



Civilian Police Oversight Agency

Finding Letters of the CPOA

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

September 2023:

097-22	195-22	069-23	084-23	108-23
134-23	190-23	201-23	221-23	

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

September 21, 2023

Via Email

Re: CPC # 097-22

v

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

The complainant reported that Detective R sent an email in error to an individual being investigated. The complainant stated, *"This email was sent in error to the party being investigated, as you can see the message is unethical and inappropriate. It appears" Detective R "is speaking to a "buddy" in the email. Re: L case I saw on his social media that he is selling his Firebird, keep and camping trailer and listing that he now lives in San Diego. Also I saw that he filed a restraining order against you and the court denied it. Interesting."*

The complainant reported that the message was unethical and inappropriate and sought to have Detective R removed from the case and reprimanded.

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: Detective R

Other Materials: Email Communications & Policy 2.60

Date Investigation Completed: September 11, 2023

FINDINGS

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

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

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

Policies Reviewed: Policy 1.1.5.C.3 (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.

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

Additional Comments:

It was determined that Detective R was not acting in an unethical, inappropriate, or officious manner; Detective R was updating the alleged minor victim's family with an update to the case as required by APD Procedural Order 2.60.4.B.5.m. There was no evidence to support Detective R was "buddies" with the victim's family. Detective R was still in the fact-finding portion of a large and complex investigation, and not ready to interview the alleged offender. Due to the size and complexity of Detective R's investigation, it will be the decision of a prosecuting and/or judicial authority to determine if Detective R accepted and processed all of the information and evidence pertinent to the investigation.

The investigator did not conduct a search for or review any computer-aided dispatch logs, reports, or lapel video recordings regarding this complaint. The nature of the complaint negated the need for the items regarding the incident, as it was a complaint about an email sent by Detective R to Mr. Klein.

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

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

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

September 26, 2023

Via Certified Mail

7009 3410 0000 2321 2330

Re: CPC # 195-22

R

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. R alleged contacting APD due to a domestic dispute involving her husband and son. Ms. R said she was making a statement on her behalf that she was also pushed, shoved, and threatened to be handcuffed. Ms. R said that she was flashed with a flashlight. Ms. R said that police officers attacked her and her son. Ms. R said she tried to hug her son, and an officer pulled and pushed her.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: N/A

APD Employee Involved: Not applicable

Other Materials: IAPS/IAFD Investigations and Email Communications

Date Investigation Completed: August 11, 2023

FINDINGS

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

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

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

- 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:

This case is **Administratively Closed** because the investigation showed that the complaint was duplicative of the investigations conducted by the APD Internal Affairs Force Division and the APD Internal Affairs Professional Standards Division into the incident. The CPOA investigator reviewed both investigations and found that the investigations were conducted thoroughly and addressed the issues raised by the complainant.

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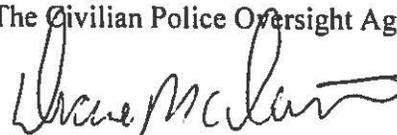
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If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>. There was a delay in the issuance of findings due to the interim status of the Executive Director. Your patience is appreciated.

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

September 26, 2023

Via Email

[Redacted]

Re: CPC # 069-23

B

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. B reported that she went to the substation where Officer I worked to obtain a copy of the criminal complaint. Ms. B reported that it appeared that her ex-husband, who was in his 30s, was written down in the complaint as a juvenile, and the summons got sent to children's court and got lost in the process back in December of 2021.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant P

Other Materials: mark 43 reviews, emails

Date Investigation Completed: July 31, 2023

FINDINGS

Policies Reviewed: Administrative Order 3.14.4.A.15

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

Additional Comments:

3.14.4.A.15-During the interviews, Officer I denied completing the form in question, and Sergeant P denied signing off on the form in question (State of New Mexico County Of Bernalillo Second Judicial District In the Children's Court Form). Both Officer I and Sergeant P confirmed that Mark 43 auto-filled the form in question and that form (State of New Mexico County Of Bernalillo Second Judicial District In the Children's Court Form) was never sent anywhere.

