

Civilian Police Oversight Agency Board

Patricia J. French, Chair *Jesse Crawford, Vice-Chair* *Greg Jackson*
Eric Nixon *Rashad Raynor* *Michael Wartell*
Deirdre Ewing, Executive Director

BOARD AGENDA

Thursday, October 13, 2022 - 5:00 p.m.

Attendance: In response to the Public Health Emergency, the Civilian Police Oversight Agency (CPOA) Board meeting on Thursday, October 13, 2022, at 5:00 p.m. will be held via Zoom video conference.

Viewing: Members of the public will have the ability to view the meeting through GOVTV on Comcast Channel 16, or to stream live on the GOVTV website at: <https://www.cabq.gov/culturalservices/govtv>, or on YouTube at: <https://www.cabq.gov/cpoa/events/cpoa-board-meeting-10-13-2022>. (Please note that the link for YouTube has not yet been generated, however, the link could easily be found on the link provided above prior to the start of the meeting). The GOVTV live stream can be accessed at these addresses from most smartphones, tablets, or computers.

The video recording of this and all past meetings of the CPOA Board will also remain available for viewing at any time on the CPOA's website. CPOA Staff is available to help members of the public access pre-recorded CPOA meetings online at any time during normal business hours. Please email CPOA@cabq.gov for assistance.

Public Comment: The agenda for the meeting will be posted on the CPOA website by 5:00 p.m., Monday, October 10, 2022, at www.cabq.gov/cpoa.

The CPOA Board will take general public comment and comment on the meeting's specific agenda items in written form via email through 4:00 p.m. on Thursday, October 13, 2022. Submit your public comments to: POB@cabq.gov. These comments will be distributed to all CPOA Board members for review.

- I. Welcome and call to order - Patricia J. French, Chair**
- II. Roll Call**
- III. Approval of the Agenda**
- IV. Approval of Consent Agenda**
 - a. Administratively Closed**
101-22 131-22
 - b. Exonerated**
094-22
 - c. Unfounded**
077-22 085-22 099-22
 - d. Exonerated and Unfounded**
065-22 068-22 070-22
090-22 107-22 120-22

V. Cases pulled from Consent Agenda

- a. **Administratively Closed**
060-22 164-22
- b. **Exonerated and Unfounded**
031-22 057-22
- c. **Exonerated**
064-22
- d. **Unfounded**
038-22 042-22 049-22
050-22 067-22 093-22

VI. Review and Approval of Minutes from the September 9, 2022 Meeting

VII. Public Comments

VIII. Discussion, Updates, and Possible Action:

- a. **Consideration of PPRB Policies with No Recommendation: -**
Jesse Crawford
- b. **SUOF/OIS Streamline Data Process –** *Eric Nixon*
- c. **Consideration of proposed MOU between the City of Albuquerque, CPOA/CPOAB, and APOA on OIS/SUOF Materials –** *Tina Gooch, CPOA/CPOAB Legal Counsel*
- d. **Annual Training Status Update –** *Tina Gooch, CPOA/CPOAB Legal Counsel, and Mike Wartell*
- e. **Draft 2022 January – June Semi-Annual Report -** *Deirdre Ewing, Executive Director*
- f. **2023 CPOA Board Meeting Schedule -** *Deirdre Ewing, Executive Director*
- g. **CPOA Semi-Annual Audit -** *Patricia J. French*
- h. **CPOA Board Job Description -** *Patricia J. French*
- i. **Correction(s) to CPOA Policies and Procedures –** *Patricia J. French*
- j. **Recommended Changes to CASA -** *Patricia J. French*
- k. **Update Requests-Chair/Board Members -** *Patricia J. French*

IX. Review of Cases (approval of recommended discipline)

- a. **Sustained**
117-22
- b. **Unfounded, Not Sustained, Exonerated and Sustained NBOC**
116-22
- c. **Sustained, Exonerated and Unfounded .**
100-22

X. Non-Concurrence Cases

- 058-22 071-22 087-22

- XI. Reports from Subcommittees**
- XII. Reports from City Departments**
 - a. APD**
 - 1. APD Training Academy Semi-Annual Report – Commander Renae McDermott**
 - 2. ShotSpotter Program Briefing (SOP 2-98) – Deputy Commander Mark Torres**
 - 3. APD Quarterly Crash Report (SOP 2-50)– Sergeant Benito Martinez**
 - 4. IA Professional Standards Division (SOP 7-1, SOP 3-41, SOP 3-46) – Acting Commander Mark Landavazo**
 - 5. IA Force Division (SOP 2-52 through SOP 2-57) – Commander Scott Norris**
 - b. City Council – Chris Sylvan**
 - c. Public Safety Committee - Chris Sylvan**
 - d. Mayor’s Office – Pastor David Walker**
 - e. City Attorney – Carlos Pacheco**
 - f. CPC – Kelly Mensah**
 - g. APOA – Detective Shaun Willoughby, APOA President**
 - h. CPOA – Deirdre Ewing, Executive Director**
 - 1. CPC 157-20**
 - 2. CPC 159-20**
 - 3. CPC 158-20**
- XIII. Old Business**
- XIV. New Business**
- XV. Adjournment- A special meeting is scheduled for October 22, 2022, and the next regularly scheduled CPOA Board meeting will be on November 10, 2022, at 5:00 p.m.**

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Patricia J. French, Chair

Jesse Crawford, Vice-Chair

Greg Jackson

Eric Nixon

Rashad Raynor

Michael Wartell

Deirdre Ewing, Executive Director

October 14, 2022

To File

Re: CPC # 101-22

PO Box 1293

COMPLAINT:

Commander W filed a complaint based on information received from : advised officers with a crime unit had not identified themselves correctly when they went to his residence.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): No

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed:

APD Employee Interviewed: No

APD Employee Involved: n/a

Other Materials: Email

Date Investigation Completed: September 2, 2022

FINDINGS

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

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

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

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

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

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 was Administratively Closed as the investigation would be duplicative in nature. The investigator determined a civilian police complaint had been filed by the complainant regarding the incident, assigned to another investigator, and assigned CPC 106-22.

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

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

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

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

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Deirdre Ewing, Executive Director

October 14, 2022

To File

Re: CPC # 131-22

Dear S D:

PO Box 1293

COMPLAINT:

Albuquerque

S D submitted a complaint via 311 that alleged he pulled into the Speedway located at 3815 Northern Boulevard NE on 05/25/2022 at approximately 0755 hours. An APD officer in plainclothes pulled up and told S D son, J C to get out of the way because he was going to fill up first. S D believed the officer was violent and looking for a confrontation.

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: N/A

APD Employee Involved: N/A

Other Materials: WEX Fuel Card System & Speedway Support

Date Investigation Completed: September 23, 2022

FINDINGS

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

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 was Administratively Closed because S D advised that he wanted the complaint withdrawn and requested a memo be sent out to everyone about not arguing over fuel pumps. The investigator attempted to identify the involved officer utilizing information from the WEX Fuel Card system and video surveillance footage reviewed by Speedway support. No officer was found to have used an agency fuel card at the incident location, and Speedway support did not observe a patrol vehicle on the video surveillance footage while the tow truck was at the store.

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

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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


Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Greg Jackson

Eric Nixon

Rashad Raynor

Michael Wartell

Deirdre Ewing, Executive Director

October 14, 2022

Via Certified Mail

7018 113 0002 3429 2009

Re: CPC # 094-22

Mr. K

PO Box 1293

COMPLAINT:

Albuquerque

On 4/22/22, Mr. Z. K submitted a complaint for his girlfriend, B F 1, who was arrested on a felony warrant for armed robbery. Mr. K said that B had been wrongfully charged for a crime she did not commit only because she had the same name as the individual on the warrant. If the police had done their job, they would have realized they had charged the wrong person.

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: N/A

Witness(es) Interviewed: Yes

APD Employee Interviewed: N/A

APD Employee Involved: Officer C

Other Materials: N/A

Date Investigation Completed: September 1, 2022

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.

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

Policies Reviewed: 2.80.2.K.1

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

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

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Additional Comments:

Ms. F called the police when her vehicle was involved in a hit-and-run accident. Officer C and Officer D arrived on the scene. When her name was submitted through the National Crime Information Center (NCIC) for a name check, Ms. F had a felony arrest warrant for armed robbery. After the information was confirmed in the warrant, Ms. F was arrested and taken into custody.

Ms. F had acknowledged that she was the person on the warrant even though she maintained that she had not committed any crime. Ms. F said she did not take issue with Officer C as he was doing his job.

After a review of the evidence, Officer C did not violate APD policy. Officer C's lapel video clearly showed that he acted carefully and in good faith when he arrested Ms. F based on the information contained in the warrant.

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

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Sincerely,
The Civilian Police Oversight Agency by


Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Deirdre Ewing, Executive Director

October 14, 2022

Via Certified Mail

7018 113 0002 3429 2009

Re: CPC # 094-22

Mr. K

PO Box 1293

COMPLAINT:

Albuquerque

On 4/22/22, Mr. Z K submitted a complaint for his girlfriend, B. F, who was arrested on a felony warrant for armed robbery. Mr. K said that B had been wrongfully charged for a crime she did not commit only because she had the same name as the individual on the warrant. If the police had done their job, they would have realized they had charged the wrong person.

