



## Civilian Police Oversight Agency

### Finding Letters of the CPOA

The CPOA Executive Director's findings in each case are listed below. The following notifications of the findings were provided to the citizen(s) during May 2024. The findings become part of the officer's file, if applicable.

#### May 2024:

003-24      004-24      008-24      009-24      013-24  
016-24      017-24      036-24      090-24      091-24  
157-24

PO Box 1293

Albuquerque

NM 87103

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

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

May 17, 2024

Via Email

Re: CPC # 003-24

### **COMPLAINT:**

PO Box 1293

Ms. T reported that she felt a report should be done within 24 hours. Ms. T reported that it was not fair to the consumers to have to wait for the officers to do their job.

Albuquerque

NM 87103

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

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant R

Other Materials: Emails

Date Investigation Completed: May 1, 2024

## 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:    Procedural Order 2.16.5.C.b

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

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

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

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

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

**Additional Comments:**

2.16.5.C.b- During the interview, Sergeant R confirmed he did not alert his supervisor, or was he alerted by his supervisor in reference to not reviewing/approving the report in question within three working days, per policy. The CPOA recommends a verbal reprimand for the SOP violation.

**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays 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 to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

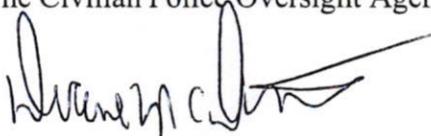
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

Administratively closed complaints maybe 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 Office of Police Reform or any matter relating to the Office of Police Reform's handling of the complaint you may request a review of the complaint by the City's Chief Administrative Officer by sending a letter to the Office of the Mayor, P.O. Box 1293, Albuquerque, NM 87103. Your request must be in writing and within 30 calendar days (inclusive of holidays and weekends) of receipt of the Office of Police Reform 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  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



May 17, 2024

Via Email

Re: CPC # 003-24

### **COMPLAINT:**

PO Box 1293

Ms. T reported that she asked the officer if she could get the other people's information (insurance and registration), and he told her that everything she needed to know was under the report number and that they didn't have to give her their information.

Albuquerque

Ms. T reported that he was such an asshole, even to her friend that picked her up.

NM 87103

Ms. T reported that he said her jeep was going to be towed, and she asked him if he was just going to throw her out in the cold. (24°) Ms. T reported that there was no comment from him, and he just walked away. Ms. T reported that she wanted officers to quit lying and do their job. Ms. T reported she had enough to stress about after her horrific accident, then also had to stress about an officer being an asshole.

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

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer S

Other Materials: Emails

Date Investigation Completed: May 1, 2024

## **FINDINGS**

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

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

Policies Reviewed:     General Order 1.1.5.A.1

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

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

Policies Reviewed:     Procedural Order 2.8.5.D

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

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

### **Additional Comments:**

1.1.5.A.1-A review of the available OBRD Videos confirmed that Officer S did not say or do anything to violate the policy in question; however, due to Officer S not recording the entire incident (which will be addressed via a different SOP below), it could not be verified as to what Officer S said or did to Ms. T           the second time he interacted with her.

2.8.5.D-Officer S Violated the policy in question as he deactivated his OBRD although he had the intent to make contact with Ms. T           again. Officer S also failed to record the second contact with Ms. T           referencing SOP 2-8-5-A (*Department personnel shall activate their OBRD for any call for service that involves a law enforcement encounter, for any other law enforcement encounters that involve contact with community members, and for any investigative encounters involving community members.*)  
*The CPOA recommends an 8 hour suspension for the policy violation*

**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays 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 to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

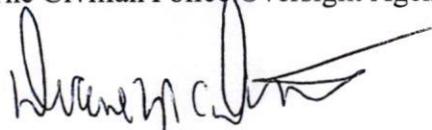
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

Administratively closed complaints maybe 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 Office of Police Reform or any matter relating to the Office of Police Reform's handling of the complaint you may request a review of the complaint by the City's Chief Administrative Officer by sending a letter to the Office of the Mayor, P.O. Box 1293, Albuquerque, NM 87103. Your request must be in writing and within 30 calendar days (inclusive of holidays and weekends) of receipt of the Office of Police Reform 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  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



