

## Civilian Police Oversight Agency

### Finding Letters of the CPOA

The CPOA Executive Director's findings in each case are listed below. The citizens were notified of the June 2025 findings. If applicable, these findings will become part of the officer's file.

314-24	340-24	020-25	021-25	023-25
024-25	025-25	026-25	027-25	029-25
030-25	032-25	035-25	036-25	038-25
059-25				

PO Box 1293

Albuquerque

NM 87103

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

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

June 16, 2025

Via Certified Mail

Re: CPC # 314-24

### **COMPLAINT:**

On 11/15/24, D filed a CPOA complaint about an incident from 10/18/24. After disputes with his vocational counselor and filing complaints in 2021, D reported experiencing harassment. The situation peaked at Barcelona Suites when Officer M and Sgt. G responded to Mr. D's call about his son's alleged kidnapping by Ms. D. Mr. D claimed D conspired with his son's stepbrother to gain custody.

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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. G

Other Materials: Video submitted by complainant; 1:16CR04743JCH

Date Investigation Completed: March 17, 2025



## **FINDINGS**

Policies Reviewed: 1.1.5.A.4 Conduct

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



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



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



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



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



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



### **Additional Comments:**

1.1.5.A.4-It was determined Sgt. G fully complied with APD General Order 1.1.5.A.4. He obtained information from the public in a professional, prompt, and courteous manner, and acted upon it properly and judiciously within the scope of his duties. His approach was characterized by careful information gathering, prioritized the child's safety, and provided a compassionate response to a complex domestic situation.

The evidence demonstrated that Sgt. G acted professionally throughout the incident, focusing on child safety as the primary objective while maintaining a courteous and measured approach to all parties involved.

**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

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

Administratively closed complaints 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>. There was a delay in the issuance of findings due to multiple staff changes including investigators and the Director along with a high volume of investigations and reviews to process. Thank you for your patience and participation in the process of civilian oversight of the police.

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

June 16, 2025

Via Certified Mail

Re: CPC # 314-24

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

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

Mr. D reported an incident at Barcelona Suites involving Officer M and Sgt. G who responded to a call for police that he made. The call concerned Mr. D 13-year-old son, and alleged that Ms. D, who had driven from Texas to the hotel, had kidnapped his son. Mr. D reported that Officer M threatened Mr. D by stating that if he did not let his son leave, CYFD was going to be called and his son would be taken from him. Mr. D reported that Officer M believed Ms. D's statement without an allegation brought to Mr. D in a formal manner that was legal. Mr. D reported that Officer M kept telling him it was because Mr. Daily was not taking medications

### **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: Video submitted by complainant; 1:16CR04743JCH

Date Investigation Completed: March 17, 2025



## **FINDINGS**

Policies Reviewed: 1.1.5.A.4 Conduct

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



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



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



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



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



### **Additional Comments:**

1.1.5.A.4-It was determined that Officer M fully complied with APD SOP 1.1.5.A.4. She obtained information from the public in a professional, prompt, and courteous manner and acted upon it properly and judiciously within the scope of her duties. Her approach was characterized by comprehensive information gathering, prioritized the child's safety, and gave a compassionate response to a complex domestic situation. The evidence demonstrated that Officer M maintained high professional standards throughout the incident, focusing on child safety and following proper procedural guidelines.

**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

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

Administratively closed complaints 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>. There was a delay in the issuance of findings due to multiple staff changes including investigators and the Director along with a high volume of investigations and reviews to process. Thank you for your patience and participation in the process of civilian oversight of the police.

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

June 20, 2025

Via Email

Re: CPC # 340-24

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

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

H [redacted] submitted an online complaint to the Civilian Police Oversight Agency (CPOA) staff regarding an incident that occurred on 12/17/2024. Mr. H [redacted] reported an encounter with two officers at her tent encampment involving her, her brother-in-law, and a friend. She was concerned that the officers were going to shoot and pepper spray her and her brother-in-law's pit bulldogs. The officers told them they had to leave their campsite because the owner called to complain. Mr. H [redacted] believed no one owned the property because they checked with the county clerk. No "no trespassing or private property" signs were posted on the property, and they were often told they would not have to vacate if no signs were posted. Other camps were nearby, and officers did not give them notices to vacate.