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: N/A

Witness(es) Interviewed:

APD Employee Interviewed: N/A

APD Employee Involved: Officer D

Other Materials: N/A

Date Investigation Completed: September 1, 2022

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.

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Policies Reviewed: 2.80.2.K.1

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Additional Comments:

Ms. F called the police when her vehicle was involved in a hit-and-run accident. Officer D and Officer C arrived on the scene. When her name was submitted through the National Crime Information Center (NCIC) for a name check, Ms. F had a felony arrest warrant for armed robbery. After the information was confirmed in the warrant, Ms. F was arrested and taken into custody.

Ms. F had acknowledged that she was the person on the warrant even though she maintained that she had not committed any crime. Ms. F said she did not take issue with Officer D as he was doing his job.

After a review of the evidence, Officer D did not violate APD policy. Officer D's lapel video clearly showed that he assisted Officer C, the primary officer, and acted in good faith during the warrant investigation process and confirmation.

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

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Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

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Deirdre Ewing, Executive Director

October 14, 2022

Via Certified Mail

7018 113 0002 3429 2009

Mr. Z K
918 Ortiz Dr. SE
Albuquerque, NM 87108

Re: CPC # 094-22

Mr. K

PO Box 1293

COMPLAINT:

Albuquerque

On 4/22/22, Mr. Z K submitted a complaint for his girlfriend, B
F , who was arrested on a felony warrant for armed robbery. Mr. K said that
B had been wrongfully charged for a crime she did not commit only because she had
the same name as the individual on the warrant. If the police had done their job, they
would have realized they had charged the wrong person.

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: Yes

APD Employee Involved: Detective R

Other Materials: N/A

Date Investigation Completed: September 1, 2022

FINDINGS

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

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

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

Policies Reviewed: 2.60.4.B.5. b.d.i

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

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

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Additional Comments:

Ms. F had acknowledged that she matched the description of the felony warrant for armed robbery when she called the police for an unrelated hit-and-run accident. Even though she maintained her innocence and didn't know her accuser, Ms. F did not take issue with the arresting officers who were doing their jobs, but she did complain about Detective R, the author of the arrest warrant.

After a review of the evidence, no policy violations were committed by Detective R. The victim accused Ms. F and Ms. A of robbing him and had provided their identification as an eyewitness. In good faith, Detective R acted on that information. Even when provided with photos, Detective R continued his investigation and positively identified Ms. F and Ms. A. Detective R had no reason to believe otherwise that the victim made an inaccurate eyewitness identification of B as a robbery suspect when the arrest warrant was authored.

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

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- 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.

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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


Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Patricia J. French, Chair

Jesse Crawford, Vice-Chair

Greg Jackson

Eric Nixon

Rashad Raynor

Michael Wartell

Deirdre Ewing, Executive Director

October 14, 2022

Via Certified Mail

7018 1130 0002 3429 2030

Re: CPC # 077-22

Dear Ms. G.

COMPLAINT:

On 10/22/2021 and ongoing into 2022, Ms. G reported State Police came to her home and illegally took her 2 children. Ms. G reported that her soon-to-be husband, N. M. has gang relations and deputies have also been given money to harm her and her family. Ms. G mentioned in her complaint a judge's name, Judge Amber C. Baker.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): No

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer L

Other Materials: n/a

Date Investigation Completed: August 18, 2022

1

FINDINGS

Policies Reviewed: **1.1.5.A.3**

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

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

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

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:

Officer L was dispatched as a backup officer to a state police assistance call. The state police officer had the court order to transfer custody and requested assistance since Ms. G was upset by the recent order. The evidence showed that Officer L did not allow the state officer to "illegally" remove her children and instead assisted on the authorized exchange. His role was strictly as backup to the state police officer's call and transported one of the children to the state police office.

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

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Sincerely,
The Civilian Police Oversight Agency by


Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Patricia J. French, Chair

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Greg Jackson

Eric Nixon

Rashad Raynor

Michael Wartell

Deirdre Ewing, Executive Director

October 14, 2022

Via Certified Mail

7018 1130 0002 3429 2078

Re: CPC # 085-22

Dear Mr. P

COMPLAINT:

The following complaint was submitted: I sent a letter to Internal Affairs of the Albuquerque Police Department. In addition to that letter, I want and should have mentioned my intentions to you to file a civil and criminal complaint against the parole officer who very aggressively drew his weapon on me on 01/28/2022. He was unannounced in the halfway house I was living in. There was an APD officer who was behind him and I want to know if his body cam was on. I wrote in detail on 03/24/2022 to the NM Probation and Parole (P&P) office. I'd like that letter obtained and viewed by your department as well. I have intentions of contacting the Albuquerque City Attorney's Office about these matters in the future as well. Thank you for your concern and time.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer F

Other Materials: Unit History, P&P Arrest Booking Report

Date Investigation Completed: August 24, 2022

FINDINGS

Policies Reviewed: 2.8.5.A

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



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



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



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:

2.8.5.A: All lapel videos were viewed and every APD officer summonsed (including Officer F) to the call had arrived within a few minutes of each other and their lapels were turned on. None of the APD Officers (including Officer F) were seen entering the halfway home with P&P. None of the APD Officers (including Officer F) were ever observed assisting P&P in taking custody of P. Immediately as the lapel videos started recording, all APD officers were seen shaking hands and greeting P&P officers while P stood by in handcuffs. Only APD Officer W was recorded while swapping restraints with P&P, conducting a search on P and then taking him to jail.

Review of the following reports (P&P Arrest Booking Report #67133 by Officer J and APD Arrest Report #220007335 by Officer W) show F was initially taken into custody by P&P and then the custody transfer to APD.

Peacock said several times in the interview that APD officers did nothing wrong and he only wanted to know if there was lapel.

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

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Sincerely,
The Civilian Police Oversight Agency by



Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Greg Jackson

Eric Nixon

Rashad Raynor

Michael Wartell

Deirdre Ewing, Executive Director

October 14, 2022

Via Email

Re: CPC # 099-22

Dear G T

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

G T submitted a complaint that alleged the property of another was found in her daughter's vehicle after she was discovered deceased inside the vehicle and the case was closed due to no foul play. G was advised to drop the property off at a station if it was too much for her to deal with or if it was a big deal for her. When interviewed, G advised she disapproved of how officers put things regarding what the investigation was about and felt discriminated against because her daughter was labeled as a Native who was out and about and homeless. G advised officers blamed each other for the case being closed quickly and Officer D said he was new to the process and only went by what his sergeant said.

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

Other Materials: OMI Report, & G

T

Supplied Photos & Recordings

Date Investigation Completed: September 6, 2022

FINDINGS

Policies Reviewed: Policy 1.1.5.A.2 (Conduct) & Policy 1.1.5.A.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.



Policies Reviewed: Policy 2.21.5.A.1.b (Death Investigation)

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



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



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



Additional Comments:

Policy 1.1.5.A.2: The investigator determined, by clear and convincing evidence, that the alleged misconduct did not occur. Officer D made no discriminatory comments, inferences, or decisions.

Policy 1.1.5.A.1: The investigator determined, by clear and convincing evidence, that the alleged misconduct did not occur. Officer D advised that if the property was unwanted, that it could be dropped off at any APD station. Officer D never said to drop the property off at a station if it was too much to deal with or if it was a big deal.

Policy 2.21.5.A.1.b: The investigator determined, by a preponderance of the evidence, that the alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. Officer D was the primary and reporting officer and took all the steps outlined within the policy. The death was ruled not suspicious by the OMI and not by Officer D. Officer D did not blame anyone for how fast the case was closed.

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

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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


Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Patricia J. French, Chair

Jesse Crawford, Vice-Chair

Greg Jackson

Eric Nixon

Rashad Raynor

Michael Wartell

Deirdre Ewing, Executive Director

October 14, 2022

Via Email

Re: CPC # 099-22

Dear G T

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

G T submitted a complaint that alleged the property of another was found in her daughter's vehicle after she was discovered deceased inside the vehicle and the case was closed due to no foul play. When interviewed, G advised she disapproved of how officers put things regarding what the investigation was about and felt discriminated against because her daughter was labeled as a Native who was out and about and homeless. G advised officers blamed each other for the case being closed quickly and Sgt. P blew it off like it was her daughter's fault. G advised that Sgt. P said it was just how Native Americans lived, and they didn't know who their children were with.

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: Sgt. P

Other Materials: OMI Report, & G T Supplied Photos & Recordings

Date Investigation Completed: September 6, 2022

FINDINGS

Policies Reviewed: Policy 2.21.5.A.1.b (Death Invest.) & Policy 1.1.5.A.2 (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.

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Additional Comments:

Policy 2.21.5.A.1.b: The investigator determined, by clear and convincing evidence, that the alleged misconduct did not involve the officer because Sgt. P was not the primary or reporting officer. Sgt. P did not blame anyone for how fast the case was closed.

Policy 1.1.5.A.2: The investigator determined, by clear and convincing evidence, that the alleged misconduct did not occur. Sgt. P made no discriminatory comments, inferences, or decisions.