May 17, 2024

Via Certified Mail

7017 2680 0000 5952 0002

Re: CPC # 004-24

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

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

Mr. A reported that on 07/01/2023, he was covering the scene of a homicide, and he was gathering both ground and aerial footage of the scene. Mr. A reported that after a few minutes he noticed two officers approaching him from the south and they demanded he land his drone. Mr. A reported that those two officers seemed very uneducated about drone use and had no intention of being educated about drone use or policy. Mr. A reported that his complaint was primarily the restriction of his ability to be an onlooker. Mr. A reported that forcing him to land his drone while gathering aerial footage in FAA airspace hindered his ability to do his job and livelihood. Mr. A reported that there were strict FAA guidelines prohibiting anyone from interfering with a pilot while in command.

### **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: n/a

Date Investigation Completed: April 25, 2024

**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 2.33.4.C.1 & General Order 1.1.5.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.

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:**

2.33.4.C.1-A review of the OBRD Videos confirmed that Officer C did ask Mr. Aragon to bring the drone back, out of respect for the homicide scene, and Mr. Aragon immediately responded, "Yeah." A review of the OBRD Videos confirmed that at no time did officers demand Mr. Aragon to land his drone or get aggressive with Mr. Aragon during their interaction. A review of the OBRD Video confirmed that Officers did not ask Mr. Aragon to leave the scene at any time. Although OBRD Video confirmed Officer C asked Mr. Aragon to land his drone, at no point did Officer C demand or threaten legal action against Mr. Aragon regarding landing the drone.

1.1.5.A.1-A review of the OBRD Video confirmed that when Mr. Aragon advised Officer C he was bringing the drone back, neither officer spoke with Mr. Aragon for approximately 2 minutes and 30 seconds until the drone landed. OBRD Video confirmed that Officer C asked Mr. Aragon if he had a license but never asked to see it.

Additional information: Officer C confirmed he was not directed by anyone to talk to Mr. Aragon about the drone as he did it on his own accord.

**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays 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 to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

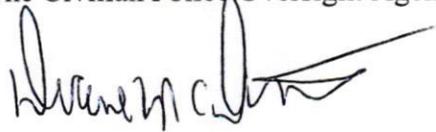
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

May 17, 2024

Via Certified Mail

7017 2680 0000 5952 0002

Re: CPC # 004-24

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

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

Mr. A reported that on 07/01/2023, he was covering the scene of a homicide, and he was gathering both ground and aerial footage of the scene. Mr. A reported that after a few minutes he noticed two officers approaching him from the south and they demanded he land his drone. Mr. A reported that those two officers seemed very uneducated about drone use and had no intention of being educated about drone use or policy. Mr. A reported that his complaint was primarily the restriction of his ability to be an onlooker. Mr. A reported that forcing him to land his drone while gathering aerial footage in FAA airspace hindered his ability to do his job and livelihood. Mr. A reported that there were strict FAA guidelines prohibiting anyone from interfering with a pilot while in command.

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer S

Other Materials:

Date Investigation Completed: April 25, 2024

## FINDINGS

Policies Reviewed: Procedural Order 2.33.4.C.1 & 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.

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

Policies Reviewed: Procedural Order 2.8.4.G

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

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### Additional Comments:

2.33.4.C.1-During the interview with Officer C, he confirmed that in a review of his OBRD video, Officer S was completely silent while Officer C was talking to Mr. A . A review of the OBRD Video confirmed that the CPOA Investigator did not observe/hear Officer S interact with Mr. A during the time incident in question.