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer F

Other Materials: Bernco Tax Assessor

Date Investigation Completed: March 25, 2025



## **FINDINGS**

Policies Reviewed: 1.1.5.A.4

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



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



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:**

The investigation determined that Ofc. F did not violate policy (1.1.5.A.4) during his encounter with the three individuals. A review of the computer-aided dispatch log (CAD) reported that the property owner contacted the police to complain about individuals on the property. The investigator confirmed the property was privately owned during an interview with the owner and a check with the Bernco Tax Assessor's office. This disproved Ms. H allegation that no one owned the property. A review of Ofc F's OBRD video corroborated what he said and did during his interview. Access to the property was restricted as Ofc. F had to climb behind an opening at a rear wall to enter the field, which was reasonable to believe the open space was restricted from public access. Ms. H and witnesses were unavailable to be interviewed after attempts were made to contact them. She provided no evidence to support her claim that officers were biased toward her than at other encampments. No other camps were observed. Ofc. F was in full uniform, announced his presence, and remained professional during the incident, despite, Mr. W, a witness, being combative. No one was searched. However, a knife and pepper spray was removed from Mr. W for the officers' safety.

**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

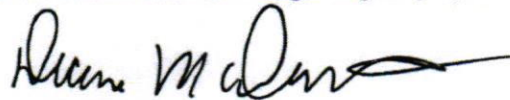
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

Administratively closed complaints 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>. There was a delay in the issuance of findings due to multiple staff changes including investigators and the Executive Director along with a high volume of investigations and reviews to process. Thank you for your patience and participation in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

June 20, 2025

Via Email

Re: CPC # 340-24

### **COMPLAINT:**

H [redacted] submitted an online complaint to the Civilian Police Oversight Agency (CPOA) staff regarding an incident that occurred on 12/17/2024. Mr. H [redacted] reported an encounter with two officers at her tent encampment involving her, her brother-in-law, and a friend. She was concerned that the officers were going to shoot and pepper spray her and her brother-in-law's pit bulldogs. The officers told them they had to leave their campsite because the owner called to complain. Mr. H [redacted] believed no one owned the property because they checked with the county clerk. No "no trespassing or private property" signs were posted on the property, and they were often told they would not have to vacate if no signs were posted. Other camps were nearby, and officers did not give them notices to vacate.

### **EVIDENCE REVIEWED:**

Video(s): Yes                      APD Report(s): N/A                      CAD Report(s): Yes  
Complainant Interviewed: No                      Witness(es) Interviewed: No  
APD Employee Interviewed: Yes  
APD Employee Involved: Officer S  
Other Materials: Bernco Tax Assessor  
Date Investigation Completed: March 25, 2025



## **FINDINGS**

Policies Reviewed: 1.1.5.A.4

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



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



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:**

The investigation determined that Ofc. S did not violate policy (1.1.5.A.4) during his encounter with the three individuals. A review of the computer-aided dispatch log (CAD) reported that the property owner contacted the police to complain about individuals on the property. The investigator confirmed the property was privately owned during an interview with the owner and a check with the Bernco Tax Assessor's office. This disproved Ms. Hrubieski's allegation that no one owned the property. A review of Officer S' OBRD video corroborated what he said and did during his interview. Access to the property was restricted as Officer S had to climb behind an opening at a rear wall to enter the field, which was reasonable to believe the open space was restricted from public access. Ms. H and witnesses were unavailable to be interviewed after attempts were made to contact them. She provided no evidence to support her claim that officers were biased toward her than at other encampments. No other camps were observed. Ofc. S was in full uniform, announced his presence, and remained professional during the incident.

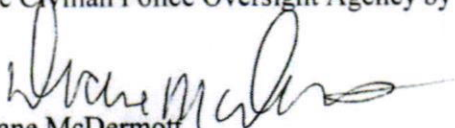
**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

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

Administratively closed complaints 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.