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

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Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Eric Nixon

Rashad Raynor

Michael Wartell

Deirdre Ewing, Executive Director

October 14, 2022

Via Certified Mail

7018 1130 0002 3429 2054

Re: CPC # 065-22

Dear Ms. G

PO Box 1293

COMPLAINT:

Albuquerque

NM 87103

On 02/23/2022 at approximately 11:00 am, Ms. G reported in her complaint that Officer B, Officer L, Officer C and Sgt. H did not secure the scene where her son was found dead in the apartment where he lived. They also did not question the female witness that was present with her son prior to his death and failed to complete a proper investigation. Ms. G reported the officers as well as OMI medical investigator involved, were disrespectful and unprofessional while investigating the death of her son and ruling his death a drug overdose. Ms. C would like the officer involved to be held accountable for their actions.

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 C

Other Materials: OMI Autopsy report and Toxicology report

Date Investigation Completed: August 7, 2022

FINDINGS

Policies Reviewed: 1.1.5.A.1

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



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



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



Policies Reviewed: 2.21.5.B.1.a.b.i.c.d.e and 2.21.5.A.1.a.b.c.i.d

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



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



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Additional Comments:

The lapel video showed the alleged misconduct did not occur, Officer C did not act unprofessional at anytime during his presence at the scene (UNFOUNDED).

It was determined, by the preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training. Officer C did obtain the female witness' name as dispatch had her phone number when she was told to stay at the scene and decided to leave without officer notification. Officer C did not have the right to forcibly detain the female witness. (EXONERATED).

It was determined, by the preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training. Officer C followed the procedures of an active investigation as he secured the scene and notified CSS and OMI to the scene for determination of death (EXONERATED).

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

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Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Civilian Police Oversight Agency Board

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Eric Nixon

Rashad Raynor

Michael Wartell

Deirdre Ewing, Executive Director

August 7, 2022

Via Certified Mail

7018 1130 0002 3429 2054

Re: CPC # 065-22

Dear Ms. G

PO Box 1293

COMPLAINT:

Albuquerque

NM 87103

On 02/23/2022 at approximately 11:00 am, Ms. G reported in her complaint that Officer B, Officer L, Officer C and Sgt. H did not secure the scene where her son was found dead in the apartment where he lived. They also did not question the female witness that was present with her son prior to his death and failed to complete a proper investigation. Ms. G reported the officers as well as OMI medical investigator involved, were disrespectful and unprofessional while investigating the death of her son and ruling his death a drug overdose. Ms. G would like the officer involved to be held accountable for their actions.

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: Sgt. H

Other Materials: OMI Autopsy report and Toxicology report

Date Investigation Completed: August 7, 2022

FINDINGS

Policies Reviewed: 1.1.5.A.1

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



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



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



Policies Reviewed: 2.21.5.B.1.a.b.i.c.d.e and 2.21.5.A.1.a.b.c.i.d

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



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



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



Additional Comments:

The lapel video showed the alleged misconduct did not occur, Sgt. H did not act unprofessional at anytime during his presence at the scene (UNFOUNDED).

It was determined, by the preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training. Sgt. H assisted officers by trying locate the female witness that left the scene. Officers did not have the ability to forcibly detain. (EXONERATED).

It was determined, by the preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training. Sgt. H followed the procedures of an active investigation as she secured the scene and waited for CSS and OMI to arrive on scene for determination of death (EXONERATED).

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

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

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

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

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by


Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Patricia J. French, Chair

Jesse Crawford, Vice-Chair

Greg Jackson

Eric Nixon

Rashad Raynor

Michael Wartell

Deirdre Ewing, Executive Director

October 14, 2022

Via Certified Mail

7018 1130 0002 3429 2054

Re: CPC # 065-22

Dear Ms. G

PO Box 1293

COMPLAINT:

Albuquerque

On 02/23/2022 at approximately 11:00 am, Ms. G reported in her complaint that Officer B, Officer L, Officer C and Sgt. H did not secure the scene where her son was found dead in the apartment where he lived. They also did not question the female witness that was present with her son prior to his death and failed to complete a proper investigation. Ms. G reported the officers as well as OMI medical investigator involved, were disrespectful and unprofessional while investigating the death of her son and ruling his death a drug overdose. Ms. G would like the officer involved to be held accountable for their actions.

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 L

Other Materials: OMI Autopsy report and Toxicology report

Date Investigation Completed: August 7, 2022

1

FINDINGS

Policies Reviewed: 1.1.5.A.1

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



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



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



Policies Reviewed: 2.21.5.B.1.a.b.i.c.d.e and 2.21.5.A.1.a.b.c.i.d

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



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



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



Additional Comments:

The lapel video showed the alleged misconduct did not occur, Officer L did not act unprofessional at anytime during his presence at the scene (UNFOUNDED).

It was determined, by the preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training. Officer L did obtain a neighbor's statement during the investigation. He was not the primary officer on scene. He provided this information to Officer Copeland, primary officer (EXONERATED).

It was determined, by the preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training. Officer L followed the procedures of an active investigation as he secured the scene as CSS and OMI were notified for determination of death (EXONERATED).

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

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- A) The findings by the Director had no explanation that would lead to the conclusion made; or,
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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.

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

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Patricia J. French, Chair

Jesse Crawford, Vice-Chair

Greg Jackson

Eric Nixon

Rashad Raynor

Michael Wartell

Deirdre Ewing, Executive Director

October 14, 2022

Via Certified Mail

7018 1130 0002 3429 2054

Re: CPC # 065-22

Dear Ms. G

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

On 02/23/2022 at approximately 11:00 am, Ms. G reported in her complaint that Officer B, Officer L, Officer C and Sgt. H did not secure the scene where her son was found dead in the apartment where he lived. They also did not question the female witness that was present with her son prior to his death and failed to complete a proper investigation. Ms. G reported the officers as well as OMI medical investigator involved, were disrespectful and unprofessional while investigating the death of her son and ruling his death a drug overdose. Ms. G would like the officer involved to be held accountable for their actions.

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 B now Sgt. B

Other Materials: OMI Autopsy report and Toxicology report

Date Investigation Completed: August 7, 2022

1

FINDINGS

Policies Reviewed: 1.1.5.A.1

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



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



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



Policies Reviewed: 2.21.5.B.1.a.b.i.c.d.e and 2.21.5.A.1.a.b.c.i.d

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



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



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



Additional Comments:

The lapel video showed the alleged misconduct did not occur, Sgt. B did not act unprofessional at anytime during her presence at the scene (UNFOUNDED).

It was determined, by the preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training. Sgt. B assisted Officer L with obtaining witness/neighbors statements about the deceased male (EXONERATED).

It was determined, by the preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training. Sgt. B followed the procedures of an active investigation as she secured the scene and waited for CSS and OMI to arrive on scene for determination of death (EXONERATED).

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

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

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

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by


Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Patricia J. French, Chair

Jesse Crawford, Vice-Chair

Greg Jackson

Eric Nixon

Rashad Raynor

Michael Wartell

Deirdre Ewing, Executive Director

October 14, 2022

Via Certified Mail

7018 1130 0002 3429 2047

Re: CPC # 068-22

Dear Ms. R:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

On 03/03/2022 at approximately 1212 hours, Ms. R submitted a complaint that stated a man from Habitat for Humanity dropped off a port-a-potty at her residence in the front yard, which was supposed to be placed in her back yard. Ms. R reported her 2000 Dodge Durango had to be moved and parked in the front of her house. Ms. R reported she received a citation on her 2000 Dodge Durango the day after she had contact with Habitat for Humanity. Ms. R reported, "APD continued to proceed the next day with the inappropriate citation as I owner of property 409 and 2000 Dodge Durango had to wait on a tow and mechanical service to have room for her 2000 Dodge Durango as APD had threaten to tow my vehicle and the APD officer failed to comply and did not provide the purpose of the citation.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: PSA S

Other Materials: n/a

Date Investigation Completed: August 10, 2022

FINDINGS

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

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

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

Policies Reviewed: 1.78.3.E

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

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

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

Additional Comments:

It was determined, by the preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training. PSA S. followed the procedures of his direct supervisor and Commander on submitting citations on any illegal violations in the neighborhoods (EXONERATED).

Attempts and a conversation with Ms. k occurred to obtain her participation in the interview process, ultimately did not provide a verbal statement regarding the complaint, but stated her written complaint covered the complaint.