The evidence showed that the form (State of New Mexico County Of Bernalillo Second Judicial District In the Children's Court Form) was never completed by Officer I or signed off by Sergeant P as there were no actual signatures on the forms as there were only prefilled typed signatures. The concern will be addressed regarding the substation employee who printed out and provided Ms. B w a form that was not completed by APD Personnel but was auto-filled by Mark 43, causing confusion for Ms. B

C on was shown that the summons was sent and a court acknowledgment received.

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The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

September 26, 2023

Via Email

Re: CPC # 069-23

B

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. B reported that she was filing a complaint against Officer I who had been neglectful in submitting a criminal summons against Ms. B ex-husband for child abuse and assault. Ms. B reported that Officers took a report and found probable cause to arrest her ex-husband. Ms. B reported that, unfortunately, no arrests were made because her ex-husband could not be found, and the case never went anywhere. Ms. B reported that she believed that on 03/10/2023, she contacted Officer I, to find out why the case never went to court because she had been waiting the entire time. Ms. B reported Officer I advised he would resubmit it but Ms. B still had not heard back from the courts.

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 I

Other Materials: mark 43 reviews, emails

Date Investigation Completed: July 31, 2023

FINDINGS

Policies Reviewed: Procedural Order 2.80.2.U.7.a

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

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

Policies Reviewed: Procedural Order 2.16.2.E.1

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

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Additional Comments:

2.80.2.U.7.a-APD Shield/Court Service Supervisor A. F provided verification that their unit received the summons in question on 03/17/2023 and that it was sent to Metro Court. Ms. F also provided verification that Metro Court received the summons on 03/17/2023.

2.16.2.E.1-Due to Officer I not being able to recall if he obtained permission not to complete the report by the end of the shift as the incident occurred nearly two years ago, there was not enough evidence to determine if Officer I did or did not obtain permission to submit his report for review approximately five days after the incident occurred.

A summons was never sent to Children's Court. The concern will be addressed regarding the substation employee who printed out and provided Ms. B with a form that was not completed by APD Personnel but was auto-filled by Mark 43, causing confusion for Ms. B

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

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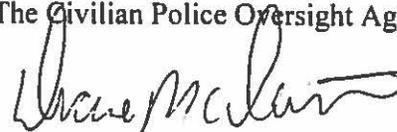
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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

September 26, 2023

Via Certified Mail

7009 3410 0000 2321 2354

Re: CPC # 084-23

L

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. L reported that Officer T was called for an incident, and Mr. L provided Officer T with his address and apartment number. Mr. L reported that he did not receive his mail because Officer T did not include Mr. L apartment number. Mr. L reported that he could have had a warrant put out for his arrest, and that was misconduct by Officer T.

Mr. L reported that Officer T pushed a black button when Officer T asked Mr. L if he would sign the criminal trespass notice, and Mr. L did not know what that black button was for.

Mr. L reported that he wanted Officer T to get better training and learn how to write down an address and the apartment number be included especially when it had been told to Officer T more than once.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer T

Other Materials: n/a

Date Investigation Completed: August 10, 2023

FINDINGS

Policies Reviewed: Procedural Order 2.8.5.D

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

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

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Policies Reviewed: 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:

General Order 1.1.5.A.4-There was no evidence to suggest Officer T intentionally left off Mr. L apartment number from the criminal complaint as Officer T noted the apartment number on his incident report, and both forms were completed in the same system (Mark 43.) APD Records Division Manager has been advised of the potential glitch in the Mark 43 system.

Procedural Order 2.8.5.D-After a review of the OBRD Videos regarding the incident in question, at no time did Officer T turn off his OBRD while in the presence of Mr. L as Mr. L specifically stated that occurred when Officer T provided him with the criminal trespass notice and after a review of the OBRD Videos there was no break in OBRD footage at that 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 Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email CPOA@cabq.gov. Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:**

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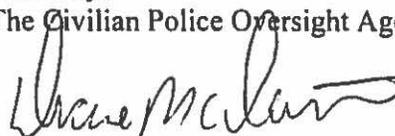
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Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

September 21, 2023

Via Certified Mail

7009 3410 0000 2321 2361

Re: CPC # 108-23

M

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

M reported that he tried going around a group of cyclists when Officer O became irate with him. Officer O told Mr. M to pull over; Mr. M said no. Officer O started smarting off to Mr. M. Mr. M asked him not to. Officer O called Mr. M "a stupid fucking Mexican twice"; Mr. M tried to joke around with Officer O to make things better, but Officer O "didn't too much enjoy my smart mouth, I guess." Officer O kept smarting off to Mr. M. Mr. M told Officer O that he had taken his license plate and would turn him in. Officer O told Mr. M z, "I don't give a shit what you do; who cares." Mr. M told Officer O that he had a good job and shouldn't talk like he was; Officer O told Mr. M "Who cares."

