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, September 8, 2022 - 5:00 p.m.

Attendance: In response to the Public Health Emergency, the Civilian Police Oversight Agency (CPOA) Board meeting on Thursday, September 8, 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-09-08-2022. (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, September 5, 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, September 8, 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**

006-22 **052-22** **060-22**

150-22 **081-22** **164-22**

b. **Not Sustained**

045-22 **096-22**

c. **Exonerated and Unfounded**

031-22	**032-22**	**047-22**
057-22	**075-22**	**079-22**

d. **Exonerated**

053-22	**056-22**	**066-22**
064-22	**073-22**	**170-22**

e. **Exonerated, Unfounded and Administratively Closed**

069-22

f. **Unfounded**

038-22	**042-22**	**049-22**	**050-22**
067-22	**080-22**	**093-22**	

V. **Cases pulled from Consent Agenda**

VI. **Review and Approval of Minutes from August 11, 2022 Meeting**

VII. **Public Comments**

VIII. **Discussion, Updates, and Possible Action:**

a. **Consideration of PPRB Policies with No Recommendation: -** *Jesse Crawford*
b. **Reformatting how data is provided to the Board –** *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*
   1. **Update on Letter to DOJ –** *Tina Gooch, CPOA/CPOAB Legal Counsel and Vice-Chair Crawford*
d. **Annual Training Status Update –** *Tina Gooch, CPOA/CPOAB Legal Counsel and Mike Wartell*
e. **NACOLE Conference –** *Patricia J. French*
f. **Possible Response Letter to EFIT Quarterly Report 3 and 4 –** *Tina Gooch, CPOA/CPOAB Legal Counsel*
g. **Review and approval of Executive Director Evaluation Materials –** *Patricia J. French*
   1. **Timeline for quarterly, semi-annual, and annual evaluations -** *Patricia J. French*
   2. **Timeline for reporting to City Council –** *Ian Stoker, Managing City Attorney*
h. **Update requests-Chair/Board Members -** *Patricia J. French*

IX. Appeal Hearing, Deliberations, and Action:
249-21

a. **Closed discussion for deliberations by the CPOA Board in connection with an administrative adjudicatory proceeding pursuant to NMSA 1978, Section 10-15-1(H)(3) related to case CPC 249-21**

X. Review of Cases (approval of recommended discipline)

a. **Sustained**
058-22
b. **Sustained and Unfounded**
071-22
c. **Sustained, Sustained NBOC, Exonerated and Unfounded**
087-22

XI. Non-Concurrence Cases

238-21	**003-22**	**024-22**	**027-22**
035-22	**055-22**	**086-22**	

XII. Reports from Subcommittees

a. **Policy and Procedure** – *Jesse Crawford*
1. **Met September 1, 2022 (video conference)**
2. **Next Meeting October 6, 2022, at 4:30 p.m.**
b. **Personnel** – *Patricia J. French*
1. **Met August 29, 2022 (video conference)**
2. **Next Meeting September 26, 2022, at 3:30 p.m.**

XIII. Reports from City Departments

a. **APD**
1. **IA Professional Standards Division (SOP 7-1, SOP 3-41, SOP 3-46)** – *Acting Commander Mark Landavazo*
2. **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** – *Lauren Keefe*
f. **CPC** – *Kelly Mensah*
g. **APOA** – *Shaun Willoughby*
h. **CPOA** – *Deirdre Ewing, Executive Director*

XIV. Old Business

XV. New Business

XVI. Adjournment- ***Next Regularly scheduled CPOA Board meeting will be on October 13, 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*
Diane McDermott, Lead Investigator on behalf of the CPOA Executive Director

September 9, 2022

Via Certified Mail

7020 1810 0000 6296 7272

Re: CPC # 006-22

Dear Mr. A :

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

A made IPRA Request (#21-1312) seeking copy of the PINS memo from IMR-12. He then received response from the City Clerk stating his request was "excessively burdensome". A said it took over a year to receive his request.

A alleged records staff (note: some now transferred to other city departments) are in violation but not limited to SOP 1-1-4A, 3-51-5B2, Procedural Order 2-111D18, 2-111D25. 301.1 CODE OF CONDUCT, Duty to the Public states: The City of Albuquerque is a service institution. In carrying out their assigned duties and responsibilities, employees must always remember their first obligation is to the general public. This obligation must be carried out within the framework of federal, state and local laws.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: N/A

APD Employee Involved: N/A

Other Materials: IPRA documents

Date Investigation Completed: June 29, 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:

IPRA staff do not fall under the jurisdiction of the CPOA. Also, at the time of the IPRA request, neither staff that A referenced in the complaint were working at APD as they had already left to the City Clerk's Office a few years prior (2018-2019). As a result, this case should be Administratively Closed.

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

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

September 9, 2022

Via Certified Mail

7018 1130 0002 3429 1538

Re: CPC # 052-22

Dear Ms. E

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. E (Loss Prevention Specialist) reported an incident at her store called Cavender's located at 1431 A Mercantile Ave NE Albuquerque, NM 87107 where one of her associates stated a male customer had entered the store and went straight into the store bathroom. The male customer then left the bathroom and headed back into the store and had taken a pair of boots back with him into the bathroom. The male customer had told the associate he had a weapon. The associate left the bathroom and the male customer had ran out of the store with the stolen boots. Ms. E stated in the complaint, *"I want a response from the PD especially when one of my associates calls or reports being threatened in the store."*

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: N/A

APD Employee Involved: none identified

Other Materials: attempts to research CADs and reports

Date Investigation Completed: July 21, 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. E claimed her store employees called police and received no response even though they had been threatened by the customer. CPOA Investigator submitted multiple APD records requests to locate police reports, CADs, or any other information as it related to the complaint. An online APD report was located as having been submitted by the store manager on 3/7/22. The report did not make any mention of threats. There was no dispatched call for service in connection to the online report. There were no other incident reports located that indicated calls to the police department had been made. There was not enough information to locate any additional calls from the store to indicate a lack of APD response.