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

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

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

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

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by


Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Patricia J. French, Chair

Jesse Crawford, Vice-Chair

Greg Jackson

Eric Nixon

Rashad Raynor

Michael Wartell

Deirdre Ewing, Executive Director

October 14, 2022

Via Certified Mail

7018 1130 0002 3429 2047

Re: CPC # 068-22

Dear Ms. R

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

On 03/03/2022 at approximately 1212 hours, Ms. R submitted a complaint that stated a man from Habitat for Humanity dropped off a port-a-potty at her residence in the front yard, which was supposed to be placed in her back yard. Ms. R reported her 2000 Dodge Durango had to be moved and parked in the front of her house. Ms. R reported she received a citation on her 2000 Dodge Durango the day after she had contact with Habitat for Humanity. Ms. R reported, "APD continued to proceed the next day with the inappropriate citation as I owner of property 409 and 2000 Dodge Durango had to wait on a tow and mechanical service to have room for her 2000 Dodge Durango as APD had threaten to tow my vehicle and the APD officer failed to comply and did not provide the purpose of the citation.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Sgt. A

Other Materials: n/a

Date Investigation Completed: August 10, 2022

FINDINGS

Policies Reviewed: 1.1.5.A.2

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



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



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



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



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



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



Additional Comments:

In Ms. R's conversation with Sgt. A she stated the citation should have been revoked by the sergeant and because he refused it was a "hate citation." Ms. R alleged others in the neighborhood committed violations as well. Sgt. A informed Ms. R the Commander instructed PSAs to monitor the neighborhoods and cite infractions when they found them. The evidence showed Sgt. A did not act disrespectfully or target a "hate citation" towards the complainant during any of his interactions with her.

Attempts and a conversation with Ms. R occurred to obtain her participation in the interview process, ultimately did not provide a verbal statement regarding the complaint, but stated her written complaint covered the complaint.

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

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

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

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

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Greg Jackson

Eric Nixon

Rashad Raynor

Michael Wartell

Deirdre Ewing, Executive Director

October 14, 2022

Via Certified Mail

7018 1130 0002 3429 2061

—
2
A

Re: CPC # 070-22

Dear Mr. R

PO Box 1293

COMPLAINT:

Albuquerque

On 04/11/2022 at approximately 0300 hours, Mr. R reported that Officer L knocked on his bedroom door and had asked for his ID and made a comment that Mr. R's roommate suspected him vandalizing his vehicle by putting screws into his tire with a power tool. Mr. R reported that Officer L abused his power and authority by coercive tactics. Officer L was one-sided on behalf of his roommate. Officer L threatened Mr. R by placing handcuffs on him. Officer L did not provide his name when requested.

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer L

Other Materials: n/a

Date Investigation Completed: August 18, 2022

1

FINDINGS

Policies Reviewed: **1.1.6.A.2**

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



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



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



Policies Reviewed: **1.1.5.C.3**

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



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



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



Additional Comments:

1.1.6.A.2 The lapel video showed Officer L provided his information to Mr. R. J when requested. (UNFOUNDED)

1.1.5.C.3 The lapel videos showed Officer L asked for the necessary identification from Mr. R. to investigate the criminal allegation. Officer L had a victim and a witness to the alleged activity. Mr. R. refused and Officer L informed him why he needed the information. Officer L informed Mr. R. he was currently concealing identity. Officer L informed him of what next steps were necessary, to include placing him in handcuffs to be transported to the identification unit if Mr. R. continued to refuse. Calls for service are responded to when they are made and officers are able to be dispatched. (EXONERATED).

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

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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


Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Patricia J. French, Chair

Jesse Crawford, Vice-Chair

Greg Jackson

Eric Nixon

Rashad Raynor

Michael Wartell

Deirdre Ewing, Executive Director

October 14, 2022

Via Email

Re: CPC # 090-22

Dear L [REDACTED]

PO Box 1293

COMPLAINT:

Mr. W [REDACTED] submitted a complaint that alleged two officers escalated a disabled veteran's mental health condition.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer C

Other Materials: n/a

Date Investigation Completed: August 27, 2022

FINDINGS

Policies Reviewed: Conduct 1.1.5.A.4 (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: Behavioral Health 2.19.6.C.5 (Response)

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



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



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



Additional Comments:

Policy 1.1.5.A.4: The investigator determined, by clear and convincing evidence, that the alleged misconduct did not occur. Officer C arrived on the scene as a backup officer and did not interact with Mr. W other than to thank him for his service prior to departing the call for service.

Policy 2.19.6.C.5: The investigator determined, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training. Officer C may have escalated Mr. W by being present and thanking him for his service but it was done without malice or intent. Mr. W was already agitated by the incident and became more agitated when questioned about the incident by the primary officer.

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

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Sincerely,
The Civilian Police Oversight Agency by


Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Patricia J. French, Chair

Jesse Crawford, Vice-Chair

Greg Jackson

Eric Nixon

Rashad Raynor

Michael Wartell

Deirdre Ewing, Executive Director

October 14, 2022

Via Email

Re: CPC # 090-22

Dear L Vc

PO Box 1293

COMPLAINT:

Mr. W submitted a complaint that alleged two officers escalated a disabled veteran's mental health condition.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer A

Other Materials: n/a

Date Investigation Completed: August 27, 2022

FINDINGS

Policies Reviewed: Conduct 1.1.5.A.4 (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.



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Policies Reviewed: Behavioral Health 2.19.6.C.5 (Response)

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



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



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Additional Comments:

Policy 1.1.5.A.4: The investigator determined, by clear and convincing evidence, that the alleged misconduct did not occur. Officer A contacted Mr. W .s requested and spoke to him in a professional manner. Officer A was empathetic to Mr. W ituation and allowed Mr. W o express his feelings and concerns. Officer A attempted to collect information from all the involved individuals and disengaged when Mr. W egan to escalate and made it clear he no longer wished to interact with police.

Policy 2.19.6.C.5: The investigator determined, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training. Officer A may have escalated Mr. W : but it was done without malice or intent and in the process of conducting an investigation on an incident that Mr. W and others reported. Mr. W was already agitated by the incident and became more agitated when questioned about 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 Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email CPOA@cabq.gov. Include your CPC number. Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.

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Sincerely,
The Civilian Police Oversight Agency by



Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Patricia J. French, Chair *Jesse Crawford, Vice-Chair* *Greg Jackson*
Eric Nixon *Rashad Raynor* *Michael Wartell*
Deirdre Ewing, Executive Director

October 14, 2022

Via Certified Mail

7018 1130 0002 3429 2023

Albu...

Re: CPC # 107-22

Dear Ms. F:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. F reported that she was pulled over, got out of her truck and was told to drop her keys because she was in a stolen vehicle. Ms. F reported that she told the officer that her house key was on the key ring that the officers gave to the female who they released the truck to. Ms. F reported that she stated to look in the truck for her pocketbook, phone, ID, wallet and \$200.00. Ms. F reported that Officer D advised her that he was giving the key to the truck to the other female on scene and letting the female leave with all of Ms. F's belongings. Ms. F reported Officer D had no right to do that because it was a civil matter and was not up to him. Ms. F reported she felt her civil rights were violated.

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: Yes

APD Employee Involved: Officer D

Other Materials: documents provided by complainant

Date Investigation Completed: September 7, 2022

FINDINGS

Policies Reviewed: General Order 1.1.4.A

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



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



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



Policies Reviewed: Procedural Order 2.86.3.A.10.a.iv & General Order 1.1.5.A.4

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:

2.86.3.A.10.a.iv-Officer L advised Officer D (Primary Officer of the incident) that the registered owner (Ms. P) of the vehicle in question had advised Officer L that when officers recovered the vehicle in question they could give it to Ms. S.

1.1.5.A.4-Officer D advised that since the truck was reported stolen, officers did not want Ms. F rummaging through items in the truck as officers did not know what belonged to who.

1.1.4.A-After a review of Lapel Video, the CPOA Investigator did not observe any of the officers violating Ms. F civil rights. Due to Ms. F not participating in the interview process, the CPOA Investigator was not able to gather additional information/details from Ms. F referencing her complaint of having her civil rights violated.

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

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

Sincerely,
The Civilian Police Oversight Agency by


Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Patricia J. French, Chair

Jesse Crawford, Vice-Chair

Greg Jackson

Eric Nixon

Rashad Raynor

Michael Wartell

Deirdre Ewing, Executive Director

October 14, 2022

Via Certified Mail

7018 1130 0002 3429 2016

Re: CPC # 120-22

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. S reported that the officers never provided her with a case number or their cards with names and badge numbers. Ms. S reported the officers did not take pictures of the knife, blood, and wounds caused by A.S. Ms. S reported that officers just called CYFD to do an investigation on D who was the victim that had called for help. Ms. S reported that A.S hitting D in the face multiple times was clearly Domestic Violence. Ms. S reported that A.S broke so many laws last night and there were no repercussions. Ms. S reported that the officer wanted to pick and choose what kids she wanted to interview. Ms. S reported that APD was so concerned about the welfare of A.S and E.S but didn't care about the welfare of their 6 siblings.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer S

Other Materials:

Date Investigation Completed: September 21, 2022

FINDINGS

Policies Reviewed: General Order 1.1.6.A.2

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



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



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



Policies Reviewed 2.60.4.A.5.b.d.e & 2.92.4.C.4.b.ii

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-After a review of all of the lapel videos from the incident in question, the CPOA Investigator did not observe Ms. S or D request a case number, name or MAN number from Officer S.

2.60.4.A.5.d-Although Ms. S and D initially advised officers that they did not want a CSS to take pictures of the wound and blood, a CSS ended up going to their home later that day to document the injuries, blood and collect the knife.

2.60.4.A.5.e-Officer S provided the information obtained to the On-Call DA and Officer S advised they decided that they were both in agreeance that A.S punching D was self-defense and not an unprovoked attack.