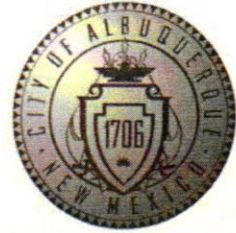
If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>. There was a delay in the issuance of findings due to the resignation of the Executive Director, another not being appointed by City Council until some months later, and a high volume of reviews to process. Thank you for your patience and participation in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,  
The Civilian Police Oversight Agency by  
  
Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

June 20, 2025

Via Email

Re: CPC # 020-25

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

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

On 01/28/2025, B submitted a complaint to the CPOA via email. Ms. B reported that she was contacted by officers while broken down at a gas station. They told her that she was being detained for trespassing and was in a known drug area, which was suspicious. The officers towed the vehicle but did not tell her why, and they could not get it back because it cost \$800.00. Ms. B reported that the officers did not let her retrieve her purse from the vehicle, which had \$200.00 in it. She said the officers stereotyped her, seized and searched the vehicle illegally, and detained her for no reason. She said the officers sent her walking alone on a cold night in a dress with no jacket, telephone, or money.

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer A

Other Materials: Email Communications.

Date Investigation Completed: June 3, 2025



## **FINDINGS**

Policies Reviewed: 2.71.4.A.1 (Search & Seizure)

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: 2.48.4.B.1.h (Towing)

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



Policies Reviewed: 2.8.5.A (OBRD)

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



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



### **Additional Comments:**

2.8.5.A: It was determined that Officer A failed to record the conversation with Ervin Samuels and did not document his justifiable reason for not doing so.

2.48.4.B.1.h: It was determined that Officer A did not assist Ms. B with alternative travel arrangements, but she immediately walked away from the officers and the scene upon being released. Ms. B made no request for assistance and provided the officers with no reasons or opportunity to inquire if assistance was needed when released.

2.71.4.A.1: It was determined that Ms. B was detained and the vehicle seized within policy and based on probable cause. Ms. B was informed of why she was being detained and that the vehicle was being sealed and towed pending a search warrant. A warrant was issued on 11/26/2024, and the vehicle was unsealed and searched on 12/03/2024. Mr. Samuels was later contacted and advised that the vehicle was released. There was no indication or evidence that she was stereotyped, lied to, or advised when the vehicle would be searched. The CPOA recommends a 16 hour suspension.

**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

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

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

If you are not satisfied with the final disciplinary decision of the Office of Police Reform or any matter relating to the Office of Police Reform's handling of the complaint you may request a review of the complaint by the City's Chief Administrative Officer by sending a letter to the Office of the Mayor, P.O. Box 1293, Albuquerque, NM 87103. Your request must be in writing and within 30 calendar days (inclusive of holidays and weekends) of receipt of the Office of Police Reform letter. Include your CPC number. The review by the Chief Administrative Officer is independent of the Advisory Board.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>. Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

June 20, 2025

Via Email

**Re: CPC # 020-25**

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

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

On 01/28/2025, B submitted a complaint to the CPOA via email. Ms. B reported that she was contacted by officers while broken down at a gas station. They told her that she was being detained for trespassing and was in a known drug area, which was suspicious. The officers towed the vehicle but did not tell her why, and they could not get it back because it cost \$800.00. Ms. B reported that the officers did not let her retrieve her purse from the vehicle, which had \$200.00 in it. She said the officers stereotyped her, seized and searched the vehicle illegally, and detained her for no reason. She said the officers sent her walking alone on a cold night in a dress with no jacket, telephone, or money.

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer J

Other Materials: Email Communications.

Date Investigation Completed: June 3, 2025

## **FINDINGS**

Policies Reviewed: 2.71.4.A.1 (Search & Seizure)

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: 2.48.4.B.1.h (Towing)

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



Policies Reviewed: 2.8.5.A (OBRD)

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



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



### **Additional Comments:**

2.8.5.A: It was determined that Officer J failed to record the conversation with Ervin Samuels and did not document his justifiable reason for not doing so.

2.48.4.B.1.h: It was determined that Officer J did not assist Ms. B with alternative travel arrangements, but she immediately walked away from the officers and the scene upon being released. Ms. B made no request for assistance and provided the officers with no reasons or opportunity to inquire if assistance was needed when released.

