

## 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, November 10, 2022 - 5:00 p.m.

Attendance: In response to the Public Health Emergency, the Civilian Police Oversight Agency (CPOA) Board meeting on Thursday, November 10, 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-11-10-2022>. (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](mailto: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, November 7, 2022, at [www.cabq.gov/cpoa](http://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, November 10, 2022. Submit your public comments to: [POB@cabq.gov](mailto: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

102-22	108-22	142-22
148-22	178-22	181-22
  - b. Exonerated

072-22	088-22	115-22	126-22	129-22
133-22	134-22	136-22	152-22	193-22
  - c. Unfounded

098-22	123-22	124-22	143-22
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- d. Exonerated and Unfounded  
054-22      109-22      153-22

- V. Cases pulled from Consent Agenda
- VI. Review and Approval of Minutes from October 13, 2022, Regular Meeting and October 20, 2022, Special Meeting
- VII. Public Comments
- VIII. APD Chief Medina on Crime and Oversight
  - a. 10 Minutes Q&A from CPOA Board
- IX. 249-21 Appeal Findings and Possible Action on each Response
  - a. Response 1
  - b. Response 2
  - c. Response 3
  - d. Response 4
  - e. Response 5
  - f. Response 6
  - g. Response 7
  - i. 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. Discussion, Updates, and Possible Action:
  - a. Consideration of PPRB Policies with No Recommendation: - *Jesse Crawford*
  - b. APD SOP 2-65 and SOP 3-6 Policy Recommendation – *Jesse Crawford*
  - c. CPOAB IMR-16 Notice Letter – *Jesse Crawford*
  - d. SUOF/OIS Streamline Data Process – *Eric Nixon*
  - e. Annual Training Status Update – *Tina Gooch, CPOA/CPOAB Legal Counsel, and Mike Wartell*
  - f. Approval of 2022 January – June Semi-Annual Report - *Deirdre Ewing, Executive Director*
  - g. Semi-Annual Audit - *Patricia J. French*
  - h. CPOA Board Job Description - *Patricia J. French*
  - i. Recommended Changes to CASA – *Tina Gooch, CPOA/CPOAB Legal Counsel, and Mike Wartell*
  - j. Update requests-Chair/Board Members - *Patricia J. French*

- XI. Review of Cases (approval of recommended discipline)**
  - a. Sustained**  
154-22
  - b. Sustained and Unfounded**  
140-22
  - c. Sustained and Sustained Violation Not Based on Original Complaint**  
135-22
  - d. Sustained, Exonerated, Not Sustained and Unfounded**  
128-22
  - e. Sustained, Exonerated and Unfounded**  
141-22
  
- XII. Non-Concurrence Cases**
  
- XIII. Reports from Subcommittees**
  - a. Policy and Procedure Review – *Jesse Crawford***
    - 1. Met November 3, 2022 (video conference)
    - 2. Next meeting is December 1, 2022, at 5:30 p.m.
  
- XIV. 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 – *Carlos Pacheco***
    - 1. **Update on Notification of APD Officer Discipline**
  - f. CPC – *Kelly Mensah***
  - g. APOA – *Detective Shaun Willoughby, APOA President***
  - h. CPOA – *Deirdre Ewing, Executive Director***
  
- XV. Old Business**
  
- XVI. New Business**
  
- XVII. Adjournment – *A special meeting will be held on November 14, 2022, at 5:00 p.m., and the next regularly scheduled CPOA Board meeting will be on December 8, 2022, at 5:00 p.m.***



## CIVILIAN POLICE OVERSIGHT AGENCY

### Civilian Police Oversight Agency Board

*Patricia J. French, Chair*

*Jesse Crawford, Vice-Chair*

*Greg Jackson*

*Eric Nixon*

*Rashad Raynor*

*Michael Wartell*

Deirdre Ewing, Executive Director

November 11, 2022

Via Email

[Redacted]

Re: CPC # 102-22

Dear Ms. B:

PO Box 1293

**COMPLAINT:**

Albuquerque

Ms. B stated her sister was driving and she was the passenger while she was using her cell phone. An officer in a white SUV pulled her sister over for using the cell phone while driving. Ms. B told the officer she was using the cell phone to get directions. The officer insisted he knew what he saw and it was captured on video. They asked to see the video and he advised it could be seen in court or they could end the situation now. They said nothing more as he continued to lecture them. Ms. E said the entire encounter made them very uncomfortable because the officer did not believe them when they were telling the truth.

NM 87103

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

**EVIDENCE REVIEWED:**

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: N/A

APD Employee Involved: unidentified

Other Materials: evidence.com map feature and records requests

Date Investigation Completed: September 1, 2022

## **FINDINGS**

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

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

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

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. B did see the officer's name tag and did not ask for his name or man number. Ms. B did not see the marked SUV number only that it was white. Two records searches were conducted to try and identify a traffic stop or service call in the area with no results. The evidence map feature in Evidence.com was used to attempt to identify live officer OBRD activations in the area, but there were no videos located. No citation had been issued. The officer could not be identified.

**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](mailto:CPOA@cabq.gov). Include your CPC number. **Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.**

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

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

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

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by

  
Deirdre Ewing  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



## CIVILIAN POLICE OVERSIGHT AGENCY

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*Eric Nixon*

*Rashad Raynor*

*Michael Wartell*

*Deirdre Ewing, Executive Director*

November 11, 2022

Via Certified Mail

7018 1130 0002 3429 2122

**Re: CPC # 108-22**

Dear Ms. C:

PO Box 1293

**COMPLAINT:**

Albuquerque

NM 87103

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

On 04/23/2022 at 9:30am, C came home from the store. Two BCSO officers (Det. G and other unknown) knocked on the door and said she was driving recklessly, where she was spotted earlier leaving a nearby liquor store. The officers left, but came back later and questioned her insurance papers. Det. G said the paperwork was fake. He then called the insurance and they verified it was valid. Nonetheless, he called the towing company and they came to tow my car. "The officers were rude the whole time I was trying to get my belongings out of the car. My car had been parked in my driveway during this and I had been inside my home during both times the officers decided to show up. I was never stopped for reckless driving." (At the time of complaint C lid not know the officers were BCSO)

**EVIDENCE REVIEWED:**

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: N/A

APD Employee Involved: n/a BCSO

Other Materials: conversations with BCSO

Date Investigation Completed: September 2, 2022



## FINDINGS

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

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

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### Additional Comments:

CPOA Investigator submitted an APD records request for all police reports, CADs and any information as it related to Det. G. CPOA Investigator received an email response from APD records indicating the Records department was unable to locate any type of report or CAD involving Det. G #187. CPOA Investigator was also unable to obtain any information on this complaint via Evidence.com and IA Pro databases. CPOA Investigator determined Det. G is a BCSO employee, confirmed by the complainant. The CPOA does not have jurisdiction over BCSO employees.



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

Sincerely,  
The Civilian Police Oversight Agency by

  
Deirdre Ewing  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

### Civilian Police Oversight Agency Board

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*Rashad Raynor*

*Michael Wartell*

Deirdre Ewing, Executive Director

November 11, 2022

Via Certified Mail

7018 1130 0002 3429 2085

Re: CPC # 142-22

A

PO Box 1293

### **COMPLAINT:**

Albuquerque

NM 87103

Ms. A submitted a written complaint that alleged she called the police because a neighbor was making threats over a parking issue. The officers responded and only spoke to the offender, who laughed and thanked the officers for their service. However, when interviewed, Ms. A advised that she wanted to complain about response times regarding a 06/03/2022 incident. Her written complaint was from an incident in 2020. Her verbal complaint did not relate to her written complaint. She wished to pursue her verbal complaint and would resubmit a complaint if she wished to pursue the 2020 incident. She did not have a specific complaint against APD personnel from the 6/03/2022 incident.

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

### **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: N/A

APD Employee Involved: N/A

Other Materials: N/A

Date Investigation Completed: October 7, 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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### Additional Comments:

This complaint was Administratively Closed because 'A' advised the complaint was in regards to response times and not the misconduct of a member of the APD. She did not wish to pursue the content of her written complaint at this time. One CAD was reviewed and showed that 'A' called and requested contact by an officer on 06/03/2022 at approximately 1113 hours because a landlord and tenant had been harassing and threatening her and her mother. An officer was dispatched at approximately 2232 hours and arrived on the scene at approximately 2242 hours. Ms. A was called, and she advised that she had left and no longer needed to speak with an officer. The priority of the call was set appropriately at level five since there was no active threat at the time. The call was placed on hold for dispatch due to availability of officers and was dispatched several hours later.