1.1.5.A.1-During the interview with Officer C, he confirmed that in a review of his OBRD video, Officer S was completely silent while Officer C was talking to Mr. A . A review of the OBRD Video confirmed that the CPOA Investigator did not observe/hear Officer S interact with Mr. A during the time incident in question. A review of the OBRD Video confirmed that when Mr. A advised Officer C he was bringing the drone back, neither officer spoke with Mr. A for approximately 2 min and 30 seconds until the drone landed. 2.8.4.G-Officer S' videos could not be reviewed as they had been deleted as Officer S failed to assign a case number and properly categorize his OBRD Videos from the incident in question, per policy. The CPOA recommends a verbal reprimand and training regarding the issue of tagging videos properly.

**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays 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 to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

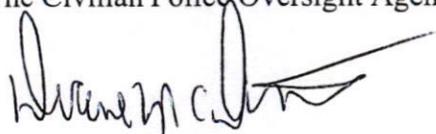
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



May 22, 2024

Via Email

Re: CPC # 008-24

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

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

On 01/14/2024, B (Anonymous) submitted an online complaint to the CPOA regarding an incident that occurred on 01/24/2023. Anonymous reported, "I was assaulted at a Starbucks and police neglected to conduct a thorough investigation which put my life at risk of further injuries that resulted in substantial damages for me including loss of livelihood, home, employment, etc."

### **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 W

Other Materials: Email Communications, Evidence.com Screenshots, & Letters.

Date Investigation Completed: May 6, 2024

## **FINDINGS**

Policies Reviewed: 2.60.4.C.1.e (Preliminary Investigations )

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

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

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

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

Policies Reviewed: 2.16.5.C.1 (Reports) & 2.8.4.G (OBRD)

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.C.1.e: It was determined that Officer W aggregated interviews and evidence to include the review of a surveillance video. Officer W attempted to obtain a copy of the surveillance video from Starbucks. It was apparent that Officer W investigated R battery with due diligence, which later included a criminal summons being filed against an individual who had battered R

2.16.5.C.1: It was determined that Officer W failed to submit his report in the mandated timeframes and did not have permission from a supervisor to delay the submission of the report for approximately seventy-two days.

2.8.4.G: It was determined that Officer W failed to properly categorize the OBRD recording containing his interview with R as evidence, resulting in it being queued for deletion and needed evidence lost.

The CPOA recommends a written reprimand for the policy infractions.

**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays 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 to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

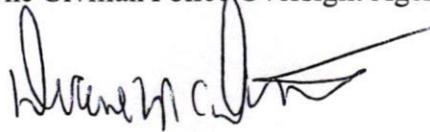
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

May 31, 2024

Via Email

Re: CPC # 009-24

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

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

Mr. G : reported that Officer T-A "Intentionally misconstrued the Material facts of the Crime, as factually presented by the Victim; completely, intentionally omitting salient details, such as Witnesses to the Crime (M P ); those he was legally, contractually, morally, and duty-bound to report." Mr. G reported that Officer T-A was "Possibly under duress, was possibly biased, was possibly acting with malice of forethought, and possibly, in fact; in deed, acting in an intentionally retaliatory manner, instead of being objective, unbiased, and professional." Mr. G : reported that Officer T-A's report was "Deeply flawed, intentionally skewed, and in the light of truth: Fictional. And as such, must be now be considered in sum, as a Fictional Account:" .....

### **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 T-A

Other Materials: Email Communications, Evidence.com PDF, & Citizen Documents.

Date Investigation Completed: May 6, 2024

## FINDINGS

Policies Reviewed: 1.1.6.A.1.a

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

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

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

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

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

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

### Additional Comments:

It was determined Officer T-A had some clerical errors on his submitted reports, but no evidence was provided or located which would give any indication that Officer T-A had any intent to commit the extreme maliciousness believed by Mr. G : to have been committed. Officer T-A made multiple attempts to work with and appease Mr. G : to no avail.