2.71.4.A.1: It was determined that Ms. B was detained and the vehicle seized within policy and based on probable cause. Ms. B was informed of why she was being detained and that the vehicle was being sealed and towed pending a search warrant. A warrant was issued on 11/26/2024, and the vehicle was unsealed and searched on 12/03/2024. Mr. S was later contacted and advised that the vehicle was released. There was no indication or evidence that she was stereotyped, lied to, or advised when the vehicle would be searched. The CPOA recommends an 8 hour suspension.



**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

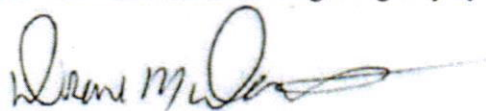
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

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

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

June 9, 2025

Via Email

Re: CPC # 021-25

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

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

On 01/31/2025, H submitted an online complaint to the CPOA regarding an incident that occurred on 05/09/2023. Ms. H reported that while she was hospitalized for a mental condition that she did not have, Detective I called W and intimidated her to turn over Ms. F weapons. Detective I told Ms. W that she could be facing a felony, so she agreed to turn over three firearms due to having a security clearance. Ms. H had previously given Detective I consent to take the firearms, but rescinded the consent. Ms. H indicated that Detective I had violated her 2<sup>nd</sup> Amendment rights, had poor judgment, was a menace to the public, had an ego and anger management issues, and should not be an officer.

### **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: Detective I

Other Materials: Email Communications & Citizen Provided Evidence.

Date Investigation Completed: May 13, 2025



## **FINDINGS**

Policies Reviewed: 2.71.4.A.1 (Search & Seizure w/o a Warrant)

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



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



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



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



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



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



### **Additional Comments:**

2.71.4.A.1: It was determined that Ms. W willingly relinquished custody of Ms. H firearms to the APD for safekeeping and that no APD personnel intimidated, threatened, or coerced her into doing so. The allegations that Detective I had ego and anger management issues were related to a previous interaction and investigated under (CPC2025-000008). Ms. W no longer wanted possession of Ms. H firearms or continued responsibility for them.

**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

June 16, 2025

Via Certified Mail

[Redacted Address]

Re: CPC # 023-25

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

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

On 02/07/2025, [Redacted] G submitted an online complaint to the CPOA on behalf of [Redacted] R regarding an incident that occurred on 06/05/2024 at 8805 Gutierrez Road Northeast. Mr. G reported that officers responded to a call, staged, and discussed how to approach a residence with a potentially armed individual. An officer, in poor taste, stated something to the effect that *"they wish that the subject would just point a gun at law enforcement so that they can involve SWAT and not have to wait anymore to act."*

### **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: Email Communications.  
Date Investigation Completed: May 20, 2025

## **FINDINGS**

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

☐

Policies Reviewed: 1.1.6.A.1.b (Conduct)

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

☒

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

☐

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

☐

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

☐

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

☐

### **Additional Comments:**

1.1.6.A.1.b: The OBRD captured that the officer said, honestly, he wished that the individual would just pop a shot at them, then they could call in the SWAT team. It was determined that Officer S made the inappropriate and unprofessional comment, which discredited himself and the Department, as made apparent by the complaint submitted by Mr. G Chief Deputy District Attorney.

The CPOA recommends an 8 hour suspension.



**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

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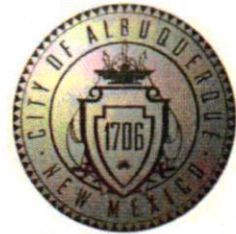
Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

June 16, 2025

Via Email

Re: CPC # 024-25

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 02/07/2025, "*Ms. Anonymous*" submitted an online complaint to the CPOA regarding an incident that occurred on 02/07/2025 at 1145 hours. Anonymous reported that female PSA V was operating a white Ford truck bearing "*BP51 or BPS1*" and stopped in the right lane of Lomas Boulevard near 12th Street and honked at a distraught and half-naked female in the roadway. Anonymous was "*shocked*" that the PSA just honked and drove by the female who was visibly distressed, frightened, and needing help. Anonymous reported that they contacted the PSA, who only identified herself by her first name when asked for her name. Anonymous asked the PSA what her role was, since she failed to assist or check on the female; the PSA stated, "*I called it in,*" shook her head, and drove off.