**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](mailto: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





## CIVILIAN POLICE OVERSIGHT AGENCY

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*Michael Wartell*

*Deirdre Ewing, Executive Director*

November 11, 2022

Via Certified Mail

7018 1130 0002 3429 2108

**Re: CPC # 148-22**

Dear Mr. G:

PO Box 1293

**COMPLAINT:**

Albuquerque

G reported: I noticed people across the street flashing lights. Each time I'd go to work, they still go to my work and follow. For 10 days now, they kept following. I made a complaint to the APD. Sergeant J with APD looked up my information and stated there is nothing there and that I have no warrants. Note: I spoke to AG's office and they told me to call CPOA. Note: I have pictures of vehicles on my phone.

NM 87103

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

**EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: N/A

APD Employee Involved: unidentified personnel

Other Materials: CIT information

Date Investigation Completed: October 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.

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### Additional Comments:

G [redacted] reported he has been followed by several APD personnel, however, he did not have specific names, car numbers, man numbers, or direct encounters with any specific officer allegedly following him. Pictures G [redacted] had taken of vehicles had been verified by officers as not belonging to APD vehicles. G [redacted] spoke to DC B about being followed. DC B asked Gonzales to furnish information of his claims, but G [redacted] was unable to do so. DC B assured G [redacted] there were no investigations on him and that he was not being stalked or harassed by any APD officer. A report was taken when G [redacted] reported he got into an altercation with a random individual whom he accused of following him. APD Records show information G [redacted] has reported being followed not only by APD, but by other police departments, military and random civilians. Documents support CIT is working to assist G [redacted] at his request and due to information available about incidents. At one point during this investigation G [redacted] informed the CPOA Investigator he felt better and agreed he was not being followed. No specific officer was identified to be investigated in the context of the complaint by G [redacted]

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The Civilian Police Oversight Agency by

  
Deirdre Ewing  
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(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



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*Deirdre Ewing, Executive Director*

November 11, 2022

Via Certified Mail

7018 1130 0002 3429 2092

Re: CPC # 178-22

Mr.            3

PO Box 1293

**COMPLAINT:**

Mr. B filed a civilian complaint because no one had contacted him regarding charges being filed against a hit-and-run driver after repeated attempts to contact the Albuquerque Police Department.

Albuquerque

NM 87103

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

**EVIDENCE REVIEWED:**

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

Complainant Interviewed: Yes                      Witness(es) Interviewed: Yes

APD Employee Interviewed: No

APD Employee Involved: N/A

Other Materials: N/A

Date Investigation Completed: October 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.

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Policies Reviewed: N/A

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

### Additional Comments:

Mr. B had no direct complaints about the on-scene officers and no longer wished to continue the complaint since he was contacted later than expected by the APD Hit-and-Run Unit.

**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](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.

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Sincerely,  
The Civilian Police Oversight Agency by

  
Deirdre Ewing  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY Civilian Police Oversight Agency Board

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

November 11, 2022

Via Certified Mail

7018 1130 0002 3429 2115

Re: CPC # 181-22

Dear Mr. E

PO Box 1293

### **COMPLAINT:**

Albuquerque

On 06/01/2022 at approximately 2100 hours, Mr. E reported that Officer W. submitted a a police report on 06/12/2022, but he was unable to obtain it as of 07/22/2022 and he wanted a copy. Mr. E attempted to contact Officer W. four times and had no response.

NM 87103

The police report submitted by Officer W. was in reference to Mr. E's credit card being charged the wrong amount at Roadway Inn by the clerk at the hotel in the amount of \$193.60 when the correct amount should have been \$20.

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

### **EVIDENCE REVIEWED:**

Video(s): No      APD Report(s): No      CAD Report(s): No  
Complainant Interviewed: Yes      Witness(es) Interviewed: N/A  
APD Employee Interviewed: No  
APD Employee Involved: Officer W.  
Other Materials: N/A  
Date Investigation Completed: October 25, 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:**

During the phone interview, the complainant advised that he wanted to drop the issue because there was no reason to pursue the complaint any further. Mr. E informed CPOA Investigator Rodriguez he had spoken to Officer W. via phone and he apologized and Mr. E reported Officer W. was a very nice, young, and fine police officer.

The finding for this investigation will be ADMINISTRATIVELY CLOSED.



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Sincerely,  
The Civilian Police Oversight Agency by

  
Deirdre Ewing  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

### Civilian Police Oversight Agency Board

*Patricia J. French, Chair*

*Jesse Crawford, Vice-Chair*

*Greg Jackson*

*Eric Nixon*

*Rashad Raynor*

*Michael Wartell*

Deirdre Ewing, Executive Director

November 11, 2022

Via Email

Re: CPC # 072-22

Dear: Mr. G

PO Box 1293

### **COMPLAINT:**

Albuquerque

Mark G submitted a complaint alleging that Detective C acted arrogantly, did not want to take him seriously, acted unprofessionally, threatened him, and making seem like he was a criminal. Mr. G also reported that Det.C tried to use her authority in law enforcement to pressure him to do something that was violating the privacy policies and security regulations. Mr. G reported that Det. C stated that she would contact her connections in law enforcement. Mr. G reported that he did not feel safe meeting with Det. C or anyone working with her.

NM 87103

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

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Det. C

Other Materials: Text and audio correspondence.

Date Investigation Completed: October 17, 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: 1.1.5.C.3

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



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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:

1.1.5.A.1

The audio files and text correspondence were reviewed and did not support Mr. C allegations that Det. C acted arrogantly, did not want to take him seriously, and acted unprofessionally. Det. C presented herself as appropriate and professional.

1.1.5.C.3

Mr. Grinevich reported that Det. C tried to use her authority in law enforcement and talked of getting a warrant or taking him to court. The audio files and text correspondence were reviewed and showed that Det. C conducted herself appropriately. Det C informed Mr. G of the consequences of his actions, not as a threat, but as a factual possibility of what could happen if Mr. C chose to refuse to provide the stolen property. The audio files and text correspondence showed Mr. G indicated he felt it was his responsibility to identify the proper owner of the laptop, whereas that task is the the responsibility of Det. C and law enforcement.

**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](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.

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Sincerely,  
The Civilian Police Oversight Agency by

Deirdre Ewing  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

### Civilian Police Oversight Agency Board

*Patricia J. French, Chair*

*Jesse Crawford, Vice-Chair*

*Greg Jackson*

*Eric Nixon*

*Rashad Raynor*

*Michael Wartell*

*Deirdre Ewing, Executive Director*

November 11, 2022

Via Email

Re: CPC # 088-22

Mr. A

PO Box 1293

### **COMPLAINT:**

Albuquerque

NM 87103

In his email complaint, Mr. A had alleged on August 25, 2020, the Albuquerque Police Department's Communications Director, G, a civilian without authority and with full knowledge and intent, impersonated a police officer, Chief G, in violation of NMSA 30-27-2.1 when he posted a tweet on the official Albuquerque Police Department's Twitter account. Mr. A also alleged Mr. G admitted to posting a tweet on the official Albuquerque Police Department's Twitter account claiming it had been authored by Chief G and later removing it, apparently under the direction of his politically elected/appointed superiors, in violation of NMSA 30-26-1 and sections of the New Mexico Public Records Act.

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

### **EVIDENCE REVIEWED:**

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: N/A

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Director G

Other Materials: N/A

Date Investigation Completed: October 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.

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Policies Reviewed: 1.1.4.B.2

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

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### Additional Comments:

After a review of the evidence, Director G did not commit any policy violations nor violate New Mexico law when he posted a tweet on behalf of the Chief G and later deleted it. Director G is a civilian employee and not a sworn Albuquerque Police Officer with no arrest authority nor duty to maintain public order, which is required of a "peace officer" under NMSA 30-27-2-1. Director G made no attempts to enforce laws in his function or in this act.

In addition, Director G did not commit any policy violations nor violate New Mexico law, NMSA 30-26-1, when the tweet became known was not from Chief G. None of the five elements of the statute applied in this case. According to the City Clerk's Office, a tweet or deleted tweet is a non-record but a public record under IPRA and kept locally within a Department. Tweets are not a type of record under the retention schedule. Tweets are transitory in nature, and there is no policy that requires department to keep tweets.

**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](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.

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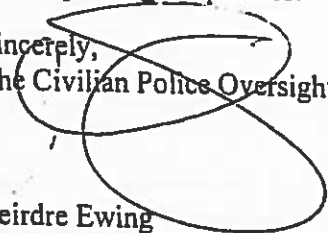
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The Civilian Police Oversight Agency by

  
Deirdre Ewing  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



**CIVILIAN POLICE OVERSIGHT AGENCY**  
**Civilian Police Oversight Agency Board**

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

November 11, 2022

Via Certified Mail

7018 1130 0002 3429 2214

Re: CPC # 115-22

Mr. T

PO Box 1293

**COMPLAINT:**

Albuquerque

Mr. T had alleged that Officer V conducted a poor investigation when his car was set on fire. Mr. T had alleged that his ex-wife or her friend set his car on fire, and the evidence, including the suspect, could be found on his ex-wife's cell phone and ring security camera footage. Mr. T complained that Officer V did not review or ask to review the camera footage on his ex-wife's cell phone, did not contact him, and did not include essential facts, information, and witnesses on the police report.