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

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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

September 9, 2022

Via Certified Mail

7018 1130 0002 3429 1583

Re: CPC # 150-22

Dear Mr. M :

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. M reported that Police Officers (215,330 and 255) forced their way through his closed automatic gate which damaged the gate out of alignment. Mr. M reported that the gate does not close all the way shut anymore. Mr. M reported that the officers then proceeded to enter his home. Mr. M reported that he started to record the officers at that point and it could be seen that they were standing at the front door with the door open and at least one of them was inside his house. Mr. M reported that when the officers left, they continued to damage his front gate as they forced themselves back out through the closed gate.

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: N/A

APD Employee Involved: N/A

Other Materials: N/A

Date Investigation Completed: July 6, 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.	☐
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Additional Comments:

The complaint in question was against BCSO Deputies and not APD Personnel.

The CPOA does not have jurisdiction over BCSO Personnel.

This complaint will be Administratively Closed via out of jurisdiction.

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA 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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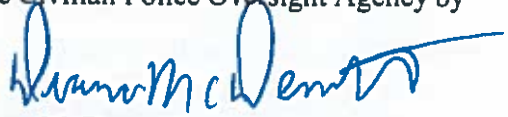
If you have a computer available, we would greatly appreciate your completing our client survey form at http://www.cabq.gov/cpoa/survey.

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



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

September 9, 2022

To File

anonymous complainant

NO ADDRESS OR EMAIL PROVIDED

Re: CPC # 081-22

Dear anonymous complainant:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Anonymous complainant reported on 04/06/2022 at 10:30pm: I'm an Uber driver; I pull in to pick up rider. The cop harasses me to move; I told him I'm picking up my passenger. He tells me "no you ain't". He kept on because he's racist; he didn't tell any Mexicans to move. He needs to go patrol and not sit in middle of road and he is not above the law. Tax payers pay his salary; I have a right to go in the airport at any time. It's a public place and not a cop hang. His captain needs to put him in his place before he gets the city sued.

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: potential employees interviewed

Other Materials: lapel videos, CAD Unit history

Date Investigation Completed: August 17, 2022

FINDINGS

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.	☐
2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.	☐
3. **Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.	☐
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Additional Comments:

CPOA Investigator reached out to APD records for possible matches to the incident described; none were located on the date identified. Records, however, provided CADs for three Aviation Officers working on 04/06/2022. All CADs reports were reviewed and there was no fact pattern matching the complainant's descriptions.

Extensive video search was performed and no videos populated at/or near the Sunport Airport on 04/06/2022. Videos did populate for the Aviation officers on 04/06/2022 as identified via CAD Unit history. All videos have been viewed; all videos are determined to be unrelated to the complaint. The APD employee assigned to T95 was interviewed but nothing supported his presence at the airport. The incident as the anonymous complainant described could not be located. As for the vehicles, T95 vehicle did not have any history on 04/06/2022. It is unclear if the complainant made a mistake on the reported car number. And as for the three Aviation vehicles: T96 is a take home unit, SE1 and SE4 (are both not take-home units) and there are no records showing these vehicles being associated with the anonymous complainant. Anonymous complainant was provided ample time and opportunity to provide supporting for his allegation but was unable to do so. This case should be **Administratively Closed** due to a lack of information and the inability to identify a related incident or 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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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

September 9, 2022

Via Certified Mail

7018 1130 0002 3429 1590

Re: CPC # 045-22

Dear Mr. G

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

The concerns I have regarding Det. Z's conduct include, but are not limited to:
1. Was Det. Z's conduct with me, as a member of the public and an officer of the Court in alignment with APD and CABQ rules and regulations when he hung up on me and refused to answer basic process based questions for my client's interview?
2. Was Det. Z's conduct with me, as a member of the public and an officer of the Court in alignment with APD and CABQ rules and regulations regarding truthful and not misleading statements?
3. Was Det. Z's conduct with me, as a member of the public and an officer of the Court in alignment with APD and CABQ rules and regulations, concerning professionalism and not letting personal bias interfere in one's duties?

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: Yes

APD Employee Involved: Det. Z

Other Materials: various email correspondence, CBA

Date Investigation Completed: July 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.	☐

Policies Reviewed: *1.1.6.A.1 & 1.1.5.C.3*

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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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.1: The allegations of Det. Z being evasive and untruthful were a result of Det. Z not clearly answering C questions. Det. Z claimed he did not have the information to provide to Grover at the time and their guidance is to speak with the target employee, not their counsel without them being present. G alleged the source of the SOP was unclear and Det. Z was uncooperative, rude, and ultimately hung up on him. Det. Z stated the information provided about the SOP is available and the target employee has responsibilities to ask for assistance. Det. Z explained his position and since G was not satisfied he advised he was ending the call. Neither party recorded the call. This issue will be **NOT SUSTAINED.**

1.1.5.C.3: Det. Z denied being biased towards G . G introduced an email that alleged Det. Z may have had compatibility issues with a former sergeant, but that email did not show how biased Det. Z had been towards G Also, it did not show how it affected their ability to work together, even currently. As a result, this issue will be **NOT SUSTAINED**

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

September 9, 2022

Via Email

Re: CPC # 096-22

Dear: Ms. P

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. P reported on an APD officer cut across all lanes and never used a turn signal.
Ms. P reported that the Officer needs to lead by example.