2.60.4.A.5.b-Lapel video did confirm that some of the officers and CYFD returned to Ms. S and D home but were not able to go inside the home as the CYFD employee was only able to speak with I over the phone.

2.92.4.C.4.b.ii -When asked if officers only cared about C.S and E.S but not the welfare of the rest of the kids, per the complaint? Officer S advised that was not the case, they sent CYFD back to the house and they would not let CYFD inside.

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

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Sincerely,
The Civilian Police Oversight Agency by


Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Civilian Police Oversight Agency Board

Patricia J. French, Chair

Jesse Crawford, Vice-Chair

Greg Jackson

Eric Nixon

Rashad Raynor

Michael Wartell

Diane McDermott, Lead Investigator on behalf of the CPOA Executive Director

October 14, 2022

Via Certified Mail

7018 1130 0002 3429 1569

Re: CPC # 060-22

Dear Mr. S:

PO Box 1293

COMPLAINT:

Albuquerque

On 03/29/2022, Lt. J was contacted in reference to E requesting to speak to someone above the rank of Sergeant. Lt. J responded to the citizen's request and met with Mr. S in the front lobby of the Foothills Substation. Mr. S started describing a description of alleged potential criminal actions by APD supervisor, Sgt. L. Lt. J assisted Mr. S in filing a CPOA complaint. The complaint to include the summary and OBRD video was entered into IAPRO by Lt. J.

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: N/A

APD Employee Involved: Sgt. L currently was Officer L at incident

Other Materials: Reference CPC 031-21

Date Investigation Completed: July 20, 2022

FINDINGS

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

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

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

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

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

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

Additional Comments:

CPOA Investigator interviewed complainant E St and reviewed the OBRD video recorded by Lt. J It was determined that the information was duplicative. Reference case CPC 031-22.

CPOA Investigator is requesting this complaint to be Administratively Closed due to the referenced complaint CPC # 031-22 already being investigated. There was no new information or evidence provided in complaint CPC # 060-22.

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

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Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Patricia J. French, Chair

Jesse Crawford, Vice-Chair

Greg Jackson

Eric Nixon

Rashad Raynor

Michael Wartell

Deirdre Ewing, Executive Director

October 14, 2022

Via Email

Re: CPC # 164-22

Dear Ms. H:

PO Box 1293

COMPLAINT:

Albuquerque

Ms. J reported that she walked into Harbor Freight and noted a police vehicle parked out front. Ms. H reported that the vehicle was labeled K-9 and there was a dog barking from inside the vehicle. Ms. H reported she did not notice if the vehicle was running but did note neither of the tinted windows were down. Ms. H reported that when she walked into the store, she advised her husband that she hoped someone was in the vehicle, implying she hoped the K-9 Officer was not left in the hot car. Ms. H reported that the human officer then stated he hoped no one was in his car. Ms. H reported she was taken back and disappointed by the officers' comment when it would have been so easy for the officer to alleviate her concern for the K-9.

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: N/A

APD Employee Involved: unknown k9 officer

Other Materials: business, chief's overtime

Date Investigation Completed: August 3, 2022

FINDINGS

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

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

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

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

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

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

Additional Comments:

Ms. H did not obtain the officers identification or the officers' car number at the time of incident. CPOA Investigator submitted a records request to APD with the information provided by Ms. H .. APD Records advised that they could not locate an incident at the location during the time and date noted. CPOA Investigator was advised that the Chiefs Overtime Program did not use Harbor Freight as a vendor. CPOA Investigator called the Manager of Harbor Freight who worked on the date and time of the incident in question. The Harbor Freight Manager advised that the cameras in front of the store were offline at the time of incident. The Harbor Freight Manager advised that she did not recall an officer in the store on the date in question. The CPOA Investigator explored several different routes to locate the officer and the incident in question and was unable to identify the officer in question. Per SOP 1-64, officers were allowed to leave their Police Service Dog (PSD) inside their police unit as long as they ensure their PSD had proper ventilation for the given weather conditions and the unit was properly secured.

This incident will be Adminstratively closed via lack of information to locate 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 Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email CPOA@cabq.gov. Include your CPC number. **Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.**

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

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

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

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Sincerely,
The Civilian Police Oversight Agency by



Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Eric Nixon

Rashad Raynor

Michael Wartell

Diane McDermott, Lead Investigator on behalf of the CPOA Executive Director

October 14, 2022

Via Certified Mail

7020 1810 0000 6296 7289

Re: CPC # 031-22

Ms. Fi

PO Box 1293

COMPLAINT:

Albuquerque

Ms. F complained that Officer L was gruff and aggressive and accused Ms. F of coaching her children. Ms. F claimed Officer L's behavior towards her was due to Officer L having a relationship with her ex-husband.

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer L

Other Materials: n/a

Date Investigation Completed: June 24, 2022

FINDINGS

Policies Reviewed: 1.1.4.D.14 favoritism/bias

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: 1.1.4.D.15 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:

There was no evidence to support or confirm the allegation that Officer L was in a relationship with the ex-husband of B F (Paul Finley). Officer L denies knowing, meeting or being in a relationship with Paul F. Officer L stated that if she did know Paul F that she would never have taken that call. The children did not indicate recognition or say anything about Officer L being dad's girlfriend at the time. Officer L did complete an incident report and the information matches what Officer L had advised Ms. F. Ms. F's children were interviewed and an incident report was completed. The video footage showed Officer L was stern with Ms. F, but not rude or aggressive as claimed. The video footage supports the information provided by officer L during the interview.

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

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- 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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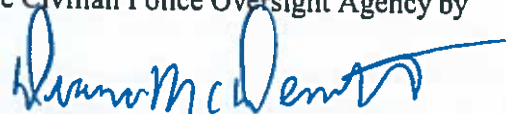
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Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Eric Nixon

Rashad Raynor

Michael Wartell

Diane McDermott, Lead Investigator on behalf of the CPOA Executive Director

October 14, 2022

Via Certified Mail

7020 1810 0000 6296 7289

Re: CPC # 031-22

Ms. F

PO Box 1293

COMPLAINT:

Ms. F complained that Officer C was using intimidating body language.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer C

Other Materials: n/a

Date Investigation Completed: June 24, 2022

FINDINGS

Policies Reviewed: 1.1.4.D.15 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:

In reviewing video footage there were no observable violations of SOP's and supports the information provided by Officer C during the interview. The video showed that Officer C leaned against an APD vehicle. He was animated with his hands and used a low tone of voice, but did not point his finger inches from Ms. L's face or be physically aggressive.

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

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The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Civilian Police Oversight Agency Board

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Jesse Crawford, Vice-Chair

Greg Jackson

Eric Nixon

Rashad Raynor

Michael Wartell

Diane McDermott, Lead Investigator on behalf of the CPOA Executive Director

October 14, 2022

Via Certified Mail

7018 1130 0002 3429 1552

Re: CPC # 057-22

Dear W Or

PO Box 1293

COMPLAINT:

Albuquerque

W Or submitted a complaint that alleged he received a call from a restricted number; the officer seemed to have diligence and asked, "how can he help me?" instead of advising Mr. O of the outcome of a safety check. Mr. C hoped the officer would have identified himself or introduced himself and asked how he could help. The officer told Mr. O he was going to hang up on him because he didn't like how Mr. O spoke to him when Mr. C asked the officer, "how can he help me". The officer acknowledged that he responded to the safety check, but did not provide Mr. O with a case number or his identifying information.

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 G

Other Materials: n/a

Date Investigation Completed: July 15, 2022

FINDINGS

Policies Reviewed: Conduct 1.1.6.A.2 (Identification)

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



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



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



Policies Reviewed: Conduct 1.1.5.A.4 (Professionalism)

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: The investigator determined, by clear and convincing evidence, that the alleged misconduct did not occur. Officer G identified himself by name and agency even though the information wasn't requested.

1.1.5.A.4: The investigator determined, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training. Officer G interacted with W [redacted] via telephone and asked Mr. Wi [redacted], "What can I help you with?" Officer G was professional in his demeanor and maintained his professionalism when the tone of the conversation turned confrontational. Officer G did not provide a case number to Mr. O [redacted], but it was not requested by Mr. O [redacted] either. The call was disconnected, but not by Officer G.

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

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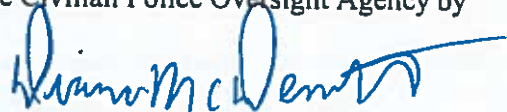
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Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Michael Wartell

Diane McDermott, Lead Investigator on behalf of the CPOA Executive Director

October 14, 2022

Via Certified Mail

7018 1130 0002 3429 1552

Re: CPC # 057-22

Dear Mr. O:

PO Box 1293

COMPLAINT:

Albuquerque

NM 87103

Mr. O submitted a complaint that alleged he received a call from a restricted number; the officer seemed to have diligence and asked, "how can he help me?" instead of advising Mr. O of the outcome of a safety check. Mr. O hoped the officer would have identified himself or introduced himself and asked how he could help. The officer told Mr. O he was going to hang up on him because he didn't like how Mr. O spoke to him when Mr. O asked the officer, "how can he help me". The officer acknowledged that he responded to the safety check, but did not provide Mr. O with a case number or his identifying information.