### **EVIDENCE REVIEWED:**

Video(s): N/A

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Police Service Aide G

Other Materials: Email Communications & Complainant Submitted Evidence

Date Investigation Completed: May 30, 2025



## **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.4 & 1.1.6.A.2 (Conduct)

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

☒

Policies Reviewed: 2.8.5.A (OBRD)

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

☒

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

☐

### **Additional Comments:**

1.1.5.A.4: It was determined that PSA G attempted to assist the female in the roadway by following protocol and notifying dispatch of the incident, but she was not allowed to intervene physically. PSA G did attempt to assist Ms. S by using her loudspeaker and siren to divert the female's attention and get her to stop obstructing the flow of traffic by advising her to get out of the roadway. Ms. S then followed PSA G, who then attempted to explain that she had reported the incident and then disengaged when that did not work. PSA G was limited by safety and additional SOPs to take additional actions.

1.1.6.A.2: It was determined that PSA G only provided her first name, not her last name or MAN number. Ms. S did not specifically request the additional information and PSA G disengaged. Ms. S heightened demeanor flustered her to say more comprehensive information.

2.8.5.A: It was determined that PSA G failed to activate her OBRD for the interaction and did not document it. The CPOA recommends a written reprimand.

**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

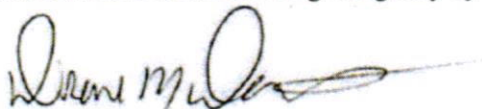
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

June 16, 2025

Via Email

Re: CPC # 025-25

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

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

H submitted a complaint regarding an incident that occurred on 02/06/2025. He reported that the police were called regarding an armed altercation. G reported that Officer S collected a statement and was then "incompetent" because he advised that he needed to speak with a supervisor regarding what steps to take, because it was "definitely a felony." Officer S called back more than two and a half hours later and advised that there was really nothing he could do. Officer S explained that even if he were to arrest the alleged aggressor, he would probably be released in a couple of hours, and the district attorney probably wouldn't press charges due to the delay in the time between the incident and the report. reported that Officer S was incompetent, ignorant, and derelict in his duties.

### **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 S

Other Materials: Email Communications

Date Investigation Completed: May 29, 2025

## **FINDINGS**

Policies Reviewed: 1.1.5.A.4 (Conduct)

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



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



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



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



Policies Reviewed: 1.1.6.H.2 (Conduct)

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.4: It was determined that Officer S responded to the call promptly and handled it in a professional and proper manner, consistent with Ms. C's wishes. A review of the associated evidence shows that the call was handled appropriately by Communications, whose priority was the safety of the citizen, followed by having personnel dispatched to take a report. The reported crime was not in progress at the time of the call, removing the exigency circumstances that would make it a higher priority. The videos show some of the complaint statements did not occur or were not in the context as reported in the complaint.

1.1.6.H.2: It was determined that Officer S used a nicotine vape while inside a City-issued vehicle.

The Department may impose a written or verbal reprimand in this situation.



**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

June 16, 2025

Re: CPC # 026-25

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

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

On 2/10/25, C submitted a complaint to the CPOA staff regarding an incident that occurred in June 2024. reported that she was involved in a crash and that report 24-0050660 was inaccurate and incomplete because her daughter's information and statement were not documented, and her name was misspelled. reported that her daughter was a witness in the vehicle when the crash occurred. reported that Officer F was the police employee but she had been communicating with Officer L who was involved as a translator. G reported that Officer L advised that Officer F would submit a supplemental report, but as of the time of the complaint, it was still awaiting supervisor approval. listed no additional witnesses on the submitted complaint.

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer F

Other Materials: Email communications, and TraCS screenshots

Date Investigation Completed: June 9, 2025



## **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: 2.16.5.B.4 & 2.16.5.C.1

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

☒

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

☐

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

☐

Policies Reviewed: 2.65.5.A.1.a

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

☒

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

☐

### **Additional Comments:**

2.16.5.B.4: It was determined that the inaccuracies about Ms. C ; name and her passenger's information were addressed in a crash supplement. However, a significant inaccuracy in the original crash report's narrative was that Ms. C made that statement to Officer F when she did not.