**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays 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 to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

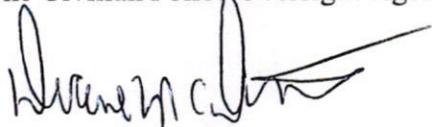
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

Administratively closed complaints maybe 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 Office of Police Reform or any matter relating to the Office of Police Reform's handling of the complaint you may request a review of the complaint by the City's Chief Administrative Officer by sending a letter to the Office of the Mayor, P.O. Box 1293, Albuquerque, NM 87103. Your request must be in writing and within 30 calendar days (inclusive of holidays and weekends) of receipt of the Office of Police Reform 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  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

May 28, 2024

Via Email

Re: CPC # 013-24

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

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

On 01/12/2024, at approximately 1349 hours, [REDACTED] : R [REDACTED] is submitted a complaint via telephone to the Civilian Police Oversight Agency (CPOA) staff regarding an incident that occurred on 01/12/2024 at approximately 1100 hours at "Ellison/Coors Bypass." Mr. R [REDACTED] alleged that during a traffic stop Officer M used profanity and addressed him unprofessionally. Mr. R [REDACTED] further alleged that at the conclusion of the traffic stop, Officer M sped away in excess of 75 mph and ran a red light. Mr. R [REDACTED] listed no additional witnesses on the submitted complaint.

### **EVIDENCE REVIEWED:**

Video(s): Yes                      APD Report(s): N/A                      CAD Report(s): Yes  
Complainant Interviewed: Yes                      Witness(es) Interviewed: N/A  
APD Employee Interviewed: Yes  
APD Employee Involved: Officer M  
Other Materials: emails  
Date Investigation Completed: May 22, 2024

## **FINDINGS**

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

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

Policies Reviewed: 2.5.4.A.3 (dept vehicles) 1.1.5.C.2 (language)

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

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

Policies Reviewed: 2.8.5.D (mandatory recording)

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:**

2.5.4.A.3 (dept vehicles) There was insufficient evidence to determine if Officer M committed the alleged driving infractions.

1.1.5.C.2 (Conduct)- There was insufficient evidence to determine if Officer M reacted and used inappropriate language as was alleged due to the OBRD being deactivated prematurely.

2.8.5.D (mandatory recording) The available evidence showed that the OBRD was deactivated prior to all intended contacts being completed. The CPOA recommends a written reprimand.

**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays 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 to CPOA@cabq.gov. Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

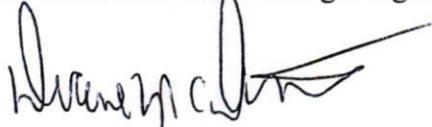
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

Administratively closed complaints maybe 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 Office of Police Reform or any matter relating to the Office of Police Reform's handling of the complaint you may request a review of the complaint by the City's Chief Administrative Officer by sending a letter to the Office of the Mayor, P.O. Box 1293, Albuquerque, NM 87103. Your request must be in writing and within 30 calendar days (inclusive of holidays and weekends) of receipt of the Office of Police Reform letter. Include your CPC number. The review by the Chief Administrative Officer will not be delayed as it is not dependent upon the Advisory Board.

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

May 31, 2024

Via Certified Mail

7017 2680 0000 5951 9983

Re: CPC # 016-24

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

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

Mr. L reported that on 01/20/2024, he called APD to get some assistance with somebody playing loud music in the apartment complex where he lived. Mr. L reported that when the police arrived, he got a call from somebody from the city of Albuquerque telling Mr. L that the officers had a hard time locating the apartment complex, and the person that Mr. L was on the phone with asked Mr. L to step outside so officers could make contact with Mr. L. Mr. L reported that he went outside and waited 10 minutes and the officers did not make contact with him. Mr. L reported that when he called 242-Cops back, the Operator told Mr. L that the officers did go out there, but they could not locate Mr. L so they went to their next call. Mr. L reported that was unprofessional of APD.

### **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 R-M

Other Materials: 911 Audio Recordings and Evidence.com Map

Date Investigation Completed: May 8, 2024

## **FINDINGS**

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

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

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

Policies Reviewed: General Order 1.1.6.C.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.