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 S

Other Materials: n/a

Date Investigation Completed: July 15, 2022

1

FINDINGS

Policies Reviewed: Conduct 1.1.6.A.2 (Identification)

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



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Policies Reviewed: Conduct 1.1.5.A.4 (Professionalism)

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Additional Comments:

1.1.6.A.2: The investigator determined, by clear and convincing evidence, that the alleged misconduct did not occur. Officer S was not the primary officer and was not asked to identify himself.

1.1.5.A.4: The investigator determined, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training. Officer S interacted with Wilfred O. [redacted] via telephone when the tone of the conversation turned confrontational with a recruit officer. Officer S did not provide a case number to Mr. C [redacted] but it was not requested by Mr. C [redacted] either. Officer S informed Mr. O [redacted] that the officers wouldn't be disrespected, advised Mr. C [redacted] how to request further service if needed, and disconnected the call after telling Mr. O [redacted] to have a good day. Officer S was professional yet stern in his demeanor and ended the interaction before it escalated.

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

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The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Michael Wartell

Diane McDermott, Lead Investigator on behalf of the CPOA Executive Director

October 14, 2022

Via Email

Re: CPC # 064-22

Mr. C G

PO Box 1293

COMPLAINT:

Albuquerque

Mr. G. filed a complaint on behalf of Mr. C Hewitt. Mr. C alleged Mr. H was beaten up at Rudy's BBQ parking lot by an employee named Z on 4/2/2022. On 4/4/2022, Mr. H reported the incident to the Albuquerque Police Department. The officers who responded did nothing about the beating but took an incident report for his missing phone and twenty prescription pills. According to Mr. G, the officers blamed Mr. H for having his medication on him that night. No arrest was made and no one was interviewed at Rudy's.

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 H

Other Materials: n/a

Date Investigation Completed: July 18, 2022

FINDINGS

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

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

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

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

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

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

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

Additional Comments:

After the evidence had been reviewed, no policy violations were committed by Officer H. Mr. G. had admitted that he did not witness the altercation at Rudy's Restaurant nor the interview with the officers and obtained his information as told by Mr. H. A review of both officers' lapel videos corroborated their version of events. Officer A conducted most of the interview while Officer H asked a few questions. Officer A repeatedly asked Mr. H. if he wanted to press charges, and Mr. H. said no. He only wanted a police report to maybe get his phone back and his lost medication documented. Therefore, no follow-up was required. Officer A checked for head injuries on Mr. F. and, finding none, advised him to get checked out.

This case was a simple battery, a petty misdemeanor. The crime would have to be witnessed in the officer's presence to arrest for simple battery or a court summons could be issued. However, Mr. H. chose not to pursue further.

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

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

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- 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.

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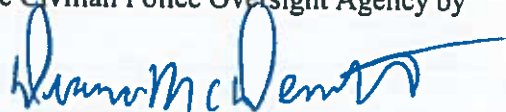
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If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>.

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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Patricia J. French, Chair

Jesse Crawford, Vice-Chair

Greg Jackson

Eric Nixon

Rashad Raynor

Michael Wartell

Diane McDermott, Lead Investigator on behalf of the CPOA Executive Director

October 14, 2022

Via Email

Re: CPC # 064-22

Mr. C G

PO Box 1293

COMPLAINT:

Albuquerque

Mr. G filed a complaint on behalf of Mr. C H. Mr. G alleged Mr. Hewitt was beaten up at Rudy's BBQ parking lot by an employee named Z on 4/2/2022. On 4/4/2022, Mr. H reported the incident to the Albuquerque Police Department. The officers who responded did nothing about the beating but took an incident report for his missing phone and twenty prescription pills. According to Mr. G, the officers blamed Mr. H for having his medication on him that night. No arrest was made and no one was interviewed at Rudy's.

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 A

Other Materials: n/a

Date Investigation Completed: July 18, 2022

FINDINGS

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

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

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

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

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Additional Comments:

After the evidence had been reviewed, no policy violations were committed by Officer A. Mr. G had admitted that he did not witness the altercation at Rudy's Restaurant nor the interview with the officers and obtained his information as told by Mr. H. A review of both officers' lapel videos corroborated their version of events. Officer A repeatedly asked Mr. H if he wanted to press charges, and Mr. H said no. He only wanted a police report to maybe get his phone back and his lost medication documented. Therefore, no follow-up was required. Officer A checked for head injuries on Mr. H and, finding none, advised him to get checked out.

This case was a simple battery, a petty misdemeanor. The crime would have to be witnessed in the officer's presence to arrest for simple battery or a court summons could be issued. However, Mr. H chose not to pursue further.

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

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Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Eric Nixon

Rashad Raynor

Michael Wartell

Diane McDermott, Lead Investigator on behalf of the CPOA Executive Director

October 14, 2022

Via Certified Mail

7020 1810 0000 6296 7296

Re: CPC # 038-22

Dear Mr. Gonzales:

PO Box 1293

COMPLAINT:

Albuquerque

On 02/22/2022, Mr. J. G. submitted a CPOA complaint that stated he was unhappy that Officer A went to his young children's schools (Mission Ave Elementary school and McKinley Middle school) and questioned his children about an incident that occurred on 02/19/2022 that involved the mother, M. H. with Jose's son, EP. Mr. G. stated Officer A informed him that EP was lying about the physical altercation with M. Mr. C. stated Officer A was rude, disrespectful and did not want to listen to his side of the story. He stated that Officer A had already picked M.'s side of the story and did not want to listen to him about the issue.

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer A

Other Materials: n/a

Date Investigation Completed: June 28, 2022

FINDINGS

Policies Reviewed: **2.60.4.A.5.b investigation 1.1.5.A.4 obtain information 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:

Mr. G reported his children were taken out of school to be talked to by Officer A. He and his mother were kept waiting. Officer A was to conduct a welfare check since CYFD could not reach Mr. G the day before. Officer A was required to talk to the children for the welfare check.

Mr. G said he was threatened with arrest, accused his son of lying, and generally treated poorly. The lapel video showed that Officer A was professional and respectful. He did not accuse Mr. G's son of lying, but did provide information about how stories had changed to different investigators. He did not threaten him with arrest.

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

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Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Rashad Raynor

Michael Wartell

Diane McDermott, Lead Investigator on behalf of the CPOA Executive Director

October 14, 2022

Via Certified Mail

7020 1810 0000 6296 7302

Re: CPC # 042-22

Ms. Y G.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. G alleged biased treatment when three officers arrived at her business. Her shop was closed that day when she was interrupted by a violent and frightening pounding at her security door. The three officers that arrived never gave their names or badge numbers, but she was told to stay away from her neighbor. The officers left and dismissed her concerns that her neighbor's clients were urinating publicly, harassing her, and smoking at her door. Ms. G described an ongoing dispute with her neighbor next door at 149 Jackson St NE, including multiple calls to the police. The officers never told her why they were there but showed biased treatment for her neighbor yet were not concerned for her business or safety.

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 P

Other Materials: N/A

Date Investigation Completed: July 1, 2022

FINDINGS

Policies Reviewed: 1.4.3A.1

- | | |
|---|-------------------------------------|
| 1. Unfounded. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. | <input checked="" type="checkbox"/> |
| 2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. | <input type="checkbox"/> |
| 3. Not Sustained. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur. | <input type="checkbox"/> |
| 4. Exonerated. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. | <input type="checkbox"/> |
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Additional Comments:

Officer P was the only officer that had spoken with Ms. G . Officer P failed to see the connection between bias and favoritism because he met with Ms. R first since she had called the police. Officer P added that he heard what Ms. G described to him and the individuals present at her property. According to Officer P, Ms. G appeared extraordinarily angry with law enforcement, his presence, and argumentative and unwilling to have a positive, progressive conversation with him. Most calls for service would require at least two officers. On this particular call, he had Recruit Officer M, who was in training with him, and his Field Training Officer D, whose purpose was to observe Officer M. That is why three officers appeared at Ms. C business.

A review of the officer's lapel video corroborated their version of events. Officer P announced, "hello, police department," and advised Ms. G that he didn't know the entire history but to please avoid contact with her neighbor from here on out. Officer P, Officer M, and Officer D did not show favoritism or bias during the call with Ms. R or Ms. G . The call was dispatched and responded to in a typical way. Call volume and priorities determine response time.

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

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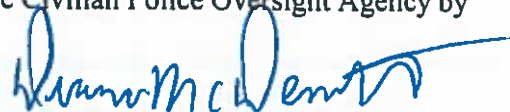
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The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Michael Wartell

Diane McDermott, Lead Investigator on behalf of the CPOA Executive Director

October 14, 2022

Via Certified Mail

7020 1810 0000 6296 7302

Re: CPC # 042-22

Ms. Y G

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. G alleged biased treatment when three officers arrived at her business. Her shop was closed that day when she was interrupted by a violent and frightening pounding at her security door. The three officers that arrived never gave their names or badge numbers, but she was told to stay away from her neighbor. The officers left and dismissed her concerns that her neighbor's clients were urinating publicly, harassing her, and smoking at her door. Ms. G described an ongoing dispute with her neighbor next door at 149 Jackson St NE, including multiple calls to the police. The officers never told her why they were there but showed biased treatment for her neighbor yet were not concerned for her business or safety.