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant L.

Other Materials: n/a

Date Investigation Completed: August 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.	☐
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: 2.5.4.G.5

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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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:

Sergeant L. advised more than likely he did use his turn signals but he couldn't say beyond a reasonable doubt that he 100% used turn signals that day because he does not remember the incident.

There was no evidence provided or located to determine whether the incident did or did not occur.

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

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

September 9, 2022

Via Certified Mail

7020 1810 0000 6296 6145

Re: CPC # 32-22

Dear Ms. F :

COMPLAINT:

On 02/25//2022, Ms. B F reported that she was accused of swinging at an officer, and was charged with battery on a police officer and placed under arrest.

Ms. F reported that she was denied the opportunity to have her injuries from an assault treated by a healthcare professional. Ms. F reported that she was also denied the chance to be seen by a Sexual Assault Nurse Examiners (SANE). Ms. F reported that Officer R and Officer H were present on scene.

Ms. F reported that it was not until after she was let out of MDC two (days later) that she found a card from Officer R noted was that Ms. F had five days to visit Family Advocacy Center.

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:

Date Investigation Completed: June 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.	☐

Policies Reviewed: SO 20-103

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:

Department Special Order-SO 20-103 (Sexual Assault Reported by Prisoners).

After review of the lapel videos, the following information was noted and relevant to the findings. Ms. F was uncooperative with officers during the incident. Ms. F was informed of why she was being arrested and her Miranda rights were read to her. Officers contacted the SANE nurse and were reportedly informed that a SANE exam could not be completed while Ms. F was intoxicated. Officer H provided different options on how to obtain a SANE exam. Ms. F was not denied to be seen by a healthcare professional, as she was afforded the opportunity to be seen by medical at MDC. Ms. F was afforded the opportunity to a rape kit and to be seen by a healthcare professional while at MDC. In reviewing video footage there were no observable violations of SOP's and supports the information provided by Officer H 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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Sincerely,
The Civilian Police Oversight Agency by

Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

September 9, 2022

Via Certified Mail

7020 1810 0000 6296 6145

Re: CPC # 32-22

Dear Ms. F

COMPLAINT:

On 02/25//2022, Ms. B F reported that she was accused of swinging at an officer, and was charged with battery on a police officer and placed under arrest.

Ms. F reported that she was denied the opportunity to have her injuries from an assault treated by a healthcare professional. Ms. F reported that she was also denied the chance to be seen by a Sexual Assault Nurse Examiners (SANE). Ms. F reported that Officer R and Officer H were present on scene.

Ms: F reported that it was not until after she was let out of MDC two (days later) that she found a card from Officer R noted was that Ms. F had five days to visit Family Advocacy Center.

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:

Date Investigation Completed: June 23, 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.	☐
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Policies Reviewed: SO 20-103

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:

Department Special Order-SO 20-103 (Sexual Assault Reported by Prisoners).
After review of the lapel videos, the following information was noted and relevant to the findings. Ms. F was uncooperative with officers during the incident. Ms. F was informed of why she was being arrested and her Miranda rights were read to her. Officers contacted the SANE nurse and were reportedly informed that a SANE exam could not be completed while Ms. F was intoxicated. Officer H provided different options on how to obtain a SANE exam. Ms. F was not denied to be seen by a healthcare professional, as she was afforded the opportunity to be seen by medical at MDC. Ms. F was afforded the opportunity to a rape kit and to be seen by a healthcare professional while at MDC.
1.1.5.A.1
Ms. l said Officer R mocked her during the transport. The videos showed she was not mocked or insulted during the transport. In reviewing video footage there were no observable violations of SOP's and supports the information provided by Officer R 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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Sincerely,
The Civilian Police Oversight Agency by

Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

September 9, 2022

Via Certified Mail

7020 1810 0000 6296 7326

Re: CPC # 047-22

Ms. S S :

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. S S alleged her property, a gun case containing two clips, night vision goggles, two rifles, scopes, and three boxes of ammo were in her car before being towed. After her boyfriend, G L the sole occupant in her car, had been pulled over by the police on 1/6/2022. According to Ms. S , the evidence report that she received list did not contain her night-vision goggles or the scopes, nor were they listed or checked in at the station. According to Ms. S , the Evidence Unit did not know where the missing items were when she compared her list against the Evidence Unit's list. Ms. S was told the Evidence Unit never received the items.
Additionally, Officers were seen playing with the firearms at the Prisoner Transport Center while Mr. I was being processed.