Policies Reviewed: Procedural Order 2.8.5.D

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

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

### **Additional Comments:**

1.1.6.C.1-A review of the OBRD Video confirmed that Officer R-M arrived at what appeared (*based on the location tool on evidence.com, the color of the apartments in the OBRD, which corroborated the Google image of the loop apartments via Google search*) to be the Loop apartments and pulled on two separate doors which were locked. OBRD Video confirmed that Officer R-M did ask dispatch to call Mr. L and advise him to go outside, but Officer R-M turned off her OBRD prior to dispatch getting back to her with the response (will be addressed in the SOP below.) Although the entire incident was not recorded, there was enough evidence noted to show that Officer R-M did not violate the policy in question, as she did make some efforts to make contact with Mr. L

2.8.5.D- Officer R-M prematurely deactivated her OBRD, violating the policy in question as she was still waiting to make contact with Mr. L  
The CPOA recommends a written reprimand.

**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays 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 to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

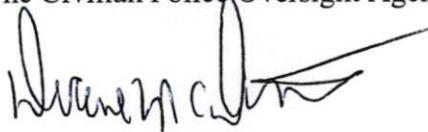
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Administratively closed complaints maybe re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

May 31, 2024

Via Email

Re: CPC # 017-24

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

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

On 01/24/2024, R submitted a complaint via telephone to CPOA staff regarding an incident that occurred on 12/19/2023 at 1900 hours. Mr. R reported that his niece and nephew were bullied at an apartment complex. Mr. R called APD, and when police arrived, the kids told police another kid beat them up. Mr. R reported that the police took no information from the kids. Mr. R also reported that the dispatcher was rude. Mr. R indicated he requested and spoke with a supervisor.

Mr. R listed C as a witness on the complaint.

### **EVIDENCE REVIEWED:**

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

Complainant Interviewed: Yes                      Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer F

Other Materials: Email Communications & Operator Recordings.

Date Investigation Completed: May 9, 2024

## FINDINGS

Policies Reviewed: 2.60.4.C.1.e (Preliminary Investigations)

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:

1.1.5.A.1: It was determined through the review of the OBRD videos that Officer F displayed a command presence towards Mr. R when Mr. R snapped at a juvenile not to interject. Mr. R ; conduct reacted negatively when Officer F admonished him and directed him back into the apartment. It was apparent Officer F reacted to Mr. R treatment of the young girl. When the supervisor came, Mr. R and Ms. C told the sergeant that there were no issues with the officers that night. The officer did not have his hand on his weapon during the interaction, and there was no physical aggressiveness.

2.60.4.C.1.e: It was determined that Officer F did attempt to collect the needed information and attempted to locate the unknown juveniles and bicycle even though he was provided with very little information. It was observed on the OBRD video that Ms. C ) was appreciative of what Officer F did.

**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays 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 to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

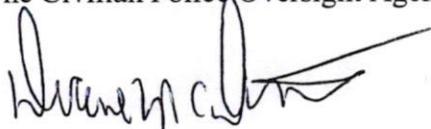
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

May 31, 2024

Via Email

Re: CPC # 036-24

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

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

Mr. V alleged that APD officers wanted to take him to the mental hospital against his will and that APD used policies against him. For clarification during his interview, Mr. V said that policies and procedures were used to deprive people of rights using the color of law. Mr. V continued and said the police used policy disguised as law to take someone to a (mental) hospital who did not need it and forced medication.

### **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: SOP 2-19

Date Investigation Completed: May 2, 2024

## **FINDINGS**

Policies Reviewed: 2.71.4.A.1

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

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

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

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

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### **Additional Comments:**

After review, the investigation determined that Ofc. R did not violate policy. A review of Ofc. R's lapel video corroborated what Ofc. R said what happened during his interaction with Mr. V . Officers from the Crisis Intervention Division (CID) were at Mr. V ; hotel for a behavioral health and welfare check because he threatened to cause harm to unnamed courthouse employees. Mr. V was told several times that he was not in trouble, but the officers wanted to check on him because of the voicemail messages he left, which they acknowledged were concerning. The conversations mainly were cordial, and Mr. Volante continued to answer the officers' questions voluntarily. However, when Ofc. R asked Mr. V if he could come into his hotel room at various times during the conversation, each time, Mr. V was adamant that he did not want anyone, including the clinician, to enter his apartment. More than once, Mr. V said if officers entered his hotel, they would have to kill him. Ofc. R assured Mr. V they would not come in and would not be harmed. After a while, Ofc. R ended his conversation with Mr. V and left. A disengagement was authorized.

