINISTRATIVELY CLOSED** via Ms. Novak no longer wants to pursue her 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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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

May 5, 2023

To File

No email or physical address provided

Re: CPC # 019-23

PO Box 1293

COMPLAINT:

Albuquerque

Mr. E reported that he was involved in a crash that impacted his life in a serious manner. Mr. E reported that APD investigated it in a very poor and unprofessional manner. Mr. E reported that he told the PSAs that Mr. E thought the other driver was intoxicated, and yet the PSAs never checked the other driver. Mr. E reported that the other driver called dozens of individuals on her phone to come down to the crash site because she needed witnesses to show she was in the clear. The witnesses showed up late, and nobody noticed. Mr. E reported that the other driver ran the light and jumped lanes. Mr. E reported that he would've missed her if she stayed in the middle lane, yet the investigation did not move past that point, and he was blamed for inattention.

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: PSA M

Other Materials:

Date Investigation Completed: April 28, 2023

FINDINGS

Policies Reviewed: General Order 1.1.5.A.4

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



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



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



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



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



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Additional Comments:

1.1.5.A.4- After a review of the OBRD videos, the CPOA Investigator did not observe Mr. E advise either of the PSAs that he thought the other driver was intoxicated.

Regarding the concerns about the witnesses being called to the scene after the fact, during the interview with PSA R, she advised that she did not list or interview any witnesses regarding the incident in question. A review of PSA R's Crash report confirmed that there were no witnesses listed in her report. A review of OBRD Videos confirmed that neither PSA spoke with any witnesses to the incident other than the parties involved.

Regarding the concerns about being blamed for inattention, per PSA R's crash report, based on that statement from Mr. E it was correctly documented by PSA R for Mr. E's section in the report for Apparent Contributing Factors, "Driver Inattention, Failed to Yield Right-Of-Way."

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

May 5, 2023

To File

No email or physical address provided

Re: CPC # 019-23

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. E reported that he was involved in a crash that impacted his life in a serious manner. Mr. E reported that APD investigated it in a very poor and unprofessional manner. Mr. E reported that he told the PSAs that Mr. E thought the other driver was intoxicated, and yet the PSAs never checked the other driver. Mr. E reported that the other driver called dozens of individuals on her phone to come down to the crash site because she needed witnesses to show she was in the clear. The witnesses showed up late, and nobody noticed. Mr. Er reported that the other driver ran the light and jumped lanes. Mr. E reported that he would've missed her if she stayed in the middle lane, yet the investigation did not move past that point, and he was blamed for inattention.

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: PSA T, (currently PSA R)

Other Materials:

Date Investigation Completed: April 28, 2023

FINDINGS

Policies Reviewed: General Order 1.1.5.A.4

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



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



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



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



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



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Additional Comments:

1.1.5.A.4-Due to not being able to interview Mr. E the CPOA Investigator was unable to obtain clarification and additional details regarding what Mr. E felt was very poor and unprofessional. After a review of the OBRD videos, the CPOA Investigator did not observe any poor or unprofessional behavior from APD Personnel toward anyone on the scene in question. After a review of the OBRD videos, the CPOA Investigator did not observe Mr. E advise either of the PSAs that he thought the other driver was intoxicated. Regarding the concerns about the witnesses being called to the scene after the fact, during the interview with PSA R, she advised that she did not list or interview any witnesses regarding the incident in question. A review of PSA R's Crash report confirmed that there were no witnesses listed in her report. A review of OBRD Videos confirmed that neither PSA spoke with any witnesses to the incident other than the parties involved. Regarding the concerns about being blamed for inattention, per PSA R's crash report, based on that statement from Mr. E it was correctly documented by PSA R for Mr. E section in the report for Apparent Contributing Factors, "Driver Inattention, Failed to Yield Right-Of-Way."