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: APD Evidence Report

Date Investigation Completed: July 1, 2022

FINDINGS

Policies Reviewed: 2.73.2.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.	☑
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Policies Reviewed: 1.1.5.A.1

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Additional Comments:

The APD Evidence Unit provided the Evidence report listing all eleven items tagged into evidence by Officer A and an explanation for Ms. S confusion about her missing property. According to a background check and the terms of her probation, Ms. S had an open case in Valencia County that prohibited her from possessing a firearms or weapons. Items 5, 6, and 7 on the APD Evidence list were the sights, night vision goggles, and scopes that were not scheduled for release to Ms. S so her evidence report was different from the actual evidence report at APD Evidence. This information was shared with Ms. S and other items, including the firearms, which are on hold with APD evidence. Therefore, all property recovered by Officer A, including the alleged missing items, had been correctly tagged into evidence and sent to APD Evidence.
Additionally, A review of Officer A's lapel video corroborated his version of what happened at the PTC. Officers are heard trying to locate the gun's serial number while Officer A's lapel camera was aimed at Mr. L Officer A asked Mr. L where was the gun's serial number and he said there was none because it was a ghost gun.

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

September 9, 2022

Via Email

Re: CPC # 075-22

Dear A N

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. N had alleged that on 4/8/2022, officers responded after she had an altercation with a woman, arrested her, and searched her bosom and vaginal area three times and six times while at the jail. Ms. N listed statements on her complaint form felony aggravated sex assault, fraud charges, lack of jurisdiction to arrest, extradition violations, personal injury, fraud, embezzlement, and larceny without context.

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 I

Other Materials: n/a

Date Investigation Completed: August 11, 2022

FINDINGS

Policies Reviewed: 2.60.4.A.5.a.b.e.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.	☑
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Policies Reviewed: 2.80.2.K.1 , 2.71.3.F.1.a

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

A review of the evidence determined that Officer I committed no policy violations. Ms. N name was submitted through the National Crime Information Center (NCIC) as required and returned an extraditable warrant from Pojoaque, New Mexico. When the warrant had been confirmed, Ms. N was arrested and searched incident to the arrest and transported to the Metropolitan Detention Center (MDC). A review of Officer I's lapel video confirmed his version of events. No inappropriate touching was observed during the search at the time of arrest or while at the MDC. The evidence confirmed the officers did an investigation into the situation as required.

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

September 9, 2022

Via Email

Re: CPC # 075-22

Dear A N

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. N had alleged that on 4/8/2022, officers responded after she had an altercation with a woman, arrested her, and searched her bosom and vaginal area three times and six times while at the jail. Ms. N listed statements on her complaint form felony aggravated sex assault, fraud charges, lack of jurisdiction to arrest, extradition violations, personal injury, fraud, embezzlement, and larceny without context.

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: August 11, 2022

FINDINGS

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

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.	☑
2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.	☐
3. **Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.	☐

Policies Reviewed: 2.80.2.K.1 , 2.71.3.F.1.a

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

Additional Comments:

A review of the evidence determined that Officer S committed no policy violations. Ms. N name was submitted through the National Crime Information Center (NCIC) as required and returned an extraditable warrant from Pojoaque, New Mexico. When the warrant had been confirmed, Ms. N was arrested and searched incident to the arrest and transported to the Metropolitan Detention Center (MDC). A review of Officer S' lapel video confirmed his version of events. No inappropriate touching was observed during the search at the time of arrest or while at the MDC. The evidence confirmed the officers did an investigation into the situation as required.

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

September 9, 2022

Via Certified Mail

7020 1810 0000 6296 6152

Re: CPC # 079-22

Dear Ms. B

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

In her complaint, Ms. S B alleged that on 4/9/2022, an officer responded to her harassment call, threatened her, and said he would no longer help her or respond to her calls. The officer said he would not speak with her neighbors regarding harassment but would advise them to press charges against her. The officer blamed her for the harassment calls and that she was the problem.

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 C

Other Materials: n/a

Date Investigation Completed: August 11, 2022

FINDINGS

Policies Reviewed: 1.1.5.A.4

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.	☑
2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.	☐
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4. **Exonerated.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.	☐
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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:

A review of the evidence showed no policy violations that Officer C committed. Officer C did not speak with Ms. B and did not threaten or harass her. A review of Officer C's lapel video corroborated his version of events.

Ms. B was only interviewed by Officer R and wanted the officers to talk to neighbors and file a report. Officer C only assisted and did not speak with her.
Officer C said the neighbors would not be contacted because they had no reason to without evidence despite Ms. B multiple calls to the police.

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

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

September 9, 2022

Via Certified Mail

7020 1810 0000 6296 6152

Re: CPC # 079-22

Dear Ms. B

COMPLAINT:

In her complaint, Ms. S B alleged that on 4/9/2022, an officer responded to her harassment call, threatened her, and said he would no longer help her or respond to her calls. The officer said he would not speak with her neighbors regarding harassment but would advise them to press charges against her. The officer blamed her for the harassment calls and that she was the problem.

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 R

Other Materials: n/a

Date Investigation Completed: August 11, 2022

FINDINGS

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

A review of the evidence showed no policy violations that Officer R committed. Officer R did not threaten or harass Ms. E A review of Officer R's lapel video corroborated his version of events.

Because of his past with her, Officer R told Ms. B on that date that she could not use the police to harass her neighbor unless she had evidence to conduct a proper investigation. Officer R added that he could or would file a criminal trespass complaint against her if she were to go over to her neighbor's property because she didn't like or agree with his resolution.