**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays 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 to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

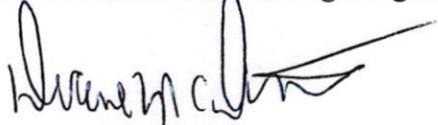
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Administratively closed complaints maybe re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



May 22, 2024

Via Email

Re: CPC # 090-24

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

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

On 03/27/2024, J submitted a complaint via email to the Civilian Police Oversight Agency (CPOA) regarding an incident that occurred on 03/23/2024. Mr. J reported being physically assaulted and attacked via loud music by those at 7448 Redpoll Rd NW. Mr. J reported that the responding officers did not enforce the law or report the child abuse that occurred from the individuals excessively playing loud music. Mr. J reported that the police did not respond and that his call for service was closed. Mr. J reported that he filed a child abuse report with the *New Mexico* CYFD. When it was clarified, Mr. J understood that multiple dates and encounters would need to be separate complaints. He requested this investigation focus on the 3/23/24 incident.

### **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: Operator S

Other Materials: Email & Mail Communications, & CAD & Dispatch Recordings.

Date Investigation Completed: May 6, 2024

## **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: 1.1.6.C.1 (Conduct)

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 [redacted] J [redacted] did request officer contact regarding an incident on 03/23/2024. Operator S asked and confirmed that Mr. J [redacted] wanted contact. Operator S logged that Mr. J [redacted] wanted contact in the notes section of the CAD but marked "N" in the box regarding contact, which provided responding officers with unclear and conflicting information. The CPOA recommends a written reprimand.

**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays 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 to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

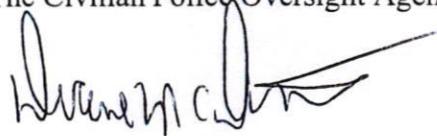
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

Administratively closed complaints maybe 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 Office of Police Reform or any matter relating to the Office of Police Reform's handling of the complaint you may request a review of the complaint by the City's Chief Administrative Officer by sending a letter to the Office of the Mayor, P.O. Box 1293, Albuquerque, NM 87103. Your request must be in writing and within 30 calendar days (inclusive of holidays and weekends) of receipt of the Office of Police Reform letter. Include your CPC number. The review by the Chief Administrative Officer will not be delayed as it is not dependent upon the Advisory Board.

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



May 22, 2024

Via Email

Re: CPC # 090-24

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 03/27/2024, J submitted a complaint via email to the Civilian Police Oversight Agency (CPOA) regarding an incident that occurred on 03/23/2024. Mr. J reported being physically assaulted and attacked via loud music by those at 7448 Redpoll Rd NW. Mr. J reported that the responding officers did not enforce the law or report the child abuse that occurred from the individuals excessively playing loud music. Mr. J reported that the police did not respond and that his call for service was closed. Mr. J reported that he filed a child abuse report with the *New Mexico* CYFD. When it was clarified, Mr. J understood that multiple dates and encounters would need to be separate complaints. He requested this investigation focus on the 3/23/24 incident.

### **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 M

Other Materials: Email & Mail Communications, & CAD & Dispatch Recordings.

Date Investigation Completed: May 6, 2024

## **FINDINGS**

Policies Reviewed: 2.60.4.C.1.e (investigation)

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

Policies Reviewed: 1.1.6.C.1 (Conduct)

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 J did request officer contact regarding an incident on 03/23/2024. The operator logged that Mr. J wanted contact in the notes section of the CAD but marked "N" in the box regarding contact, which provided responding officers with conflicting information. Officer M failed to make contact with Mr. J as requested. Officer M was responsible for reviewing the entire CAD and clarifying any unclear or conflicting information. Officer M was the primary officer, perceived that the gathering wasn't "that loud." Officer M conducted a preliminary investigation. A review of the lapel videos showed, at least when the officers were present, there was insufficient evidence to support filing charges or contact CYFD for possible child endangerment. There was no report written and no false statements were made in the CAD about Mr. J. The CPOA recommends a written reprimand for the failure to respond to Mr. J home as the caller.