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

May 18, 2023

Via Email

Anonymous

Re: CPC # 028-23

Anonymous:

PO Box 1293

COMPLAINT:

On 02/14/2023, Anonymous submitted a complaint via email that alleged that Sergeant R was at a football game on 02/12/2023 while on duty.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): N/A

APD Report(s): Yes

CAD Report(s): N/A

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant R

Other Materials: Unit Detail Sheet, Emails, Evidence.com, & Mark43.

Date Investigation Completed: March 22, 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: 2.10.4.A.1.b (out of area) 1.1.6.A.1 (Honesty, Integrity, & Accountability)

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

☒

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

☐

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

☐

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

☐

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

☐

Additional Comments:

It was determined that Sergeant R attended a Super Bowl party outside his area command while on duty. Sgt. R did not receive approval to leave his assignment or notify anyone that he had left the area command. Such actions impaired the efficient and effective operations of the Department because Sgt. R was not readily available, actively supervising those under his command, or performing other tasks expected of him by the Department and the community. The recommendation of an 80 hour suspension and a written reprimand were issued for the two violations.

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

May 26, 2023

Via Certified Mail

7009 3410 0000 2321 2071

Re: CPC # 029-23

K

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. K reported that there was a two-car accident caused by an unmarked police vehicle blowing through a red light at Eubank and Academy. Mr. K reported that the unmarked police vehicle caused Mr. K v to run into a car that was trying to avoid running into the police vehicle.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: N/A

APD Employee Involved: Unknown

Other Materials: rtcc

Date Investigation Completed: May 18, 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.

☐

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:

During the interviews with Mr. K. and Ms. G, neither of them could provide specific information about the police vehicle in question other than the vehicle being an unmarked gray sedan.

CPOA Investigator reached out to the RTCC to inquire if there were cameras at the intersection where the accident occurred. Mr. L of the RTCC advised that the camera in that area was currently inoperable, and it was unknown if it was operable at the time of the incident. Mr. L advised that there was no way to pull any footage as any footage was only retained for 24 hours and permanently overwritten after that.

CPOA Investigator reached out to APD Records and inquired if there were any priority one calls at the location and times in question. APD Records staff noted that they could not locate any priority one calls at the locations and times provided.

This Incident will be ADMINISTRATIVELY CLOSED via lack of information and not being able to identify who the officer was and if that officer worked for APD.

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

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- C) The APD policy or APD policies that were considered by the Director were the wrong policies or they were used in the wrong way; or,
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Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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

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

May 15, 2023

Via Email

Re: CPC # 034-23

Mari C

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

On 02/15/2023, Mari C submitted a complaint online regarding a traffic crash that occurred on 01/20/2023. Ms. C alleged that report 23-0005469 was completed by 01/30/2023, but Sergeant S had not approved the report.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant S

Other Materials: Not Applicable

Date Investigation Completed: April 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.

☐

Policies Reviewed: 2.16.5.C.2 (Timeliness of Reports)

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

☒

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

☐

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

☐

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

☐

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

☐

Additional Comments:

It was determined that Sergeant S did not complete the supervisor approval of report 23-0005469 within the timelines required by policy. Sgt. S did not obtain supervisor approval to extend the timeline beyond that allowed by policy. Though Sgt. S did not fulfill his duties as a supervisor as dictated by policy, he did not do so with malicious intent. Sgt. S provided a reasonable and logical explanation for the oversight, which PSA B confirmed. Sgt. S had discussed the believed cause of the oversight with PSA B, and both believed the discussion resolved any future issues. Therefore, the discipline recommended is a Non-Disciplinary Corrective Action.

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,
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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

May 26, 2023

Via Email

Re: CPC # 065-23

Ms. B

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. B submitted a complaint regarding APD officers not responding to her petitions to the police department regarding a traffic accident that resulted in her son's death. She felt there should be further investigation and wanted officers to contact her.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: N/A

APD Employee Involved: N/A

Other Materials: N/A

Date Investigation Completed: May 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.

☐

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☒

Additional Comments:

This investigation was Administratively Closed because Ms. B requested that the complaint be withdrawn as she had been contacted by the needed APD personnel, and the issue was resolved.

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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