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: Yes

APD Employee Involved: Officer O

Other Materials: Detailed Unit Histories

Date Investigation Completed: September 6, 2023

FINDINGS

Policies Reviewed: 1.4.4.A.2.a (Bias-Based Policing)

- | | |
|--|-------------------------------------|
| 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"/> |

Policies Reviewed: 1.1.5.A.1, 1.1.5.C.2 (Conduct) & 2.8.5.A (OBRD)

- | | |
|---|-------------------------------------|
| 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 checked="" 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:

It was determined that Officer O told Mr. M "something along the lines of cut your shit" in order to get Mr. M attention and stop his reckless actions, which were putting others in danger. There was no evidence to support Mr. M claim regarding Officer O calling him a stupid fucking Mexican twice, and a credibility assessment weighed on behalf of Officer O due to statements made by Mr. M to other officers which weren't substantiated. Officer O may have told Mr. M that he didn't care, which in itself is not a violation under the circumstances. Officer O did not activate his OBRD during the encounter with Mr. M even though normally it would be required. The interaction was brief and would have caused a safety hazard because it would have required Officer O to remove a hand from his motorcycle's handlebar while traveling at a low speed, resulting in being off balance and unable to operate the motorcycles controls.

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

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

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

September 21, 2023

Via Certified Mail

7009 3410 00002321 2361

Re: CPC # 108-23

M

PO Box 1293

COMPLAINT:

Albuquerque

On 05/06/2023, Sergeant G submitted a written complaint via BlueTeam on behalf of M regarding an incident that occurred on 05/06/2023 at 1100 hours. No part of Mr. M complaint was regarding Sgt G. Still, the assigned investigator found the complaint lacking important information reported by Mr. M in his recorded interview with Sgt G.

NM 87103

Mr. M was non-responsive to the investigator's attempts for an interview.

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 G

Other Materials: Detailed Unit Histories

Date Investigation Completed: September 6, 2023

FINDINGS

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

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

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

Policies Reviewed: 3.41.5.B.6.a.ii (Complaint Supervisor Duties)

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

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

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

Additional Comments:

It was determined that there was no intent on the part of Sergeant G to conceal any part of M complaint. Sgt. G provided only a brief statement of what had been reported as a formality but recorded the entire interview so the CPOA would have a complete statement of events in Mr. M own words.

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

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

September 21, 2023

Via Certified Mail

7009 3410 0000 2321 2361

Re: CPC # 108-23

M

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

On 05/06/2023, Sergeant G submitted a written complaint via BlueTeam on behalf of M regarding an incident that occurred on 05/06/2023 at 1100 hours. No part of Mr. M complaint was regarding Officer P. Still, the assigned investigator found, based on the information provided by Mr. M during his recorded interview with Sgt G, that Officer P might have been required to report potential policy violations or record his interaction.

Mr. M was non-responsive to the investigator's attempts for an interview.

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: Yes

APD Employee Involved: Officer P

Other Materials: Detailed Unit Histories

Date Investigation Completed: September 6, 2023

FINDINGS

Policies Reviewed: 3.41.4.A.1 (Complaint Reporting Procedures)

- | | |
|--|-------------------------------------|
| 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"/> |

Policies Reviewed: 2.8.5.A (OBRD)

- | | |
|---|-------------------------------------|
| 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 checked="" 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"/> |
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Additional Comments:

It was determined that there was no intent on the part of Officer P not to report possible policy violations regarding M complaint. Officer P did not witness the interaction between Mr. M and Officer O, and was not advised by Mr. M that he wanted to make a complaint. It was determined that Sergeant G was already dealing with the complaint at what would have been the first opportunity to report it if there was a reportable issue. There was no evidence to support Mr. M claims of the statements he alleged Officer P made about Officer O. It was determined that Officer P did not activate his OBRD during the encounter with Mr. M even though normally required. The interaction was brief and would have caused a safety hazard because it would have required Officer P to remove a hand from his patrol motorcycle's handlebar while traveling at a low speed, resulting in being off balance and unable to operate the motorcycle's controls.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