2.16.5.C.1: It was determined that Officer F did not submit Uniform Crash Report 24-0050660 by the end of his shift on or about June 23, 2024, as required by policy, and did not submit it until approximately 76 days later.

2.65.5.A.1.a: It was determined that Officer F did not follow policy regarding using a qualified language interpreter and instead used an LEP victim's bystander to provide interpretation or translation assistance for an LEP person.

The CPOA recommends a written reprimand and a 16 hour suspension for the three policy violations.

**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

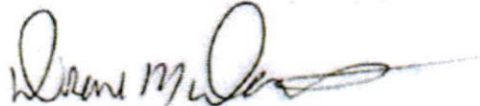
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

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

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

June 16, 2025

Via Email

Re: CPC # 027-25

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

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

On 02/11/2025, Anonymous submitted a complaint via telephone to the CPOA staff regarding an incident that occurred on 02/10/2025 at 0900 at Alameda Elementary School. Anonymous reported that he had an interaction with a male officer concerning the parking of his patrol vehicle and the carrying of a firearm on school property. He reported feeling like the officer was putting him down and intimidating him.

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer T

Other Materials: APD Fleet Operations Evidence, Unit History Report, APS Surveillance.

Date Investigation Completed: May 30, 2025

## **FINDINGS**

Policies Reviewed: 1.1.5.A.1 (Conduct)

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



Policies Reviewed: 2.5.10.D.5 (Vehicles)

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: 2.3.4.C.8.b (Firearms)

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: It was determined that there was no evidence that Officer T was putting down, staring down, or intimidating Anonymous. It was determined that Officer T never said, "I'm special."

2.5.10.D.5: It was determined that Officer T parked in a fire zone, violating department policy.

2.3.4.C.8.b: It was determined that the complainant's concerns were understandable given his specific family history, but Officer T acted within his lawful authority and departmental policy when he was armed with a firearm on school property.

The CPOA recommends a written reprimand.



**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

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- 3) that the findings and recommendations were not consistent with the record evidence.

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

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

June 16, 2025

Via Email

Re: CPC # 029-25

### **COMPLAINT:**

On 02/17/2025, C submitted an online complaint to the Civilian Police Oversight Agency (CPOA) regarding an incident that occurred on 02/17/2025 at 1400 hours at 9651 Eagle Ranch Road Northwest. Mr. C reported that a white Ford APD patrol vehicle bearing New Mexico registration 09774G was purposely parked in the "handicap zone" even though there was no emergency occurring and another officer had parked appropriately. Mr. C reported that he asked the officer to move his vehicle, but the officer stated, "he had every right to park in the handicapped zone."

### **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: Email communications  
Date Investigation Completed: May 29, 2025



## **FINDINGS**

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

☐

Policies Reviewed: 1.1.5.E.4

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

☒

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

☐

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

☐

Policies Reviewed: 2.8.5.A

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

☒

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

☐

### **Additional Comments:**

Officer S admitted to parking in the handicapped zone, which violated policy. Officer S also failed to record a portion of his investigation and his interaction with the complainant with his lapel camera, which also violated policy. The CPOA recommends two written reprimands for the policy infractions.

**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

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The Civilian Police Oversight Agency by

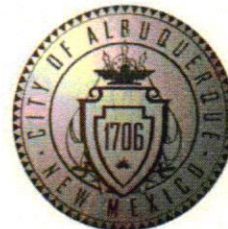


Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

June 30, 2025

Via Email

**Re: CPC # 030-25**

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

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

On 02/18/2025, Burnett submitted a complaint in person to the Civilian Police Oversight Agency (CPOA) staff regarding an incident that occurred on 01/06/2025 at 1100 hours. Ms. B reported that Officer M report narrative was made up of wrongful statements and did not reflect her conversation with him. Ms. B felt like Officer M was blowing her off because she never heard back from him after the initial contact. B reported that she received her report from the Albuquerque Police Department (APD) Records Division but was advised that the initial report number was deleted but found under a different number. Ms. B reported that she was concerned that Officer M documented that he reviewed the Circle K surveillance footage but did not list it as evidence.