NM 87103

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

**EVIDENCE REVIEWED:**

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

Complainant Interviewed: Yes      Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer V

Other Materials: N/A

Date Investigation Completed: September 16, 2022

## FINDINGS

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

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

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

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

This case was about arson, and the Albuquerque Fire Department was responsible for all arson investigations. Ofc. V conducted a preliminary investigation, and witnesses to the fire were interviewed. (T, T); nor anyone else was identified as a suspect. A police report documenting the incident was created. There had been reported fires in the area that night. That information was reported to Ofc. V by the on-scene firefighters and was corroborated by Lt. P of the Albuquerque Fire and Rescue, Arson Division during his interview. A review of Ofc. V's lapel video showed that he asked the group of neighbors, son and girlfriend, if their security cameras captured anything. They all said no, and specifically, T shook her head no. A neighbor showed her footage to Ofc. V but no person was captured on video. The neighbor who said he had burned paper in his filler cap in the incident report was interviewed and Ofc. V wrote his name in his notepad, available to investigators later. Supplemental reports can be written if additional information becomes available.



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Sincerely,  
The Civilian Police Oversight Agency by

  
Deirdre Ewing  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

### Civilian Police Oversight Agency Board

*Patricia J. French, Chair*

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*Greg Jackson*

*Eric Nixon*

*Rashad Raynor*

*Michael Wartell*

*Deirdre Ewing, Executive Director*

November 11, 2022

To File

no home address  
no email address

Re: CPC # 126-22

Dear Mr. Q

PO Box 1293

### **COMPLAINT:**

Albuquerque

Complainant: Q reported on 05/11/2022 at 12:45pm: "An unknown male at the NW Substation answered my call. He was rude and he told me I got to go. He also said I don't know what you want and he hung on me. They need better customer service people. I am seeking call back from the NW Impact team."

NM 87103

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

### **EVIDENCE REVIEWED:**

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: CSA L

Other Materials: email correspondence

Date Investigation Completed: September 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.

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.

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### **Additional Comments:**

1.1.5.A.1: As a result of this investigation, no evidence was provided to support Q allegation that CSA L was rude or unprofessional; also, no witnesses have come forward to corroborate his claim. CSA L admitted to disconnecting the call on Q because he could not understand him; Q was unable to articulate what he wanted. CSA L explained he was unfamiliar with Q had no one to refer him to that was familiar with him, and was working multiple phone calls and the customer window by himself. There was no rude intention in the disconnection of the call as CSA L explained the day was "very hectic."

**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](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.

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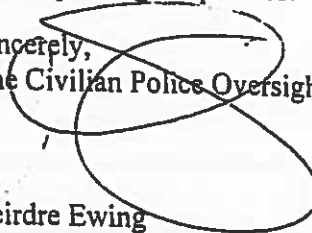
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Sincerely,  
The Civilian Police Oversight Agency by

  
Deirdre Ewing  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

### Civilian Police Oversight Agency Board

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

November 11, 2022

To File

no home address  
no email address

Re: CPC # 126-22

Dear Mr. Q:

PO Box 1293

**COMPLAINT:**

Albuquerque

Complainant      ) reported on 05/11/2022 at 12:45pm: "An unknown male at the NW Substation answered my call. He was rude and he told me I got to go. He also said I don't know what you want and he hung on me. They need better customer service people. I am seeking call back from the NW Impact team."

NM 87103

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

**EVIDENCE REVIEWED:**

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

Complainant Interviewed: Yes      Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: CSA B

Other Materials: email correspondence

Date Investigation Completed: September 21, 2022

## FINDINGS

Policies Reviewed: 1.1.5.A.1

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

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

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

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: CSA B was first identified as a potential target employee due to Q not remembering who answered his call. But it was learned that though CSA B was on shift earlier in the day, he eventually left as he had an appointment (this is supported via email response).

As a result of this investigation, it was learned CSA B was not involved in the incident. Fellow co-worker CSA L admitted to taking the call, speaking to Q and eventually hanging up on him.

**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](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.

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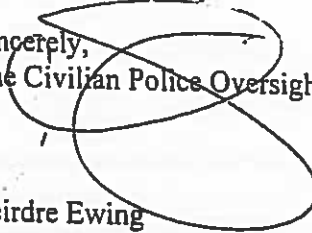
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Sincerely,  
The Civilian Police Oversight Agency by

  
Deirdre Ewing  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

### Civilian Police Oversight Agency Board

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

November 11, 2022

Via Email

Re: CPC # 129-22

Stephanie Ballard:

PO Box 1293

### COMPLAINT:

Albuquerque

NM 87103

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

B submitted a complaint that alleged they had a vehicle stolen and received no help from cops or detectives. alleged the vehicle had GPS and that there was a Taser video in evidence that nothing had been done with. alleged a list of stolen property was never asked for, and no one tried to contact them about the vehicle. alleged a detective was contacted, and they were told to "stay out of it, log out of the accounts on your phone they stole and leave it alone." : alleged that nothing was being done even though there were locations and addresses on the telephone and vehicle tracking system. : alleged they were told to drop off a bag of documents left in the vehicle at a station.

### 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: Detective S

Other Materials: BCSO Report & Emails

Date Investigation Completed: September 28, 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.1 & Follow Up Investigations: 2.60.4.B.5.b.d.h.m

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

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

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### Additional Comments:

1.1.5.A.1: The investigator determined, by a preponderance of the evidence, that the alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. Detective S did advise B to log out of the accounts of other individuals, leave the accounts alone, and refrain from conducting an independent investigation. Detective S explained to that the request was due to possible legal and safety issues.

2.60.4.B.5.b.d.h.m: The investigator determined, by a preponderance of the evidence, that the alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. A list of stolen items was collected, locations of the vehicle were investigated, the GPS was not active, was communicated with, and Detective S was unaware the bag of documents was from the vehicle or that the vehicle was recovered.

**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](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.

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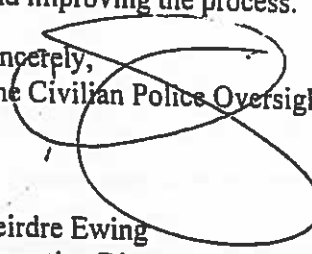
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Sincerely,  
The Civilian Police Oversight Agency by

  
Deirdre Ewing  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



## FINDINGS

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Policies Reviewed: *2.48.2.B.2*

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:

*2.48.2.B.2*

Lapel video and photographs were reviewed; T car, in particular, the front end, was smashed and the officers on scene said it appeared totaled. Teufel thought he could just change one of the tires and try to drive it home, however, he was told it was not drivable. Video also supports that T did not have any insurance this day; he admitted to not having paid his insurance and was told he was to be cited. T response, "I deserve it."

And per the Uniform Crash Report #710886432, T vehicle was determined as disabled and required to be towed off the street. The vehicle was properly towed due to the disabling damage and not due to a lack of insurance, as Teufel believed.

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The Civilian Police Oversight Agency by



Deirdre Ewing  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



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*Greg Jackson*

*Eric Nixon*

*Rashad Raynor*

*Michael Wartell*

*Deirdre Ewing, Executive Director*

November 11, 2022

Via Certified Mail

7018 1130 0002 3429 2177

**Re: CPC # 134-22**

Dear Mr. T:

PO Box 1293

**COMPLAINT:**

Albuquerque

Complainant T reported on 03/25/2022 at 17:00, after hanging out with a friend, his hotel was burglarized and various electronics came up missing. "I went to the office to look at footage but they wouldn't allow because they said police needed to tell them to let me see the footage. I waited 8 hours for police; I gave serial numbers, Mac IDs and everything I had about my items and they said let's look at the cameras. But the hotel staff said they had reviewed all footage to the previous day at 12 pm, and found no evidence of burglary. I'd like a search warrant on those cameras because \$5,000 of stolen equipment is a felony and I want justice."

NM 87103

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

**EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Ofcr H

Other Materials: n/a

Date Investigation Completed: September 27, 2022

## FINDINGS

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

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

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

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

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

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### Additional Comments:

*2.60.4.A.5.a.b.d:* Lapel video supports that Officer H conducted a thorough and proper investigation. He gathered as much evidence as possible including serial numbers and receipts, spoke with witnesses including the manager and attempted to obtain footage; he also referred the case to Eastside Impact Detectives Unit.

Regarding T mention of them showing up late, Officer G (Officer H's partner) spoke on this and said calls like this usually gets downgraded especially if there is no offender on scene or the had left. "There is no immediate threat of safety." Officer G also referenced call volume and lack of an offender, all which affect their time to respond.