September 22, 2023

Via Email

Re: CPC # 134-23

Mr. R

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. R alleged that he let his friend, R borrow his car back in August 2022. Ms. Ramirez never returned his car. Mr. R called the police. Ofc. P contacted Mr. R via telephone on 8/27/2022 and took an embezzlement of a motor vehicle report. Mr. R wanted to press charges. The day before the police report was filed, Mr. R alleged that his car was found and towed to the Boss Towing Company's lot, and Ofc. P, who should have known, failed to call him. The Rio Rancho Police Department, who recovered his car at the lot, Boss Towing Company, and Santa Ana Pueblo should have notified him. Mr. R car was eventually retitled by Boss Towing and sold at an auction. Mr. R blamed Ofc. P for the loss of his vehicle.

EVIDENCE REVIEWED:

Video(s): No APD Report(s): Yes CAD Report(s): Yes
Complainant Interviewed: Yes Witness(es) Interviewed: N/A
APD Employee Interviewed: Yes
APD Employee Involved: Officer P
Other Materials: Rio Rancho police report
Date Investigation Completed: September 11, 2023

FINDINGS

Policies Reviewed: 1.1.5.A.4

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



Policies Reviewed: 2.60.4.B.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.



Policies Reviewed: 2.8.5.A

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



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



Additional Comments:

1.1.5.A.4 The investigation determined that Ofc. P was not responsible for the loss of Mr. R car for failing to notify him as Ofc. P nor APD could not have known that Mr. R vehicle was located the day before the police report was filed, towed to the Boss Towing, and remained until Rio Rancho PD recovered his vehicle on 2/9/23, and removed it from the NCIC stolen auto database. It was unclear why Rio Ranch PD did not contact Mr. R

2.60.4.B.1 The investigation determined by a preponderance of the evidence that Ofc. P violated policy for not notifying a detective unit, such as auto theft, for a follow-up investigation for possible charges on behalf of Mr. R

2.8.5.A The investigation determined that Ofc. P violated policy not based on the original complaint. Ofc. R failed to activate the On-body recording device during the initial conversation with Mr. R as he reported what happened to his vehicle to police. The CPOA recommends a Verbal Reprimand for the investigative follow-up issue and a Written Reprimand for the OBRD issue.

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

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

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

September 22, 2023

To File

Re: CPC # 190-23

M

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

On 07/27/2023, M submitted a handwritten complaint to the CPOA office regarding an incident that occurred on "6/20/23" in the "Sprouts parking lot Alb. SE. Tramway." Mr. M reported that on "6-19-23," he and his caregiver, M were walking to Sprout's when security approached him and assaulted him. Mr. M reported receiving a laceration on his head, a concussion, and a neck injury. Mr. M reported that he had been waiting on a report that hadn't been completed and that his "phone was stolen and car keys, mailbox keys by APD or Ambulance." Mr. M listed the involved employee as "5888."

EVIDENCE REVIEWED:

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

Complainant Interviewed: No Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer B

Other Materials: Email Communications & Mark43 Screenshot

Date Investigation Completed: September 8, 2023

FINDINGS

Policies Reviewed: 2.16.5.B.1.a (Reports) & 2.73.5.A.1 (Property)

- | | |
|---|-------------------------------------|
| 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:

2.16.5.B.1.a: It was determined that a report should have been completed regarding the incident and that another officer, not Officer B, failed to complete a report and associated documents regarding the incident as mandated by policy.

2.73.5.A.1: It was determined that no APD personnel took any property from Mr. M regarding the incident, so no property needed to be reported and submitted.

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

September 22, 2023

To File

Re: CPC # 190-23

M

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

On 07/27/2023, Max M submitted a handwritten complaint to the CPOA office regarding an incident that occurred on "6/20/23" in the "Sprouts parking lot Alb. SE. Tramway." Mr. M reported that on "6-19-23." he and his caregiver, M were walking to Sprout's when security approached him and assaulted him. Mr. M reported receiving a laceration on his head, a concussion, and a neck injury. Mr. M reported that he had been waiting on a report that hadn't been completed and that his "phone was stolen and car keys, mailbox keys by APD or Ambulance." Mr. M listed the involved employee as "5888."