### **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: Email Communications; Complainant Submitted Evidence  
Date Investigation Completed: June 3, 2025

## **FINDINGS**

Policies Reviewed: 1.1.5.A.4

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



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



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.2.f

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



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



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



### **Additional Comments:**

1.1.5.A.4; The evidence showed that Officer M did not blow off Ms. B and called her back the same day she requested contact, but never established an expectation of more contact. He did get her side of the story and documented the main points in the supplemental police report he filed. Officer M's report documented what was said by both parties, not verbatim, but as he understood the situation based on the statements and his observations. His report was a supplemental report to the initial incident when Ms. B contacted police three days later, as instructed to cancel the original report number he gave her. 2.60.4.A.2.f, It was determined that Officer M reviewed video footage from the store and his opinion was the video supported the original officers' determination. He did not save the video as he believed the primary officer would have and there were no charges in the incident. The store did not want to press charges therefore Ms. B faced no charges. Ms. Burnett wanted to press charges, but it was determined she did not have standing to do so. The video no longer was a piece of evidence to collect beyond what he did, which was record the video on his OBRD.



**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

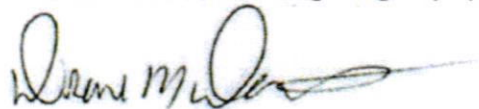
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

June 30, 2025

Via Email

Re: CPC # 030-25

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

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

On 02/18/2025, B submitted a complaint in person to the Civilian Police Oversight Agency (CPOA) staff regarding an incident that occurred on 01/06/2025 at 1100 hours. Ms. B reported that she was concerned that Officer M documented that he reviewed the Circle K surveillance footage but did not list it as evidence.

No part of the written complaint contained any allegations of misconduct for Officer N. The investigator determined that he was the primary officer for this incident and that his report (APD\*\*\*\*\*54) would become part of this investigation.

### **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 N

Other Materials: Email Communications; Complainant Submitted Evidence

Date Investigation Completed: June 3, 2025



## **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.2.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.

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☐

### **Additional Comments:**

It was determined that Officer N reviewed a Circle K surveillance camera footage pulled up in the system by the store manager. Officer N used this video to determine that a battery had occurred against two store employees. H , he understood the store did not want to press charges and only have the individual trespass. Officer N reported he attempted to collect the video, but it could not be obtained right then and never received it from the store. Given the fact that the store manager did not want to press charges, the video no longer was a piece of evidence to collect beyond what he did, which was record the video on his OBRD. Therefore, a preponderance of the evidence supports that this video did not need to be collected as evidence based on the information that Officer N had at the time of his investigation.

**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

June 30, 2025

Via Certified Mail

Re: CPC # 032-25

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

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

On 2/19/25, [REDACTED] submitted a complaint to the CPOA for an incident on 2/19/25 at 1035 at "Tramway Road NE Between Indian School & Lomas." B [REDACTED] reported that Officer "R," "5203," pulled him over because his license plate was not found in his computer system. B [REDACTED] provided Officer R with his driver's license, registration, and insurance. Officer R returned to his patrol vehicle, re-contacted Bryan, told him everything was fine, and returned his documents. B [REDACTED] reported that Officer R pulled him over without probable cause, violating his civil rights (4th Amendment). B [REDACTED] reported that Officer R stated "that sometimes APD's computer systems didn't always work." In addition, B [REDACTED] reported that the APD Foothills Substation did not seem concerned with his complaint and gave him an incomplete form.

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer R (retired)

Other Materials: Email communications and NCIC query history.

Date Investigation Completed: June 18, 2025

## FINDINGS

Policies Reviewed: 2.71.4.A.1

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



Policies Reviewed: 2.41.4.A.1.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.



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:

2.41.4.A.1.d: It was determined that Officer R did advise Mr. N of the reason for the stop but did not identify himself by name or as an officer of the Department. The officer was wearing his uniform with a name tag, but that does not comport with the policy statement.

2.71.4.A.1: The computer and video s Officer R made an inquiry into the plate before stopping Mr. N , but did not appear to receive results. It was determined that Officer R properly had cause to stop Mr. N . Computer systems are not infallible and there was no indication Officer R was lying to stop him for some ulterior motive.