**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](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.

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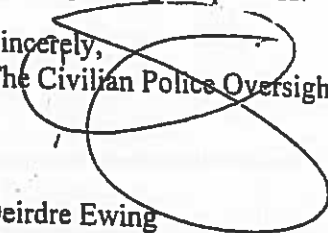
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Sincerely,  
The Civilian Police Oversight Agency by

  
Deirdre Ewing  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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*Michael Wartell*

*Deirdre Ewing, Executive Director*

November 11, 2022

Via Email

Re: CPC # 136-22

D

PO Box 1293

### **COMPLAINT:**

Albuquerque

NM 87103

D submitted a complaint that alleged that on 04/23/2022, he called APD and requested that an officer be sent out to take a report regarding missing money from an estate bank account he managed. Officer S was dispatched, and upon arrival, Mr. D explained what had happened and presented Officer S with evidence supporting the facts of the case. Officer S refused to acknowledge that what had occurred was a crime and refused to take any evidence that Mr. D provided him. Mr. D believed Officer S was negligent, should have recognized that a crime had occurred, and should have taken the evidence so detectives could investigate the matter further.

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

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer S

Other Materials: N/A

Date Investigation Completed: October 4, 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: Preliminary Investigations 2.60.4.A.5.d

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

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### Additional Comments:

2.60.4.A.5.d: The investigator determined, by a preponderance of the evidence, that the alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. Officer S took a verbal statement from Mr. D [redacted], reviewed the evidence presented to him, and determined the incident to be a civil issue between Mr. D [redacted] and a bank. Officer S advised Mr. D [redacted] that he would document the incident, provided him with a case number, and provided recommendations on the collection of additional information. Officer S advised Mr. D [redacted] to keep the documents for his records and to reach back out to the police if it was later determined that something criminal had occurred. Officer S advised Mr. D [redacted] that detectives could reach out for the documents if they became needed. No evidence was collected because it was determined to be a civil issue. Mr. D [redacted] did not know if and when the check he located had been cashed since he found it in his mother's property. There was insufficient evidence provided to demonstrate the bank committed criminal fraud or violated laws at that time to forward the case for further investigation.

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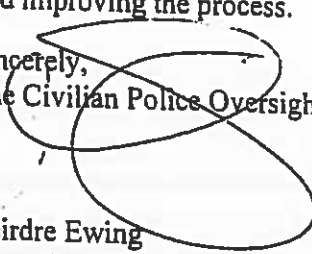
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Sincerely,  
The Civilian Police Oversight Agency by

  
Deirdre Ewing  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

### Civilian Police Oversight Agency Board

*Patricia J. French, Chair*

*Jesse Crawford, Vice-Chair*

*Greg Jackson*

*Eric Nixon*

*Rashad Raynor*

*Michael Wartell*

*Deirdre Ewing, Executive Director*

November 11, 2022

Via Certified Mail

7018 1130 0002 3429 2207

Re: CPC # 152-22

- Gi

PO Box 1293

### **COMPLAINT:**

Gi submitted a complaint that alleged APD contacted them for threatening a bicyclist and then received a parking citation. Mx. G requested that the citation be dismissed because they couldn't pay it and was not at fault. Mx. G submitted a copy of a parking citation (316682) issued by Officer M for a disabled parking violation on 05/25/2022 at 1500 hours.

Albuquerque

NM 87103

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

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: No

APD Employee Involved: Officer M

Other Materials: Screenshots & Ordinance

Date Investigation Completed: October 14, 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:    Parking Citations 2.40.3.R.1

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

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

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

**Additional Comments:**

2.40.3.R.1: The investigator determined, by a preponderance of the evidence, that the alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. Officer M issued G a citation for a disabled parking violation. Mx. G was parked in a disabled parking spot without a permit. Mx. G admitted to Officer M and a CPOA investigator that they did not have a permit to park in a disabled parking space.

**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](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.

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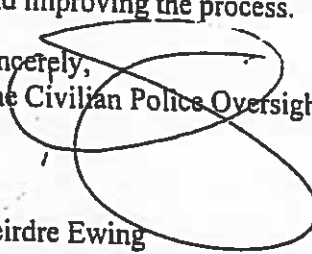
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The Civilian Police Oversight Agency by

  
Deirdre Ewing  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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*Eric Nixon*      *Rashad Raynor*

*Michael Wartell*

*Deirdre Ewing, Executive Director*

November 11, 2022

Via Certified Mail

7018 1130 0002 3429 2160

**Re: CPC # 193-22**

Mr. P

PO Box 1293

**COMPLAINT:**

Albuquerque

NM 87103

Mr. P called 2-2-cops to complain about an illegal roadblock. A truck illegally blocked the roadway and obstructed traffic at the corner of Wilmore Dr and Gibson. When Mr. P contacted an operator, she allegedly told him that she would not send an officer and that any citizen, corporate person, or individual could block a road without a permit shown. Mr. P spoke with a supervisor, and she allegedly said, "I don't know what else I can do for you." Mr. P was told he had a low-priority call and they would not send an officer out.

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

**EVIDENCE REVIEWED:**

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Supervisor F.

Other Materials: Voice Recording

Date Investigation Completed: October 14, 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: 1.1.5.A.4

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

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

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### Additional Comments:

A review of the recorded conversation between Mr. P and Supervisor F revealed that while Ms. P was verbally upset and expressed himself multiple times concerning the lack of customer service he had received, Supervisor F's tone remained professional and calm. For an extended period, Supervisor F allowed Mr. P an opportunity to thoroughly explain to her what his expectations were. At the end of his conversation, Mr. P was calm and thankful.

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Deirdre Ewing  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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*Eric Nixon*      *Rashad Raynor*      *Michael Wartell*  
Deirdre Ewing, Executive Director

November 11, 2022

Via Certified Mail

7018 1130 0002 3429 2160

Ramon Pazos  
7515 Bigo Ave SW  
Albuquerque, NM 87121

Re: CPC # 193-22

Mr. P

PO Box 1293

### **COMPLAINT:**

Albuquerque

NM 87103

Mr. P called 2-2-cops to complain about an illegal roadblock. A truck illegally blocked the roadway and obstructed traffic at the corner of Wilmore Dr and Gibson. When Mr. P contacted an operator, she allegedly told him that she would not send an officer and that any citizen, corporate person, or individual could block a road without a permit shown. Mr. P spoke with a supervisor, and she allegedly said, "I don't know what else I can do for you." Mr. P was told he had a low-priority call and they would not send an officer out.

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

### **EVIDENCE REVIEWED:**

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

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

APD Employee Interviewed: Yes

APD Employee Involved: Telecommunicator II H.

Other Materials: Voice Recording

Date Investigation Completed: October 14, 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

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### Additional Comments:

Operator H, who took Mr. P call, was in training during her conversation with Mr. P and was initially told by her trainer that the road closure was not a police matter. As a result of her interaction with Mr. P Operator H realized it was not productive to argue with a caller; the call should have been set up initially, and she would follow that guidance from now on.

A review of the recorded conversation with Operator H and Mr. P revealed that while Ms. H was in training, coached, and inexperienced, her tone remained calm and professional. Mr. P was upset and verbally expressed himself because he was denied the customer service he believed that he should have received. A call for service was generated and when officers arrived there was no vehicle blocking the area.

**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](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.

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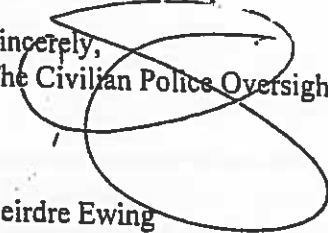
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The Civilian Police Oversight Agency by

  
Deirdre Ewing  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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### Civilian Police Oversight Agency Board

*Patricia J. French, Chair*

*Jesse Crawford, Vice-Chair*

*Greg Jackson*

*Eric Nixon*

*Rashad Raynor*

*Michael Wartell*

Deirdre Ewing, Executive Director

November 11, 2022

Via Certified Mail

7018 1130 0002 3429 2153

Re: CPC # 098-22

a M

PO Box 1293

#### **COMPLAINT:**

Albuquerque

Ms. M alleged that Officer C mistreated her when she called the police during a domestic incident with her ex-fiancé who threatened to shoot her. Officer C yelled at her, made her cry, and threatened to arrest her for not following a police order to wait at her neighbor's house. Officer C told her to pack a bag and leave her house for safety.

NM 87103

During her interview, Ms. M added that Officer C did not assist her during a hypoglycemic attack, treated her like a criminal, and asked if she was on drugs. She asked the officer if she should allow her dog to be mauled and he told her yes.

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

#### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer C

Other Materials: N/A

Date Investigation Completed: September 6, 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.