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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

September 9, 2022

Via Certified Mail

7018 1130 0002 3429 1545

Re: CPC # 053-22

Dear N M

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. M eported she is seeking to confirm, if her rights were violated and, if they were, she would like the citation dismissed and Officer A made aware of his violation so he will not do this in the future.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Witness(es) Interviewed:

APD Employee Interviewed: Yes

APD Employee Involved: Officer A

Other Materials: n/a

Date Investigation Completed: July 13, 2022

FINDINGS

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.	☐
2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.	☐
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Policies Reviewed: 2.41.3.A.1.c

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:

Since the overall status was coming back suspended it did provide valid reason for Officer A to initiate a traffic stop on Ms. M . Since her license was suspended and there was indication it was an insurance issue. One possible explanation is Ms. M s an authorized driver on her father's vehicle, which would connect the two. Another possibility is a recent change in insurance. Regardless the system having something flagged would be reason for the stop, which Officer A informed her of and gave her numerous options to resolve the situation. Officer A did introduce himself and provide the reason for the stop.

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

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

September 9, 2022

Via Certified Mail

7020 1810 0000 6296 6169

Re: CPC # 056-22

Dear Mr. F A

COMPLAINT:

Mr. F A reported that there was no clear indication of the process when stopped by Officer S or her intent when she flagged him down. The warning given by Officer S was questionable.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer S

Other Materials: n/a

Date Investigation Completed: July 26, 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: 2.41.3.A.2.a

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Additional Comments:

CPOA Investigator attempted to contact the (complainant) Mr. F A per the recommended methods that included 2 phone calls, 2 emails and 2 letters. Mr. A did not respond to the CPOA Investigators attempts of contact and therefor was not interviewed The lapel videos showed Officer S directed Mr. A to pull over. The lapel videos showed Officer S explained the reason for the stop and the citation options as well as verbal warnings for other infractions.

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

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

September 9, 2022

Via Certified Mail

7020 1810 0000 6296 6176

Re: CPC # 066-22

Dear Mr. S

COMPLAINT:

Complainant S was involved in a car accident on 12/22/2021. S stated the information on the report was incorrect and had a number of errors. S also said Ofcr E never took his wife's statement and disregarded that they stated driver 02 got out of her vehicle on her phone saying "I gotta go. I just ran the light and hit someone."

He also stated he never told Ofcr E that he was unsure about the green arrow while making a left turn. S reported that was an incorrect statement.

Furthermore, S reported he has been trying to make contact with officers about his report; there has been too much of a time lapse to deal with no return calls. Ofcr E has avoided making contact with me and I'm requesting a follow-up.

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 E

Other Materials: uniform crash and supplemental report; SOP reviews 2.40.3.G.3, 2.46

Date Investigation Completed: July 26, 2022

FINDINGS

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

2.60.4.A.5.b.f: Ofcr E conducted proper investigation & gathered testimony from relevant witnesses, including key impartial witness that corroborated S was at fault; it was determined by Officer E that S wife did not need to be interviewed as part of her investigation. S reported he knew he had the green light, not that he was unsure per the report. Officer E said S admitted to being distracted by taking pictures while in the middle of a turn. S made a similar statement in his interview.

An additional issue was reviewed when Stiffy said he made multiple attempts to reach Officer E and the supervisors regarding the report. Officer E said she made several attempts to reach S Her supervisors changed in a short period of time, which caused delays, but also tried to reach S. Policy does not require officers to contact citizens afterwards in response to messages with the exception of follow up investigations and informing victims of the status of their investigations. However, response is encouraged for customer service purposes and to improve community satisfaction.

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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Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

September 9, 2022

Via Email

Anonymous

Re: CPC # 073-22

Dear Anonymous:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Anonymous submitted a complaint that alleged she called the police to remove her ex-boyfriend from her residence. The officer gave her attitude saying, "It was my fault and that I was the one who keeps calling." Her abuser now tells her, "Even the cops do not believe you." It was upsetting to have so many domestic violence incidents at the residents and have the officer respond in such a manner. She told the officer that he needed more training. The officer's statements were inappropriate, and he told her in front of her abuser, "You keep calling and letting him back in." She told the officer that his statements were inappropriate; the officer stated, "Well, I have the whole thing recorded." It made her feel like she couldn't call the police and that they were not on her side.

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: Yes

APD Employee Involved: Officer C

Other Materials: n/a

Date Investigation Completed: 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: 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.	☐
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 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 did respond to a family dispute in which the caller wanted an ex-boyfriend removed from the residence. No domestic violence or abuse was found to had occurred (Policy 4.25) during the incident. Officer C never told the caller it was her fault, he advised her that letting her ex-boyfriend in and then calling the police to kick him out was becoming an issue. Officer C asked to speak with the caller in private, but she told Officer C that she could talk in front of her ex-boyfriend. Officer C's interaction with the caller was not found to be inappropriate, and he went beyond what was required by making sure the caller had a domestic violence packet. Not only did the caller apologize to Officer C for her attitude, but the ex-boyfriend asked the caller why she was being rude to Officer C.

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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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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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

September 9, 2022

Via Certified Mail

7020 1810 0000 6296 6183

Re: CPC # 170-22

Dear Ms. C

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Complainant C called APD regarding an incident with her neighbor and a homeless man. She said she was at home but reported the incident was across the street; dispatcher rudely told her he didn't understand. "I needed to give the description of the offender and his location quickly, because he was leaving. The dispatcher told me to stop because he wasn't ready for that info. I called him out on his behavior and he argued with me instead of getting the information. In all of my years of dealing with APD, he was by far the rudest unprofessional dispatcher. I hope his need to control the call hasn't harmed or intimidated others. I hope the call is reviewed and he learns that controlling the call isn't always as important as getting the information and actually listening to the caller."