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 D

Other Materials: N/A

Date Investigation Completed: July 1, 2022

FINDINGS

Policies Reviewed: 1.4.3A.1

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

Officer D was asked if bias or favoritism was given toward the neighbor, as alleged in the complaint? Officer D replied no favoritism had been observed, nor did he speak with any party. He was present primarily for Ms. G's interview, and she seemed irritated and didn't know why? According to Officer D, Ms. G didn't want to listen to what Officer P had to say and even said, "I don't know why you're here knocking on my door." Based on her uncooperative tone, the interaction with Ms. G was extremely short, so officers did not have the opportunity to display bias.

A review of the officer's lapel video corroborated their version of events. Officer P announced, "hello, police department," and advised Ms. G that he didn't know the entire history but to please avoid contact with her neighbor from here on out. Officer P, Officer M, and Officer D did not show favoritism or bias during the call with Ms. R or Ms. C. The call was dispatched and responded to in a typical way. Call volume and priorities determine response time.

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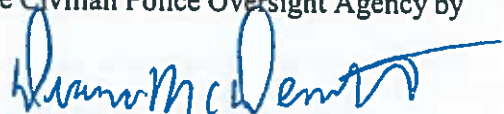
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cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Michael Wartell

Diane McDermott, Lead Investigator on behalf of the CPOA Executive Director

October 14, 2022

Via Certified Mail

7020 1810 0000 6296 7302

Re: CPC # 042-22

Ms. Y G

PO Box 1293

COMPLAINT:

Albuquerque

Ms. G alleged biased treatment when three officers arrived at her business. Her shop was closed that day when she was interrupted by a violent and frightening pounding at her security door. The three officers that arrived never gave their names or badge numbers, but she was told to stay away from her neighbor. The officers left and dismissed her concerns that her neighbor's clients were urinating publicly, harassing her, and smoking at her door. Ms. G described an ongoing dispute with her neighbor next door at 149 Jackson St NE, including multiple calls to the police. The officers never told her why they were there but showed biased treatment for her neighbor yet were not concerned for her business or safety.

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer M

Other Materials: N/A

Date Investigation Completed: July 1, 2022

FINDINGS

Policies Reviewed: 1.4.3A.1

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



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



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



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



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



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



Additional Comments:

Officer M, a recruit officer in training with his Field Training Officer, recalled that he was the backup officer and observed the primary, Officer P interview the caller. Ms. G said she was tired of the homeless trespassing on her property. There was no direct way to assist Ms. G other than to call the police if people were trespassing on the property. Officer M did not speak with Ms. C during the call. Officer M was asked if bias or favoritism was given toward the neighbor, as alleged in the complaint? Officer M replied no and added Ms. G was advised of the situation and what could be done under the law. Still, he believed Ms. G was not satisfied with the police service. A review of the officer's lapel video corroborated their version of events. Officer P announced, "hello, police department," and advised Ms. G that he didn't know the entire history but please avoid contact with her neighbor from here on out. Officer P, Officer M, and Officer D did not show favoritism or bias during the call with Ms. R or Ms. G. The call was dispatched and responded to in a typical way. Call volume and priorities determine response time.

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

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

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

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

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Patricia J. French, Chair

Jesse Crawford, Vice-Chair

Greg Jackson

Eric Nixon

Rashad Raynor

Michael Wartell

Diane McDermott, Lead Investigator on behalf of the CPOA Executive Director

October 14, 2022

Via Certified Mail

7020 1810 0000 6296 6589

Re: CPC # 049-22

Dear Ms. T : T

PO Box 1293

COMPLAINT:

Ms. T T submitted a complaint that stated the following: Ms. T was frustrated that officers refused to provide her information about her brother who was being detained. She believed she had a right to know the situation.

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: No

APD Employee Interviewed: Yes

APD Employee Involved: Sgt. C

Other Materials: n/a

Date Investigation Completed: July 7, 2022

FINDINGS

Policies Reviewed: 1.1.6.B.1

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

Additional Comments:

The videos showed Sgt. C provided limited information to Ms. T about her brother as he was being detained for possible felony charges and it was an active investigation. Sgt. C was not obligated to share any confidential information on an active investigation especially since he did not know her relationship to the subject. Sgt. C was primarily there to provide information to Ms. T about filing the complaint against Officer C for coming into her apartment when she was changing. Sgt. C did share some limited information. The videos showed Ms. T was treated respectfully.

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

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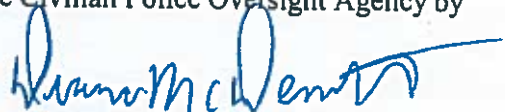
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Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Patricia J. French, Chair

Jesse Crawford, Vice-Chair

Greg Jackson

Eric Nixon

Rashad Raynor

Michael Wartell

Diane McDermott, Lead Investigator on behalf of the CPOA Executive Director

October 14, 2022

Via Certified Mail

7020 1810 0000 6296 6589

Re: CPC # 049-22

Dear Ms. T T

PO Box 1293

COMPLAINT:

Albuquerque

Ms. T T submitted a complaint that stated the following: Before she left her apartment to go get her boyfriend from work she stated she went to put on a shirt and Officer C opened the apartment door without knocking and she didn't have a shirt or hoodie on. Ms. T T was also upset that the officers did not give her their names or information.

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 C

Other Materials: n/a

Date Investigation Completed: July 7, 2022

FINDINGS

Policies Reviewed: **1.1.6.C.1 and 1.1.6.A.2**

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



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



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Additional Comments:

The review of the videos showed that Officer C did not open the door on Ms. T apartment as it was already ajar when he knocked. He did not enter into the apartment and she slammed the door on him. He advised her she could not be in the apartment due to a search warrant being issued. Officer C complied with the roles and responsibilities of his position.

The review also showed that names were provided to Ms. T. The videos showed she was treated with respect.

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

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

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Patricia J. French, Chair

Jesse Crawford, Vice-Chair

Greg Jackson

Eric Nixon

Rashad Raynor

Michael Wartell

Diane McDermott, Lead Investigator on behalf of the CPOA Executive Director

October 17, 2022

Via Certified Mail

7020 1810 0000 6296 6589

Re: CPC # 049-22

Dear Ms. T T

PO Box 1293

COMPLAINT:

Albuquerque

Ms. T T submitted a complaint that stated the following: Ms. T T was frustrated that officers refused to provide her information about her brother who was being detained. She believed she had a right to know the situation. Ms. T T was also upset that the officers did not give her their names or information.

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 G

Other Materials: n/a

Date Investigation Completed: July 7, 2022

1

FINDINGS

Policies Reviewed: **1.1.6.B.1 and 1.1.6.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.



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Additional Comments:

The videos showed Officer G provided limited information to Ms. T about her brother as he was being detained for possible felony charges and it was an active investigation. Officer G was not obligated to share any confidential information on an active investigation especially since he did not know her relationship to the subject. Officer G did allow Ms. T. some information on her brother and allowed her to say good-bye to him as he was being transported to jail.

The review also showed that names were provided to Ms. T. The videos showed she was treated with respect.

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

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Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Patricia J. French, Chair

Jesse Crawford, Vice-Chair

Greg Jackson

Eric Nixon

Rashad Raynor

Michael Wartell

Diane McDermott, Lead Investigator on behalf of the CPOA Executive Director

October 14, 2022

Via Certified Mail

7020 1810 0000 6296 6572

Re: CPC # 050-22

Dear Ms. Mc

PO Box 1293

COMPLAINT:

Albuquerque

Ms. M reported in her written complaint that her sister, F, had passed away in her hotel room on 2/21/2022. Officer R's reported her death as an unattended death. Ms. M had alleged that her sister was murdered and therefore not a natural death because of conflicting stories from her niece and another seventeen-year-old who may have been present at her sister's death. Ms. M had spoken with her sister forty-five minutes earlier, and she seemed fine. Ms. M was convinced that a lack of evidence collected on the scene, conflicting statements from her estranged niece and her young friend, and lack of communication with the police had led her to believe that foul play was involved.

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: OMI report

Date Investigation Completed: July 7, 2022

1

FINDINGS

Policies Reviewed: 2.21.5.A.1.a.b.c,

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:

After reviewing the evidence, the incident was reported correctly; medical and OMI were on the scene, and the incident was investigated and documented. All procedures by Officer R were followed according to policy. Officer R and OMI found no evidence of criminal activity. A review of Officer R's lapel video showed no policy violations.

According to the OMI report, Ms. M's sister, Ms. F. Ne on, died from complications of morbid obesity. The manner of death was natural. OMI found no evidence of criminal activity. Ms. M's concerns were provided to a supervisor and Officer R explained to Ms. M if homicide saw concern of foul play she would be contacted. The CPOA does not conduct death investigations as to cause and rely on the OMI findings for cause of death.