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### Additional Comments:

Both Officers C and L denied Ms. M [redacted]'s allegations. The plan required both parties to remain separated to ensure safety. Ms. N [redacted] did not follow the plan that was agreed to when she came back into the house when she was told not to.

After a review of the evidence, no policy violations were committed by Officer C, even when Ms. M [redacted] escalated, Officer C switched places with Officer L in order to de-escalate the situation. A review of both Officer L's and C's lapel videos corroborated both officers' version of events. Additionally, no conversation about needing medical assistance for hypoglycemia or allowing her dog to be mauled took place.

This was a domestic civil event in which the officers explained to Ms. M [redacted] what they could and could not do, like evict her ex-fiancé in a civil matter under the law, and offered solutions to Ms. M [redacted] a to improve her situation.



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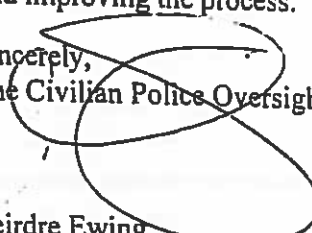
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The Civilian Police Oversight Agency by



Deirdre Ewing  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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*Eric Nixon*      *Rashad Raynor*      *Michael Wartell*  
Deirdre Ewing, Executive Director

November 11, 2022

Via Certified Mail

7018 1130 0002 3429 2245

Re: CPC # 123-22

Mr. F

PO Box 1293

### **COMPLAINT:**

Albuquerque

NM 87103

Complainant F reported a burglary incident at his place of residence on 09/21/2021 at 5 am. F stated the following: Officer W falsified his report. Almost all the information he provided is fabricated. He did not speak to me or my witnesses and lied about what I said. He never answered my phone messages or my multiple inquiries. The police report also omits my report, amounting to 4 pages. I was never informed of the disposition of this case and was never allowed to give testimony in any hearing or court procedure and the burglary witnesses have since moved out of state. I have never met Officer W or spoken to him.

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

### **EVIDENCE REVIEWED:**

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

Complainant Interviewed: Yes      Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer W

Other Materials: supplemental report

Date Investigation Completed: September 7, 2022

## FINDINGS

Policies Reviewed: *2.60.4.A.5.a, b, d, 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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### Additional Comments:

*2.60.4.A.5.a, b, d, e, f:* All lapel videos were viewed in its entirety; there are no violations of improper investigative technique and there are no observable SOP violations anywhere throughout the footage.

Review of reports (Incident Report 21-0075147 by Officer W on 09/21/2021 and Supplemental Report 21-0075147 on 10/21/2021) explain that the 09/21/2021 incident was in fact a criminal trespass incident. It also shows F \_\_\_\_\_ was contacted about a month later, 10/21/2021, by an APD supervisor. In this report, supervisor stated Officer W did summons the unknown male subject into court for criminal trespass. It also shows witness information was obtained and that the case was forwarded to Eastside Impact Detectives for follow-up.

As a result of this investigation, it shows Officer W conducted a proper and thorough investigation; this issue will be “**Unfounded.**”

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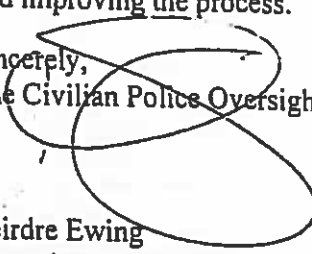
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Sincerely,  
The Civilian Police Oversight Agency by

  
Deirdre Ewing  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY Civilian Police Oversight Agency Board

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

November 11, 2022

Via Certified Mail

7018 1130 0002 3429 2146

**Re: CPC # 124-22**

Dear Mr. R

PO Box 1293

Albuquerque

NM 87103

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

**COMPLAINT:**

Complainant William R. [redacted] reported: On 02/06/2022 at 4:40 pm, Officers G and M responded to a wellness check at the listed address. At the conclusion of the call, I approached the officers to get the CAD number and their names and man numbers. Officer G drove away before I could ask her for her information. I feel this was disrespectful to a member of the public, in violation of the APD Personnel Code of Conduct, specifically 1.1.6. The outcome that I'm seeking is for the officers to review policies and procedures.

**EVIDENCE REVIEWED:**

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

Complainant Interviewed: Yes      Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer G

Other Materials: n/a

Date Investigation Completed: September 10, 2022

## FINDINGS

Policies Reviewed: 1.1.5.A.1 and 1.1.6.A.2

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



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



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.A.1: Nowhere in the lapel does it show R being disrespected or treated poorly as he was thanked for his cooperation. Officer G was dispatched to a priority call in a nearby area.

1.1.6.A.2: R s did not approach Officer G to ask her for her information. He did not attempt to gain her attention as she drove away. R s did not ask Officer M to provide him with Officer G's information.

There were no observable SOP violations anywhere throughout the lapel footage. Therefore, these issues will be "Unfounded."



**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](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.**

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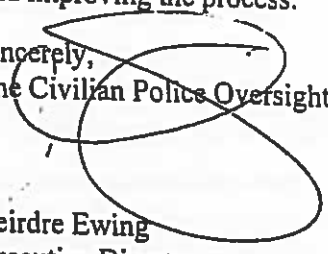
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The Civilian Police Oversight Agency by

  
Deirdre Ewing  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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Deirdre Ewing, Executive Director

November 11, 2022

Via Certified Mail

7018 1130 0002 3429 2221

Re: CPC # 143-22

Mr. J

PO Box 1293

### **COMPLAINT:**

Albuquerque

Mr. J alleged that when he left his house for work, he saw a police officer make a U-turn on Eubank Blvd, NE, get behind him, and pull him over at Montgomery Blvd, NE. Officer A said he was going fifty-one in a forty-speed zone. Mr. J knew he was not speeding because he had just left his house and asked to see the officer's radar to prove that he was not speeding. Multiple times, Officer A refused Mr. J's request to review the radar in his vehicle and laughed at him which was unprofessional.

NM 87103

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

### **EVIDENCE REVIEWED:**

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

Complainant Interviewed: Yes      Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer A

Other Materials: N/A

Date Investigation Completed: October 5, 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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### **Additional Comments:**

After a review of the evidence, Officer A committed no policy violations. A review of Officer A's lapel video corroborated the officer's version of events. When Mr. J : was approached, he was upset about being pulled over for speeding. He demanded to see the radar, which Officer A refused because it was mounted in the police vehicle and refused because of officer safety. It was not required of an officer to show radar results to drivers. During the interaction with Mr. J , no laughing was observed, and although Mr. J was confrontational, Officer A remained calm and professional.

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Deirdre Ewing  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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*Eric Nixon*      *Rashad Raynor*      *Michael Wartell*  
Deirdre Ewing, Executive Director

November 11, 2022

Via Certified Mail

7018 1130 0002 3429 2184

Re: CPC # 054-22

Dear: Mr. H

### **COMPLAINT:**

Mr. H reported that on 12/11/2022, he and his neighbor got into a physical altercation and his neighbor pulled out a gun on him. The police told him he should have run from the beginning and blamed him. Mr. H felt that the officer was prejudiced because he was a brown Muslim man. Mr. H reported that if he had been the one to pull the gun that he would be in prison. Mr. H reported that the officer charged both he and his neighbor with public affray even though the neighbor had a weapon. Mr. H reported that his neighbor was white and he is a brown Muslim man and wonders if his religion and race came in the way of fair judgment.

### **EVIDENCE REVIEWED:**

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

Complainant Interviewed: Yes      Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer T.

Other Materials:

Date Investigation Completed: September 14, 2022

1

## FINDINGS

Policies Reviewed: 1.4.3.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: 260.4.A.1

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

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### Additional Comments:

A review of Officer T's lapel video and other officers who were on scene did not at any time show Officer T or depict Officer T as being racist or prejudiced towards Mr. H. Officer T stated that the determination to charge both Mr. H and Mr. Smith with public affray was made after reviewing video footage supplied by a neighbor of the incident, consulting with Sergeant J and the District Attorney and nothing to do with Mr. H race, religion or color.

Officer T stated that the determination to charge both Mr. H and Mr. S with public affray was made after reviewing video footage supplied by a neighbor of the incident and interviewing the parties. The videos showed Mr. H continued to fight with his neighbor even after a gun was presented. Sergeant J and the District Attorney were consulted on the decision. An incident report was also completed and submitted by Officer T.