EVIDENCE REVIEWED:

Video(s): N/A APD Report(s): N/A CAD Report(s): No

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

APD Employee Interviewed: Yes

APD Employee Involved: Operator G

Other Materials: CAD Audio 911 recording

Date Investigation Completed: August 24, 2022

FINDINGS

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.	☐
2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.	☐
3. **Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.	☐

Policies Reviewed: 1.1.5.A.1

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

Additional Comments:

The recording did not show Operator G being unprofessional, rude or argumentative. The recording showed C said the offender was not leaving, which was the stated reason for the call, but then said the offender was leaving which is why she needed to give the description even though Operator G was not ready for that information yet. There was one instance when Operator G instructed Cleveland to "stop" to which C immediately got upset. The audio recording did not show any rude or malicious tone while Operator G spoke to C . The recording showed C was talking very fast and Operator G was trying to get control of the conversation to get the case specifics. Operators utilize a checklist to establish call priority and urgency. Operators are trained to take control of the call to get the information necessary for assigning call priority and officer safety needs in order to best handle the call for service. The recording showed Operator G did take command of the call in order to get the information as needed in the order needed. Therefore, this issue is "**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

September 9, 2022

Via Certified Mail

7020 1810 0000 6296 6190

Re: CPC # 069-22

Dear S K :

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. K reported the officers arrived and observed yelling coming from inside the car in question for 30 minutes before they approached the car. Ms. K reported that the officers did not ask for identification, registration or ask anyone to get out of the car.

Ms. K reported that during last night's call, she answered yes when asked if she would like contact with officers afterwards. Ms. K reported when the second officer proceeded to drive by, Ms. K spoke louder, that officer stopped, reversed her vehicle and acted like Ms. K was annoying her. Ms. K reported she asked the officer why they let the car park at the community center, why officers did not ask for ID or ask anyone to get out of the car? Ms. K stated she did not get a reply from the officer

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant G

Other Materials: Operator Recordings

Date Investigation Completed: August 3, 2022

FINDINGS

Policies Reviewed: Procedural Order 2.60.4.A.1 & General Order 1.1.5.A.1

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.	☑
2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.	☐
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:

Procedural Order 2.60.4.A.1- Sergeant G confirmed it was Officer H's call not to obtain the females identification as Officer H already knew who she was and Officer H was the Primary Officer.

General Order 1.1.5.A.1- A review of Sergeant G's Lapel Video confirmed she did attempt to explain to Ms. I why officers did not make the female leave the parking lot. There was no evidence to suggest that Sergeant G acted like Sergeant G was annoyed by Ms. K or acted like Sergeant G was in a hurry per the complaint.

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

September 9, 2022

Via Certified Mail

7020 1810 0000 6296 6190

Re: CPC # 069-22

Dear S K

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. K reported the officers arrived and observed yelling coming from inside the car in question for 30 minutes before they approached the car. Ms. K eported that the officers did not ask for identification, registration or ask anyone to get out of the car.

Ms. K eported that during last night's call, she answered yes when asked if she would like contact with officers afterwards. Ms. K reported she walked up the street for the officer contact that she was promised and one of the officers kept going even though his window was down and he turned his head when she spoke.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer H

Other Materials: Operator Recordings

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.	☐

Policies Reviewed: Procedural Order 2.60.4.A.1 & General Order 1.1.5.A.1

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

Procedural Order 2.60.4.A.1-Officer H had already identified the female in the car prior to their interaction therefore did not need to identify her again via requesting additional paperwork. Officer H was not conducting a traffic stop therefore did not need to request registration. Officer H confirmed he did not witness the female in the car causing any disturbance while officers were observing her.

General Order 1.1.5.A.1- Officer H advised that he saw a female who appeared to be unloading from their vehicle, then he drove through. Officer H confirmed he was going to locate the caller until he found out Sergeant G had already talked to her.

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

August 8, 2022

Via Certified Mail

7020 1810 0000 6296 6206

Re: CPC # 080-22

Dear Ms. F

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. B F reported that she went to the Valley Area Command to pick up a rape kit. Ms. F reported that Lt. O came out of her office and stated that "Ms. F is a criminal and if she's going to drink and look like she does, things happen." Ms. F reported that Lt. O stated "but if she wants a rape kit, we will give her one."

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: Yes

APD Employee Involved: Lt. O

Other Materials: n/a

Date Investigation Completed: August 8, 2022

FINDINGS

Policies Reviewed: General Order 1.1.5.C.3

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.	☑
2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.	☐
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Additional Comments:

After a review of the OBRD, there was no evidence to support that Lt. O stated "Ms. F is a criminal and if she's going to drink and look like she does, things happen." per the complaint.

CPOA Investigator was not able to complete the interview with Ms. F regarding CPC 80-22. due to Ms. F not wanting to cooperate with the investigation.

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

September 9, 2022

Via Certified Mail

7020 1810 0000 6296 6206

Re: CPC # 080-22

Dear Ms. F

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. F reported when Commander N came out of his office and said "this is how women like her are, when they present themselves this way and dress this way." Ms. F reported that she felt that she was being bullied for being a criminal. Ms. F stated "just because I'm a criminal does not mean its ok to be raped."