EVIDENCE REVIEWED:

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

Complainant Interviewed: No Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer C

Other Materials: Email Communications & Mark43 Screenshot

Date Investigation Completed: September 8, 2023

1

FINDINGS

Policies Reviewed: 2.16.5.B.1.a (Reports) & 2.73.5.A.1 (Property)

- | | |
|---|-------------------------------------|
| 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:

2.16.5.B.1.a: It was determined that a report should have been completed regarding the incident and that another officer, not Officer C, failed to complete a report and associated documents regarding the incident as mandated by policy.

2.73.5.A.1: It was determined that no APD personnel took any property from Mr. M regarding the incident, so no property needed to be reported and submitted.

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

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

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

September 22, 2023

To File

Re: CPC # 190-23

M

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

On 07/27/2023, M submitted a handwritten complaint to the CPOA office regarding an incident that occurred on "6/20/23" in the "Sprouts parking lot Alb. SE. Tramway." Mr. M reported that on "6-19-23," he and his caregiver, M were walking to Sprout's when security approached him and assaulted him. Mr. M reported receiving a laceration on his head, a concussion, and a neck injury. Mr. M reported that he had been waiting on a report that hadn't been completed and that his "phone was stolen and car keys, mailbox keys by APD or Ambulance." Mr. M listed the involved employee as "5888."

EVIDENCE REVIEWED:

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

Complainant Interviewed: No Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer F-V

Other Materials: Email Communications & Mark43 Screenshot

Date Investigation Completed: September 8, 2023

FINDINGS

Policies Reviewed: 2.73.5.A.1 (Property)

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



Policies Reviewed: 2.16.5.B.1.a (Reports)

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



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



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



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



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



Additional Comments:

2.16.5.B.1.a: It was determined that a report should have been completed regarding the incident and that Officer F-V failed to complete a report and associated documents regarding the incident as mandated by policy.

2.73.5.A.1: It was determined that no APD personnel took any property from Mr. M regarding the incident, so no property needed to be reported and submitted. The CPOA recommends a Verbal Reprimand for the SOP violation.

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

September 25, 2023

Via Email

d.franklin.1223@ymail.com

Re: CPC # 201-23

F

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

On 08/15/2023, F submitted a complaint via telephone to CPOA staff regarding an incident that occurred on 08/15/2023 at 1515 hours. Mr. F reported traveling through an intersection while northbound on Wyoming Boulevard, north of Academy Road, when a pickup swerved toward his semi. Mr. F reported that the incident would have resulted in a crash if he hadn't honked at the other vehicle. Mr. F reported that an officer in a dark blue APD supervisor SUV (D49) witnessed the incident and followed the pickup but did not take any action.

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: No

APD Employee Involved: Not Applicable (Withdrawn)

Other Materials: Email Communications & Unit History Log

Date Investigation Completed: August 16, 2023

FINDINGS

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

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

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

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

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

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

Additional Comments:

This case was **Administratively Closed** as the complaint was withdrawn, and no evidence of a violation in reference to this complaint was discovered during a review of the gathered evidence.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

September 28, 2023

Via Email

Re: CPC # 221-23

M

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

On 09/08/2023, M submitted a complaint online regarding an incident that occurred on 05/16/2016 at 2000 hours. Mr. M reported that he was arrested in 2016 and that the charges were eventually dropped at the judicial level. Mr. M reported that he didn't recall the incident's date, time, or location but that it happened after dark in May 2016 and was related to a domestic violence incident involving B Mr. M reported that he made the initial call to 911 but that his number had changed, and he did not recall the number used. Mr. M reported that he believed the officers made a biased decision to arrest him and that his arrest was unlawful.

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: No

APD Employee Involved: No Applicable

Other Materials: Court Case Detail Sheet

Date Investigation Completed: September 20, 2023

FINDINGS

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

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

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Additional Comments:

This complaint investigation was Administratively Closed because the complaint was withdrawn, and no evidence of a violation in reference to this complaint was discovered during a review of available evidence. The complaint was withdrawn because Mr. M had filed the complaint regarding the wrong incident.

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

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