**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](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.**

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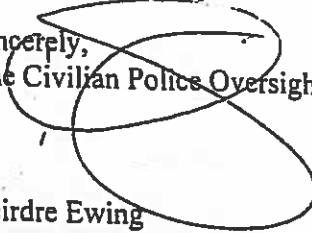
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Deirdre Ewing  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

### Civilian Police Oversight Agency Board

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*Michael Wartell*

Deirdre Ewing, Executive Director

November 11, 2022

Via Certified Mail

7018 1130 0002 3429 2184

Re: CPC # 054-22

PO Box 1293

### **COMPLAINT:**

Albuquerque

NM 87103

Mr. H reported that on 12/11/2022, he and his neighbor got into a physical altercation and his neighbor pulled out a gun on him. The police told him he should have run from the beginning and blamed him. Mr. H felt that the officer was prejudiced because he was a brown Muslim man. Mr. H reported that if he had been the one to pull the gun that he would be in prison. Mr. H reported that the officer charged both he and his neighbor with public affray even though the neighbor had a weapon. Mr. H reported that his neighbor was white and he is a brown Muslim man and wonders if his religion and race came in the way of fair judgment.

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

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant J.

Other Materials:

Date Investigation Completed: September 14, 2022

## FINDINGS

Policies Reviewed: 1.4.3.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.



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Policies Reviewed: 260.4.A.1

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### Additional Comments:

A review of Sergeant J's lapel video and other officers who were on scene, not at any time show Sergeant J's behavior as being racist or prejudiced towards Mr. H

After interviews were completed of the parties, a review of videos and consultation with the DA, the District Attorney advised that an aggravated assault was not an appropriate charge. His explanation was that reasonable fear needed to have been shown while Mr. S, had the firearm and Mr. H did not retreat. Mr. H continued to charge and hit Mr. S. The DA advised the incident was a public affray incident. It was determined the appropriate charges would be public affray. Both parties were issued citations for public affray. An incident report was completed.

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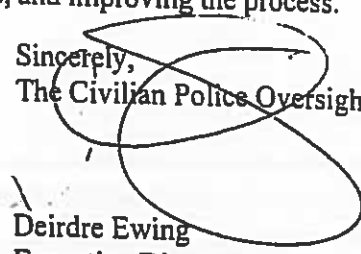
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Deirdre Ewing, Executive Director

November 11, 2022

Via Certified Mail

7018 1130 0002 3429 2238

**Re: CPC # 109-22**

Dear Mrs. A

PO Box 1293

**COMPLAINT:**

Albuquerque

Complainant A filed a complaint for an incident that occurred on 05/16/2022 at 21:20pm: I am filing a formal complaint on Sgt. L. My grandkids were taken from my daughter. She made a judgment call due to me asking questions about my grandkids. I went up to her wanting to know what is going on. They took my id and we cleared the background and she said my grandkids will not come to me because I wasn't protective to my grandkids. She judged me due to my demeanor. She was very rude and pushed her badge which was unprofessional.

NM 87103

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

**EVIDENCE REVIEWED:**

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

Complainant Interviewed: Yes      Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Sgt. L

Other Materials: interviewed APD CSS & CYFD, state statute

Date Investigation Completed: September 15, 2022

## FINDINGS

Policies Reviewed: *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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Policies Reviewed: *2.92.4.F.2*

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

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

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### Additional Comments:

*2.92.4.F.2:* Lapel video captures the bruising found on the children and also shows the moment when Abeita was observed coaching the child. This investigation revealed that Sgt. L conducted an appropriate investigation and removed the children for their safety.

*1.1.5.C.3:* Various officers were interviewed; they all the family including A was very hostile and did not want to give up custody. Both parents and grandparents were seen cursing, the mother was hitting tables, and all family members were yelling uncontrollably. Bruises were identified and Sgt. L primary goal was the children's safety. The officers stated Sgt. L never treated the complainant or the family unprofessionally at any time. Sgt. L provided her name and badge to the complainant and her family at least two-three times. Sgt. L did not judge or treat A unfairly in the situation as she alleged. Sgt. L was not officious in her conduct or decisions. This is all supported via lapel.

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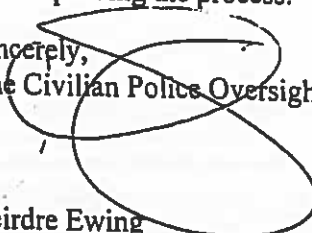
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Deirdre Ewing  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY Civilian Police Oversight Agency Board

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

November 11, 2022

Via Certified Mail

7018 1130 0002 3429 2191

Re: CPC # 153-22

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Mr. L reported he was driving on Tijeras Ave between 5th and 6th street. Mr. I reported he stopped at a red light and there was an APD vehicle that was also stopped at the same light in front of Mr. L. Mr. L reported that when the light turned green, he noticed a vehicle on the other side of 5th street traveling westbound. Mr. L reported that the portion of Tijeras Ave in question was a one-way street, for eastbound traffic only. Mr. I reported that his concern was that whoever was driving the APD Vehicle did not make any attempts to stop the vehicle that was traveling in the wrong direction.

### **EVIDENCE REVIEWED:**

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

Complainant Interviewed: Yes      Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Lieutenant Q

Other Materials: Dash Camera Video provided by Mr. L

Date Investigation Completed: October 19, 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: General Order 1.1.6.C.1

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

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

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:**

General Order 1.1.6.C.1-Although Mr. I      witnessed and his dashcam recorded the car going the wrong direction, there was not enough evidence located that could confirm that Lt. Q witnessed the vehicle in question going the wrong way on Tijeras Ave.

There was not enough evidence to note that Lt. Q did witness the traffic violation and chose not to act on it.

**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](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.

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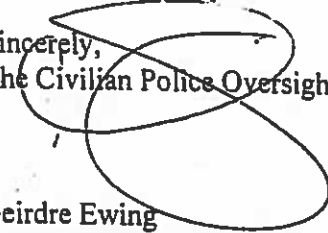
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Sincerely,  
The Civilian Police Oversight Agency by

  
Deirdre Ewing  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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*Eric Nixon*      *Rashad Raynor*      *Michael Wartell*  
Deirdre Ewing, Executive Director

November 11, 2022

Via Email

Re: CPC # 154-22

S

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

S submitted a complaint that alleged Officer M used his department-issued on-body recording device (lapel camera) on 06/22/2022 to record the actions of his spouse, Ms. M, at her residence. Ms. M alleged that she and Officer M were going through a divorce and that Officer M had been recording her with his lapel camera while doing everyday things around the residence and then leaving it on at night. Ms. M said she confronted Officer M on 06/25/2022 and he began recording her. Ms. M said during the incident that Officer M put the lapel in her face and said he was recording her.

### **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 M

Other Materials: Photograph, Axon Manual, & Screenshots

Date Investigation Completed: October 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.

Policies Reviewed: Policy 1.1.5.E.2 Department-Issued Property

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.E.2: The investigator determined, by a preponderance of the evidence, that the alleged misconduct did occur by the subject officer. The evidence showed that Officer M did use his department-issued lapel camera to record three non-departmental/off-duty interactions between him and Ms. M during an incident on 06/25/2022. No other lapel camera recordings were located regarding this complaint. Officer M did retrieve his department-issued lapel camera from a bedside table but did not put it in Ms. M's face or tell her he was recording.

The Board recommends an 8 hour suspension.

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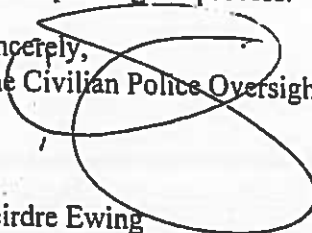
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The Civilian Police Oversight Agency by

  
Deirdre Ewing  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

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*Deirdre Ewing, Executive Director*

November 11, 2022

Via Certified Mail

7020 1810 0000 6296 6213

**Re: CPC # 140-22**

PO Box 1293

### **COMPLAINT:**

Mr. N reported that Officer A made several false statements in his report.

Albuquerque

NM 87103

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

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: No

APD Employee Involved: Former Officer A

Other Materials:

Date Investigation Completed: October 4, 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

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.5.f-Per the OBRD video, Mr. N [redacted] never advised Officer A that Mr. N [redacted] pushed Mr. J [redacted] and that Mr. J [redacted] specifically hit his head as quoted in Officer A's report. There was no verification located that Officer A issued a criminal summons for Mr. N [redacted] as noted in Officer A's report. There were enough inaccuracies in Officer A's report to warrant a sustain. Officer A resigned prior to the receipt of the complaint and did not respond to requests for his participation. The CPOA Board recommends a verbal reprimand, but is aware that the officer is no longer employed by the department.



**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](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.

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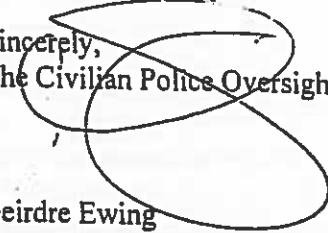
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Deirdre Ewing  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

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*Rashad Raynor*

*Michael Wartell*

*Deirdre Ewing, Executive Director*

November 11, 2022

Via Certified Mail

7020 1810 0000 6296 6213

Re: CPC # 140-22

PO Box 1293

### **COMPLAINT:**

Mr. N reported that during his 05/17/2022, phone conversation with Detective R, he led Mr. N to believe that Detective R would contact the HUD Director in order to remove any criminal concerns of the referred 05/04/2021 incident. Mr. N reported that the event had formally hindered HUD services due to Mr. N's case duplicity of both civil and criminal matters.