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: Yes

APD Employee Involved: Commander N

Other Materials: n/a

Date Investigation Completed: August 8, 2022

FINDINGS

Policies Reviewed: General Order 1.1.5.C.3

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Additional Comments:

During the interview with Commander N, he advised that he never spoke with Ms. F at the substation.

After a review of Lt. O's OBRD (from the substation) there was no evidence to support Commander N spoke with Ms. F at the substation. Commander N advised that his only interaction with Ms. F was via recorded phone call.

After a review of the recorded phone call between Ms. F and Commander N it was confirmed that Commander N did not tell Ms. F "this is how women like her are, when they present themselves this way and dress this way," per the complaint.

CPOA Investigator was not able to complete the interview with Ms. F regarding CPC 80-22 due to Ms. F not wanting to cooperate with the investigation.

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

September 9, 2022

Via Email

Re: CPC # 058-22

Dear Ms. H :

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

On 03/11/2022 at approximately 9 or 10 pm Mr. C was pulled over by Officer T for an expired registration and license plate. Officer T put a hold on Mr. C vehicle along with all of his personal items that were in the vehicle. Ms. H reported Mr. C was currently living out of his vehicle, so all of his belongings were placed on hold for a search warrant for drugs including Mr. C cell phone, house keys, dog's medication and bill of sale of his vehicle. Ms. H reported Officer T was very disrespectful and unprofessional during her entire interaction with Jake. Officer T did not want to listen or try and understand that people make mistakes and I am disgusted how she handled J arrest and treated him like he was scum.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer K

Other Materials: property log

Date Investigation Completed: July 22, 2022

FINDINGS

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.	☐
2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.	☐
3. **Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.	☐

Policies Reviewed: 2.8.5.A

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

Additional Comments:

Officer K's video from the initial contact was not saved in Evidence.com. Officer K recorded the interaction, but the video did not save past the automatic expiration date. Officer K brought the audit log and list of videos. The log confirmed there was a recorded video, but it did not transition to the case number for retention due to an network error. Officer K was not the primary officer and the contact was captured by Officer T's video

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

September 9, 2022

Via Email

Re: CPC # 058-22

Dear Ms. H :

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. C was pulled over by Officer T for an expired registration and license plate. Officer T put a hold on Mr. C vehicle along with all of his personal items that were in the vehicle. Ms. H reported Mr. C was currently living out of his vehicle, so all of his belongings were placed on hold for a search warrant for drugs including Mr. C cell phone, house keys, dog's medication and bill of sale of his vehicle. Ms. H reported Officer T was very disrespectful and unprofessional during her entire interaction with J Officer T did not want to listen or try and understand that people make mistakes and I am disgusted how she handled J arrest and treated him like he was scum.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer T

Other Materials: property log

Date Investigation Completed: July 22, 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.	☑

Policies Reviewed: 2.73.2.A

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

Policies Reviewed: 2.73.2.L.3.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:

1.1.5.A.1-Ms. H reported Officer T treated Mr. C unprofessionally and disrespected him. The video showed Officer T did treat him respectfully.
2.73.2.L.3.f Ms. H reported Officer T kept Mr. C personal items to include his cell phone, keys, and dog's medication. The video showed Mr. C did not mention or ask for any of the items. When animal control took custody of his dog Mr. C did not mention a medical condition or medicine. Mr. C dvised he did not have a cell phone to officers. The vehicle was sealed for a search warrant, which prevented any property being removed until the search was conducted. A cell phone was later observed in the video during the search that was left in the vehicle.
2.73.2.A Ms. H eported Officer T took Mr. C bill of sale to the vehicle and failed to return it to him at the time of his arrest. The video showed Officer T did take possession of the bill of sale and place it in her police unit. It was not returned to Mr. C until later. It should have been put into evidence if not returned or left in the vehicle. The Board voted to recommend 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

CITY OF ALBUQUERQUE

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

September 9, 2022

Via Email

Re: CPC # 071-22

Dear L S :

COMPLAINT:

L S submitted a complaint that alleged that he and his girlfriend were downtown drinking on 04/03/2022. Mr. S was kicked out of the bar by security, who roughed him up, resulting in Mr. S hands being cut up and his telephone broken. The police arrived, Mr. S vehicle was towed because it was not registered and insured, and the officers took his telephone and wallet. Mr. S retrieved his vehicle from the tow yard, but his telephone and wallet were missing. Mr. S called the evidence division, but the telephone and wallet were not there. Mr. S felt highly discriminated against because he had a Hatchet Man wallet and is a Juggalo. The wallet contained no money, but Mr. S wanted his wallet and telephone back.

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: map of scene

Date Investigation Completed: August 12, 2022

FINDINGS

Policies Reviewed: Conduct 1.1.5.C.3 (Misconduct)

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

Policies Reviewed: Property 2.73.2.B.2 (Rules)

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

Additional Comments:

1.1.5.C.3: The investigator determined, by clear and convincing evidence, that the alleged misconduct did not occur. Alleged discriminatory or unprofessional comments made by officers were not found to had been made. Outside of Mr. S beliefs, no evidence was found that any officer had any bias, personal feelings, or animosities against Mr. S Hatchet Man, Juggalos, ICP, or the Insane Clown Posse. Mr. S was treated professionally and his connection to a musical group did not influence the officer's actions.