**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays 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 to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

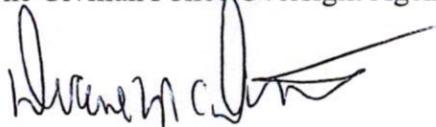
- 1) A policy was misapplied in the evaluation of the complaint;
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Administratively closed complaints maybe re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

May 31, 2024

Via Email

Re: CPC # 091-24

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

Mr. Mora submitted a complaint regarding a traffic stop performed by Officer M. Mr. Mora reported that Officer M was curt, didn't advise of the reason for the stop, even after being asked twice, kept his hand over his name tag, and issued him four citations for a registration violation. Officer M's accent was far too thick to understand the majority of what was said. Mr. Mora saw that Officer M was growing frustrated with their communication issue, so he agreed with everything Officer M tried to tell him. A prosecutor suggested that Mr. Mora file a complaint against Officer M for his inability "to communicate in an intelligent and succinct manner," "intentionally covering up his name badge, as well as for needlessly issuing citations/tickets."

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

### **EVIDENCE REVIEWED:**

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

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

APD Employee Interviewed: No

APD Employee Involved: Officer M

Other Materials: Citations & Email Communications. SOP 2.41 (Traffic Stops)

Date Investigation Completed: May 20, 2024

**FINDINGS**

Policies Reviewed: 1.1.6.C.1 (Conduct)

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 M was professional, properly attired, and issued citations for perceived violations. Officer M was understandable, and no indicators were observed of a language or comprehension barrier. Officer M identified himself, the department, and the reason for the stop after approaching Mr. M and stating, "Hello, how are you." Officer M's nameplate was on the outermost garment and visible during almost all of the interactions.

**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays 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 to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

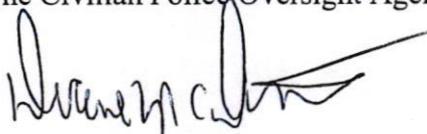
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

May 28, 2024

Via Certified Mail

7017 2680 0000 5951 9921

**Re: CPC # 157-24**

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

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

The complaint listed the Standard Operating Procedure concerns of 1.1.7 as a conflict of interest regarding the role of Commander M and the Crash Review Board and Standard Operating Procedure 2.50.4.C.1. The complaint outlined several concerns regarding the traffic accident involving Chief M. The complaint also identified Standard Operating Procedure 2.47.4.A.5 and information being reported.

### **EVIDENCE REVIEWED:**

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: N/A

Witness(es) Interviewed: N/A

APD Employee Interviewed: N/A

APD Employee Involved: Chief M, CRB participants

Other Materials: duplicative of I2024-000171

Date Investigation Completed: May 28, 2024

## 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:**

After reviewing the complaint's content, it has been determined that the conduct within the complaint is already being investigated by APD Internal Affairs. Per the Court Approved Settlement Agreement, investigations conducted by IAPS remain with IAPS, and the CPOA does not conduct duplicative investigations. The Chief's accident is being investigated under I2024-000171. As part of this investigation, per IAPS, the Crash Review Board Commander will be questioned. SOP 2-47-4-A-5 was not a policy in effect at the time of the accident and was added to the SOP on the published date of 4/5/24.

Per the Ordinance, the CPOA has the authority to audit the IAPS investigation when completed. An inspection of public records request may be made to receive the publicly available materials for I2024-000171 at <https://nextrequest.cabq.gov/requests/new>

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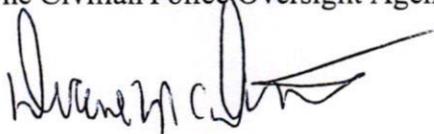
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