Albuquerque

NM 87103

Mr. N reported that Detective R's report also misstated that Detective R filed his report with the DA's office.

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

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Detective R

Other Materials: Recorded phone conversations

Date Investigation Completed: October 4, 2022

## FINDINGS

Policies Reviewed: General Order 1.1.6.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: General Order 1.1.4.D.1

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



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### Additional Comments:

General Order 1.1.6.A.1-Detective R did provide verification that he did attempt to make contact with Latisha from HUD at the phone number that Mr. N [redacted] had provided Detective R. During the phone conversation between Detective R and Mr. N [redacted], Detective R advised Mr. N [redacted] that if he got ahold of someone from HUD he would let Mr. N [redacted] know. Detective R also advised Mr. N [redacted] that if Detective R did not call Mr. N [redacted] back that meant Detective R was not able to reach them.

General Order 1.1.4.D.1- Mr. N [redacted] was distressed he was unable to defend himself in court and every time he inquired about his case with the DA, he was advised they could not locate that case. Detective R confirmed the portion of his report stating the case was referred was inaccurate and realized his mistake at the time of the interview, charges were not filed. Additional concerns: it was confirmed that Detective R was not a Homicide Detective at the time of incident. Investigative procedure would not allow for Mr. N [redacted] to observe or question witnesses' interviews.

The CPOA Board recommends a verbal reprimand.

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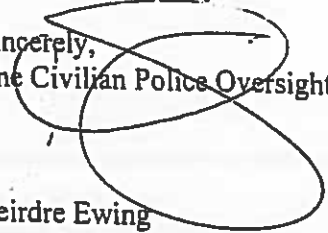
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The Civilian Police Oversight Agency by

  
Deirdre Ewing  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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*Michael Wartell*

Deirdre Ewing, Executive Director

November 11, 2022

Via Certified Mail

7018 1130 0002 3429 2252

Adryan Duran  
1721 Wheeler Ave SE  
Albuquerque, NM 87106

Re: CPC # 135-22

Ms. Duran:

PO Box 1293

### **COMPLAINT:**

Albuquerque

Ms. D was involved in a traffic crash where the other driver t-boned her. She alleged the other driver had no driver's license, insurance, or tags, was not issued any tickets, and was let go to drive away. The other driver's brother showed up with a gun in his pocket for intimidation. The PSA was told of this several times, and he did nothing about it. The accident report was written with several mistakes.

NM 87103

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

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: PSA L.

Other Materials: N/A

Date Investigation Completed: October 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.

Policies Reviewed: 2.46.4.A.2.d

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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Policies Reviewed: 1.78.3.B.3.a.b

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

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### Additional Comments:

PSA L investigated the traffic accident but failed to request assistance from an Albuquerque Police Officer. During a review of PSA L's lapel video, he asked the driver, Mr. C n, if he had insurance, and Mr. C n replied that he did not. Later, two Albuquerque Police Officers arrived at his accident scene to check on him. PSA L knew then that Mr. C n did not have insurance or registration on his vehicle but did not ask the officers to stand by and assist him. PSA L also knew the existence of a gun and did not ask any clarifying questions.

Additionally, as a result of the traffic crash, a passenger, sustained injury and had to be transported to the hospital. PSA L was asked if he notified a supervisor since the traffic crash had an injured person transported to the hospital. PSA L said that he reported the injury to dispatch. Still, he did not directly inform a supervisor and no notification was listed on the traffic crash report. This was how PSA L had previously reported injury crashes, but a supervisor was not directly notified according to the procedures outlined in SOP.

The concerns of the report were primarily clerical in nature.

The CPOA Board recommends a verbal reprimand for one SOP and a written reprimand for the other.

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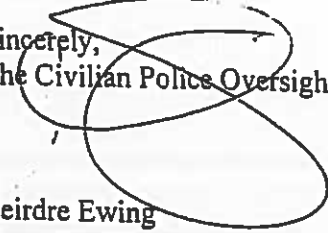
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cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



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### Civilian Police Oversight Agency Board

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

November 11, 2022

Via Email

Re: CPC # 128-22

PO Box 1293

### **COMPLAINT:**

Mr. E reported that Officers did not render aid to Mr. E.  
Mr. E reported officers watched the auto theft take place. Mr. E reported there were no charges placed against Mr. E for the unlawful taking of a motor vehicle. Mr. E reported he also insisted on charges of false imprisonment in which CT Towing was not charged with with either charge.  
Mr. E reported that Officer M had several false statements in his report.  
Mr. E reported that the officers statements were biased and they mocked Mr. Estrada as shown on OBRD video.  
Mr. E reported he felt APD Officers showed favoritism toward Mr. P and CT Towing and reported there was apparent collusion going on between APD and CT Towing

Albuquerque

NM 87103

www.cabq.gov

### **EVIDENCE REVIEWED:**

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

Complainant Interviewed: Yes      Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer M

Other Materials:

Date Investigation Completed: September 29, 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.



Policies Reviewed: Procedural Order 2.60.4.A.5.a.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.



Policies Reviewed: General Order 1.1.5.A.1

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



Policies Reviewed: Procedural Order 2.31.4.A, Procedural Order 2.60.4.A.5.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:

2.31.4.A- The OBRD video confirmed approximately 30 secs into the officers interaction with Mr. E [redacted] Officer M, radioed for rescue. Rescue was on scene just over 4 minutes speaking with Mr. E: [redacted]. The OBRD video confirmed that Officer S asked if Mr. E needed rescue. Officer S asked Mr. E [redacted] to turn the A/C on and asked if officers could get Mr. E: [redacted] inside where it was cooler. Officer S asked if Mr. E [redacted] had a medical condition. 2.60.4.A.5.a.b-Officer M failed to properly investigate the allegations of false imprisonment, based on the evidence presented on the CAD, and while in the office, Mr. R [redacted] advised officers that Mr. E: [redacted] behavior started when they wouldn't let Mr. E: [redacted] out of the gate. While on scene officers did not speak to anyone from CT Towing about the allegation of false imprisonment made against CT Towing. 2.60.4.A.5.f- OBRD video confirmed that Officer M's report was accurate compared to what occurred during the incident via OBRD video review. 1.1.5.A.1-There was not enough evidence to note the actual intent of Officer M's comments that were made towards or reportedly made towards Mr. E [redacted]. 1.1.5.C.3-After review of OBRD videos, there was no evidence noted to suggest APD showed favoritism to anyone. The CPOA Board recommends an 8 hour suspension.

**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](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.**

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

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

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

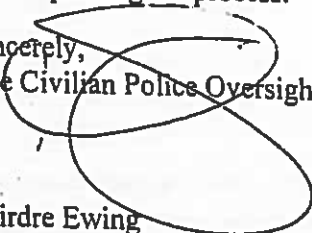
Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by

  
Deirdre Ewing  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

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*Patricia J. French, Chair*

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*Michael Wartell*

*Deirdre Ewing, Executive Director*

November 11, 2022

Via Email

**Re: CPC # 128-22**

PO Box 1293

**COMPLAINT:**

Mr. E reported that Officers did not render aid to Mr. E

Mr. E reported that the officers statements were biased and they mocked Mr. Estrada as shown on OBRD video.

Albuquerque

Mr. E reported he felt APD Officers showed favoritism toward Mr. R and CT Towing and reported there was apparent collusion going on between APD and CT Towing

NM 87103

Mr. E reported Officer S's OBRD did not show vital and relevant footage of the actual conversation and initial contact with Mr. E

Mr. F reported there was no supplemental report written by Officer S.

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

**EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer S

Other Materials:

Date Investigation Completed: September 29, 2022

## FINDINGS

Policies Reviewed: General Order 1.1.5.C.3; General Order 2.8.4.B; General Order 2.16.5.B.1.1

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: General Order 1.1.5.A.1

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



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



Policies Reviewed: Procedural Order 2.31.4.A

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



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



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### Additional Comments:

2.31.4.A-The OBRD video confirmed approximately 30 secs into the officers interaction with Mr. E: Officer M, radioed for rescue. Approx 4 mins and 19 secs after officers made contact with Mr. E, rescue was on scene speaking with Mr. E. The OBRD video confirmed that Officer S asked if Mr. E needed rescue. Officer S asked Mr. E to turn the A/C on and asked if officers could get Mr. E inside where it was cooler. Officer S asked if Mr. E had a medical condition. 1.1.5.A.1-The CPOA located enough evidence to note that Officer S made several comments that were not professional and Officer S was also shown on OBRD mocking Mr. E, per Mr. E's complaint. 1.1.5.C.3-After review of OBRD videos, there was no evidence noted to suggest APD showed favoritism to anyone. 2.8.4.B-A review of the OBRD video confirmed that Officer S had his OBRD facing forward which appeared to be placed around the beltline which was allowed per policy. 2.16.5.B.1.1-Officer S advised that his Refresher Officer (Officer M) wrote the report as Officer S was Officer M's Field Training Officer. Officer S advised he would guide and assist Officer M. The CPOA Board recommends a written reprimand.