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

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Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Civilian Police Oversight Agency Board

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Eric Nixon

Rashad Raynor

Michael Wartell

Diane McDermott, Lead Investigator on behalf of the CPOA Executive Director

October 14, 2022

Via Certified Mail

7018 1130 0002 3429 1576

Re: CPC # 067-22

Dear Mr. W:

PO Box 1293

COMPLAINT:

Albuquerque

On 3/9/2022, Mr. V W was pulled over for speeding on I-25 south. The traffic stop was conducted by Sergeant J of the Albuquerque Police Department. As a result of the traffic stop, Mr. W was issued a traffic citation. In his complaint, Mr. W had alleged that Sergeant J did not provide much of an option to go to court or pay the fine. According to the complaint, Sergeant J allegedly asked Mr. W would he go to court or pay the penalty. Mr. W replied, "let me think about it." Sergeant J returned with the citation and said to pay the fee, which wouldn't be on your record.

NM 87103

www.cabq.gov

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: Sergeant J

Other Materials: n/a

Date Investigation Completed: July 25, 2022

1

FINDINGS

Policies Reviewed: 2.41.3.A.2.a

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



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



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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:

Mr. W was not interviewed after repeated phone calls and his assurance to schedule an interview later with the investigator.

A review of the video evidence showed Sergeant J offered Mr. W the choice of paying the fine or going to court. Due to road noise, Mr. W response could not be heard clearly on the video. Sergeant J said Mr. W said he would pay the fine. Mr. W, in his written complaint, said he wanted to think about it. Mr. W's lack of participation prevented the ability to clarify his claims of being denied when his written complaint did acknowledge he was given a choice. The video showed when Sergeant J returned with the citation and informed Mr. W of the fine amount, Mr. W did not object or say he wanted a court date. The finding was based on the totality of the circumstance. Mr. W desired outcome was to go to court, but the CPOA does not have the ability to arrange that outcome.

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

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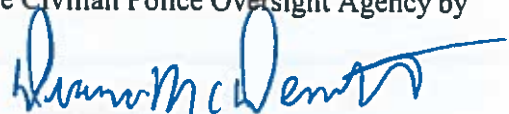
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Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Patricia J. French, Chair

Jesse Crawford, Vice-Chair

Greg Jackson

Eric Nixon

Rashad Raynor

Michael Wartell

Deirdre Ewing, Executive Director

October 14, 2022

Via Email

Re: CPC #093-22

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. C reported that Sarah G. followed Ms. C to the parking lot at Walmart in Belen NM and obtained Ms. C's license plate number from her Toyota 4Runner. Ms. C reported that Ms. G. then provided that information to Officer T who ran it and got Ms. C's driver's license. Ms. C reported that Officer T then gave Ms. G, Ms. C's name, address, her parent's name and a picture of Ms. C's driver's license. Ms. C reported that Officer T was in a place of power and should not be misusing her power in that way.

EVIDENCE REVIEWED:

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer T

Other Materials: Correspondance with APD Records and DPS staff

Date Investigation Completed: August 24, 2022

FINDINGS

Policies Reviewed: Procedural Order 2.9.5.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.



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



Additional Comments:

After a review of the MDT and NCIC Records, there was no evidence to indicate that Officer T used police resources to provide Ms. G with Ms. Cl information.

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

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Sincerely,
The Civilian Police Oversight Agency by



Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Patricia J. French, Chair *Jesse Crawford, Vice-Chair* *Greg Jackson*
Eric Nixon *Rashad Raynor* *Michael Wartell*
Deirdre Ewing, Executive Director

October 14, 2022

Via Certified Mail

7018 1130 0002 3429 1996

Re: CPC # 117-22

PO Box 1293

COMPLAINT:

Mr. R reported that Sergeant H had Mr. R's driver's license in possession, did not return it, did not apologize and made no effort to replace it.

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: Sergeant H

Other Materials:

Date Investigation Completed: September 15, 2022

FINDINGS

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

Policies Reviewed: Field Services Bureau Order 4.27.1

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

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

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:

Field Services Bureau Order 4.27.1- Lapel Video confirmed that from Sergeant H's first interaction with Mr. R to the last interaction with Mr. R 1, Sergeant H had not turned off his lapel video. Lapel video did not show Sergeant H return Mr. R ; ID back to Mr. R

CPOA is making a disciplinary recommendation for Sergeant H to receive a written reprimand, the presumptive disciplinary measure for this particular offense.

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

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Sincerely,
The Civilian Police Oversight Agency by

Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Civilian Police Oversight Agency Board

Patricia J. French, Chair *Jesse Crawford, Vice-Chair* *Greg Jackson*
Eric Nixon *Rashad Raynor* *Michael Wartell*
Deirdre Ewing, Executive Director

October 14, 2022

Via Certified Mail

7014 2120 0004 7659 1223

Re: CPC # 116-22

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. R reported that he showed officers a recorded video of Mr. Z breaking his windows and windshield in attempts to breaking into Mr. R's apartment. Mr. R reported that Mr. Z was not a household member at the time of incident because Mr. R posted a notice to leave the property, in which both Mr. Z and Officer G read. Mr. R reported while at the convenience store, Officer G apprehended Mr. R and not Mr. Z. Mr. R reported that he asked Officer G to ask Mr. Z not to press charges, in which she left, came back and advised Mr. R that Mr. Z was proceeding with pressing charges. Mr. R stated that was a lie because according to Mr. Z, Officer G never even asked him. Mr. R reported Officer lied on her report

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: Yes

APD Employee Involved: Officer G

Other Materials:

Date Investigation Completed: September 15, 2022

FINDINGS

Policies Reviewed: Procedural Order 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.



Policies Reviewed: General Order 1.1.5.A.4

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 4.25.3.A.2.a and General Order 1.1.6.A.1

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



Policies Reviewed: Procedural Order 2.8.4.B

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.f- Per the crimes against household members act in part, household member means a spouse, former spouse, parent, present or former stepparent, present or former parent in-law, grandparent, grandparent-in-law, a co-parent of a child or a person with whom a person has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member for the purposes of the Crimes Against Household Members Act; A review of the Lapel Video confirmed that both Mr. R [redacted] and Mr. Z [redacted] advised Officer G that they were married. 4.25.3.A.2.a-Officer G's reasonings for arresting Mr. R [redacted] and not Mr. Z [redacted] were valid due to the levels of the offenses and that domestic violence had occurred. 1.1.6.A.1 -Lapel Video confirmed that although Officer G never asked Mr. Zavala if he wanted to drop the charges, Mr. Z [redacted] did state he wanted charges pressed against Mr. R [redacted]. 1.1.5.A.4-A review of the lapel video confirmed that during the incident Mr. R [redacted] went back and forth regarding whether he wanted to press charges against Mr. Z [redacted]. 2.8.4.B- A review of the OBRD confirmed that Officer G removed her OBRD while at the PTC, Per policy the OBRD shall be worn facing forward at the beltline or above. CPOA is making a disciplinary recommendation of a verbal reprimand.

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

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Sincerely,
The Civilian Police Oversight Agency by



Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Patricia J. French, Chair

Jesse Crawford, Vice-Chair

Greg Jackson

Eric Nixon

Rashad Raynor

Michael Wartell

Deirdre Ewing, Executive Director

October 14, 2022

Via Email

Re: CPC # 100-22

Dear Mr. B:

PO Box 1293

COMPLAINT:

Albuquerque

NM 87103

Mr. T B reported that he was stopped (traffic stop) for speeding by Officer J. Mr. B reported that Officer J was speeding himself and was way over the speed limit. Mr. B reported that during the traffic stop Officer J presented himself in a manner which Officer J thought he was better than him. Mr. B reported that the augment is that Officer J may have been speeding to respond to a call, which was not valid because Officer J was already out of the jurisdiction of Albuquerque. Mr. B reported that during the entire traffic stop Officer J was not wearing his OBRD.

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 J.

Other Materials: Criminal Complaint/Summons and Case Detail sheet

Date Investigation Completed: September 5, 2022

FINDINGS

Policies Reviewed: Procedural Order 2.8.4.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.



Policies Reviewed: General Order 1.1.5.E.4

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Policies Reviewed: General Order 1.1.5.A.1

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Additional Comments:

Officer J, admitted to speeding. Officer J advised that he was speeding and was not responding to a call. Commander V, advised that there was no SOP that allowed officers to drive over the posted speed limit. Cmdr. V stated that going over the posted speed limit should only be done when operating emergency equipment to an emergency call.

Officer J, advised that he was wearing his OBRD and recorded the entire incident.

Mr. B 1 advised that he obtained Officer J's OBRD footage via IPRA because he did not see Officer J wearing one however, the video confirmed that that Officer J was wearing an OBRD.

Per review of Officer J's lapel video the CPOA investigator did not observe Officer J being condescending, unprofessional or present himself as being better than Mr. B 1. Some of the statements alleged were stated, but the video showed they were not said in the way Mr. B 1 described. His complaint was based on his feeling at the time, but the totality of the contact did not show a violation of policy. The reissuing of the citation is allowable and typical with a report when the original dismissal information is not conveyed to the officer. CPOA is making a disciplinary recommendation of a written reprimand.

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

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Sincerely,
The Civilian Police Oversight Agency by


Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police