2.73.2.B.2: The investigator determined, by a preponderance of the evidence, that the alleged misconduct did occur. Mr. S roperty was not tagged or submitted for safekeeping as directed by policy. The property was eventually tagged, submitted for safekeeping, and returned to Mr. S No evidence was found or provided that showed any damage occurred to Mr. S wallet while in Officer F's possession.

The CPOA Board recommends 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

CITY OF ALBUQUERQUE

September 9, 2022

Via Email

Logan Stewart
no physical address provided

Re: CPC # 071-22

Dear L S :

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

L S submitted a complaint that alleged that he and his girlfriend were downtown drinking on 04/03/2022. Mr. S was kicked out of the bar by security, who roughed him up, resulting in Mr. S hands being cut up and his telephone broken. The police arrived, Mr. S vehicle was towed because it was not registered and insured, and the officers took his telephone and wallet. Mr. S retrieved his vehicle from the tow yard, but his telephone and wallet were missing. Mr. S called the evidence division, but the telephone and wallet were not there. Mr. S felt highly discriminated against because he had a Hatchet Man wallet and is a Juggalo. The wallet contained no money, but Mr. S wanted his wallet and telephone back.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer R

Other Materials: map of scene

Date Investigation Completed: August 12, 2022

FINDINGS

Policies Reviewed: Conduct 1.1.5.C.3 (Misconduct)

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.	☑
2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.	☐
3. **Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.	☐
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:

1.1.5.C.3: The investigator determined, by clear and convincing evidence, that the alleged misconduct did not occur. Alleged discriminatory or unprofessional comments made by officers were not found to had been made. Outside of Mr. S beliefs, no evidence was found that any officer had any bias, personal feelings, or animosities against Mr. S Hatchet Man, Juggalos, ICP, or the Insane Clown Posse. Mr. S was treated professionally and his connection to a musical group did not influence the officer's actions. Officer R was not found to had been unprofessional when interacting with Mr. S on the scene or when calling and leaving Mr. S a message about the status of his property. Mr. S admitted to intoxication and did not recall interacting with officers, but a review of the evidence showed that he clearly interacted with Officer R, resisted detention, and fled the scene. Mr. S version of the events was not supported by the available evidence.

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

September 9, 2022

Via Email

Re: CPC # 087-22

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. I reported the complaint was also against the dispatcher who assigned the call a priority 2. Mr. I reported that if the call had been categorized as a Priority 1, it was likely that the Real Time Crime Center would have been activated for the "high priority call."

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: Telecommunications Operator F

Other Materials: 911 Audio Recording

Date Investigation Completed: August 18, 2022

FINDINGS

Policies Reviewed: Department 911 Guidlines 2.01.10.G.1.a

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.	☑
2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.	☐
3. **Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.	☐
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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:

During the interview, CPOA Investigator advised Mr. L that the call-in question was actually listed as a Priority 1 and not a Priority 2 in which Mr. L concerns were that the call should have been a Priority 1. Mr. L confirmed that if it was prioritized as a Priority 1, then that was okay and it was fine with him as he did not realize that at the time.

A review of the CAD, confirmed the call was correctly categorized as a Priority 1 call.

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

September 9, 2022

Via Email

Re: CPC # 087-22

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. L reported that Officer H's preliminary investigation in response to APD CAD#192340642 violated SOP 2-60-5 by failing to report the incident fully and accurately. Mr. L reported that the officers note in the CAD and DA Special Prosecutor M. C narrative that was sent to APD Chief G on 06/20/2020 had a consequential difference. Mr. L reported that the extent to the officer's attempt to obtain accuracy to identify D remained unclear, because it was uncertain from the CAD if any OBRD was recorded as mandatory or entered into Evidence.com or was ever viewed by the APD shooting investigation team or deleted.

Mr. L reported that Officer H treated the caller as a drunk apparently not considering whether the individual had been in a behavioral health crises as required by SOP 2-19

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: Special Prosecutor's Report, IAFD Narrative Form & 911 audio recording

Date Investigation Completed: August 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.	☐

Policies Reviewed: Procedural Order 2.60.4.A.5.f, and Procedural Order 2.8.5.B.8.b

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

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

Policies Reviewed: Procedural Orders 2.60.4.A.5.b; 2.19.5.A; and 2.19.6.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: General Order 1.1.4.D.17

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

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

Additional Comments:

2.60.4.A.5.b-A review of the lapel video confirmed that Officer H did speak with Mr. S and a witness who was at the scene. A review of the CAD confirmed the alleged victim wished to remain anon and refused the request for contact with the officer.
2.60.4.A.5.f-Officer H's comment in the CAD insinuated that Danny and all of his bags were searched. During the interview, Officer H confirmed that he did not physically search D and searched only two of D four bags. Officer H did not report the incident "fully" per the SOP in question. 2.8.5.B.8.b-Neither the CPOA Investigator or Officer H were able to locate Officer H's third lapel video from the incident in question
2.19.5.A-A review of the Lapel Video confirmed Mr. S was answering all of Officer H's questions. Officer H advised that he did offer Mr. S rescue and paramedics which was corroborated by the CAD.
2.19.6.A.1-A review of the lapel video confirmed that Mr. S did not show any clear signs of being a danger to himself or others during the recorded interaction between Officer H and Mr. S. 1.1.4.D.17-Officer H confirmed he did not look further into Mr. S's allegation of being shot at. The Board recommended three written reprimands for the sustained findings.

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