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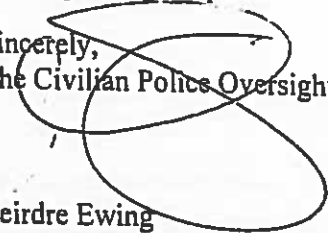
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Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,  
The Civilian Police Oversight Agency by

  
Deirdre Ewing  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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### Civilian Police Oversight Agency Board

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*Eric Nixon*      *Rashad Raynor*      *Michael Wartell*  
Deirdre Ewing, Executive Director

September 29, 2022

Via Email

Re: CPC # 128-22

PO Box 1293

### **COMPLAINT:**

Mr. E      reported he felt APD Officers showed favoritism toward Mr. R      and CT Towing because CT Towing participates in the APD towing rotation. Mr. E reported there was apparent collusion going on between APD and CT Towing.

Albuquerque

Mr. E      reported that Officer L's supplemental report was completely wrong; Mr. Estrada never purchased a vehicle from CT Towing. Mr. E      reported a lot of information was inaccurate as compared to the OBRD video.

NM 87103

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

### **EVIDENCE REVIEWED:**

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

Complainant Interviewed: Yes      Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer L

Other Materials:

Date Investigation Completed: September 29, 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.

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.5.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:

1.1.5.C.3-After the completion of interviews and review of OBRD videos, there was no evidence noted to suggest APD showed favoritism towards CT Towing or that there was collusion going on.

2.60.4.A.5.f-A review of the OBRD video confirmed that Officer L's report was not written in complete verbatim of the incidents that occurred on the scene, however, Officer L's report effectively told the sequence of events accurately as viewed in the OBRD video.

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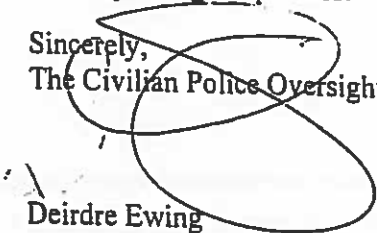
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Sincerely,  
The Civilian Police Oversight Agency by

  
Deirdre Ewing  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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Deirdre Ewing, Executive Director

November 11, 2022

Via Email

Re: CPC # 128-22

PO Box 1293

### **COMPLAINT:**

Mr. E reported he felt APD Officers showed favoritism toward Mr. R and CT Towing because CT Towing participates in the APD towing rotation. Mr. E reported there was apparent collusion going on between APD and CT Towing

Albuquerque

NM 87103

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

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Lieutenant D

Other Materials:

Date Investigation Completed: September 29, 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:**

1.1.5.C.3-After the completion of interviews and review of OBRD videos, there was no evidence noted to suggest APD showed favoritism towards CT Towing or that there was collusion going on.

**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](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.

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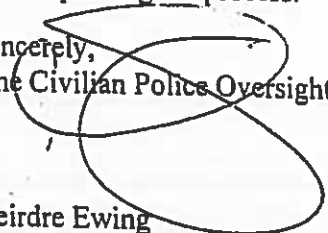
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Deirdre Ewing  
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cc: Albuquerque Police Department Chief of Police

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Deirdre Ewing, Executive Director

November 11, 2022

Via Email

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Re: CPC # 128-22

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Mr. E reported he felt APD Officers showed favoritism toward Mr. F and CT Towing. Mr. E reported there was apparent collusion going on between APD and CT Towing. Mr. E reported he met with an APD Officer (later identified as Sergeant G) who tried to hand him the same check that Mr. E had earlier issued to CT Towing for the impound fees. Mr. E reported that APD acted on behalf of CT Towing attempting to give Mr. F back a check and trying to legitimize the actions of unlawfully taking a motor vehicle without permission. Mr. E reported Sergeant G already knew CT Towing and was trying to persuade Mr. E to accept the check. Mr. E la reported Sergeant G acted on behalf of CT Towing to intimidate Mr. E into accepting the check 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: Sergeant G

Other Materials:

Date Investigation Completed: September 29, 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.



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Policies Reviewed: General Order 1.1.5.C.3

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



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### Additional Comments:

1.1.5.C.3-After the completion of interviews and review of OBRD videos, there was no evidence noted to suggest APD showed favoritism towards CT Towing or that there was collusion going on.

1.1.5.C.3-The OBRD video confirmed Sergeant G tried to give the check to Mr. E; however, at no point did Sergeant G try to persuade or intimidate Mr. E to take the check. Sergeant G just stated he would return the check back to CT Towing.

The overall finding of this SOP 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](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.

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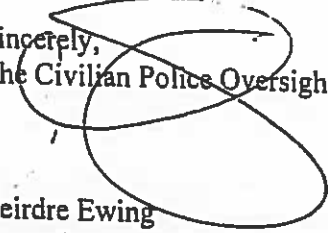
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Sincerely,  
The Civilian Police Oversight Agency by

  
Deirdre Ewing  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

### Civilian Police Oversight Agency Board

*Patricia J. French, Chair*

*Jesse Crawford, Vice-Chair*

*Greg Jackson*

*Eric Nixon*

*Rashad Raynor*

*Michael Wartell*

Deirdre Ewing, Executive Director

November 11, 2022

Via Email

**Re: CPC # 141-22**

Dear Ms. S:

#### **COMPLAINT:**

Ms. S reported that excessive force was used against her.

Ms. S reported the officers did not ask her anything about the incident that she had made the emergency call about.

Ms. S reported she was not read her rights.

Ms. S reported that when Officer H and Officer M went to their house for a domestic abuse call, they spoke with the accused (Mr. M) and his father first.

Ms. S reported she was never told why she was being arrested.

Ms. S reported she was not offered a phone call at any point after her arrest either.

PO Box 1293

Albuquerque

NM 87103

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

#### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer H

Other Materials: n/a

Date Investigation Completed: October 7, 2022

## FINDINGS

Policies Reviewed: Procedural Order 2.52.4.F.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.



Policies Reviewed: Procedural Order 2.68.4.C.1.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 Order 2.60.4.A.5.a.b

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



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



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



### Additional Comments:

2.52.4.F.1.a-The CPOA Investigator did not note any excessive force used by officers. Based on what could be seen via OBRD the CPOA Investigator observed low-level control tactics. Ms. S initially requested Rescue to assess her but when they arrived, she refused assessment.

2.60.4.A.5.a.b-A review of videos confirmed Officer H asked Ms. S on a couple of occasions what was going on, why officers were there, and what happened. Officer H also asked Ms. S at least on two separate occasions what happened on the date in question.

2.68.4.C.1.b- A review of OBRD videos confirmed that Officer H did ask Ms. S questions that met the criteria of a custodial interrogation after she had officially been arrested and without Officer H reading Ms. S her Miranda warning.

Individuals are generally interviewed in the order encountered first since all sides are considered. A review of the videos confirmed Officer H advised Ms. S that she was being arrested for domestic violence due to the injuries Mr. M had obtained. 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](mailto: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.

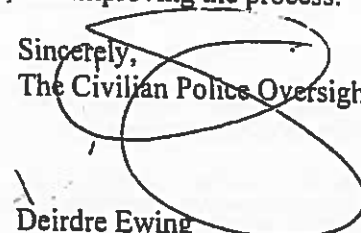
Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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.

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The Civilian Police Oversight Agency by



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Executive Director  
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Albuquerque

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NM 87103

Ms. S reported she was never told why she was being arrested.

Ms. S reported she was not offered a phone call at any point after her arrest either.

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### Additional Comments:

2.52.4.F.1.a-The CPOA Investigator did not note any excessive force used by officers, per the complaint. Based on what could be seen via OBRD videos, the CPOA Investigator observed low-level control tactics. Ms. S. initially requested Rescue to assess her but when they arrived, she refused assessment.

Individuals are generally interviewed in the order encountered first since all sides are considered. A review of the videos confirmed Officer H advised Ms. S. that she was being arrested for domestic violence due to the injuries Mr. M had obtained. Phone calls are permitted once the individual is booked into jail.

Officer M was not the primary officer in the incident.

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

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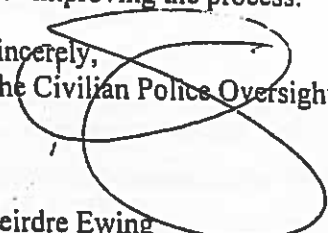
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