The CPOA recommends a written reprimand, h , Officer R no longer works for the department so discipline cannot be imposed.



**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

June 30, 2025

Via Email

Re: CPC # 035-25

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

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

On 03/01/2025, F submitted an online complaint to the CPOA regarding an incident that occurred on 01/06/2025. Mr. F reported that his grandmother, L R was involved in a crash with D , who was uninsured. Mr. F reported that PSA H did nothing, including issuing a citation, to address Ms. D being uninsured or the nature of the crash. Mr. F provided a report number of 250001592.

Mr. F listed Ms. R u and | M as witnesses on the submitted

### **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: PSA H

Other Materials: Email Communications & SOP's 1.78 & 2.40.

Date Investigation Completed: June 16, 2025



## **FINDINGS**

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

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Policies Reviewed: 2.46.4.A.1.g (Traffic Crashes)

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

☐

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

☐

Policies Reviewed: 2.48.4.B.1.c (Towing), & 2.65.5.A.1.a (Language Access)

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:**

2.46.4.A.1.g: It was determined that PSA H failed to contact an officer to take enforcement action and failed to properly document all of the required information.

2.48.4.B.1.c: It was determined that PSA H failed to conduct an inventory of the towed vehicle.

2.65.5.A.1.a: It was determined that PSA H failed to utilize a qualified language interpreter.

The CPOA recommends a verbal reprimand, a written reprimand and an 8 hour suspension for each of the different policy violations.

**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

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

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

If you are not satisfied with the final disciplinary decision of the Office of Police Reform or any matter relating to the Office of Police Reform's handling of the complaint you may request a review of the complaint by the City's Chief Administrative Officer by sending a letter to the Office of the Mayor, P.O. Box 1293, Albuquerque, NM 87103. Your request must be in writing and within 30 calendar days (inclusive of holidays and weekends) of receipt of the Office of Police Reform letter. Include your CPC number. The review by the Chief Administrative Officer is independent of the Advisory Board.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>. Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

June 30, 2025

Via Email

Re: CPC # 036-25

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

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

On 03/03/2025, A M submitted an online complaint to the CPOA regarding an incident that occurred on 03/02/2025 at 1700 hours. Mr. M reported that he was stopped by Officer C on I-40 near Exit 159 and treated rudely. Mr. M reported that Officer C did not provide his name and badge number upon request until a second stop was made. Mr. M reported that he referred to Officer C as "good boy," which he was offended by, and responded by issuing Mr. M a citation.

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer C

Other Materials: Email Communications & TraCS Documents.

Date Investigation Completed: June 12, 2025

## **FINDINGS**

Policies Reviewed: 1.1.5.C.2 (Misconduct)

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



Policies Reviewed: 1.1.5.E.4 (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.



Policies Reviewed: 1.1.6.A.2 (On- & Off-Duty Conduct)

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



Policies Reviewed: 2.8.5.C (Mandatory Recording)

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



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



### **Additional Comments:**

1.1.5.C.2: It was determined that Officer C was not rude or unprofessional nor did he base his official decisions on any animosity.

1.1.5.E.4: It was determined that Officer C operated his City-issued vehicle in an unsafe and manner. He did not conduct the traffic stop in a safe location.

1.1.6.A.2: It was determined that Officer C provided his name and badge number verbally and in writing. Mr. M agreed it was provided verbally, but he was not listening. Providing the information repeatedly is not required. The preponderance of the evidence indicated Officer C provided information for justification of the traffic stop. The second encounter was due to Mr. M insisting contact and did not require a justification.

2.8.5.C: It was determined that Officer C did not have his OBRD in buffer mode and did not have his OBRD activated prior to contact.

The CPOA recommends a 120 hour suspension for the SOP violations.



**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

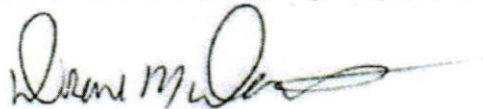
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

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

If you are not satisfied with the final disciplinary decision of the Office of Police Reform or any matter relating to the Office of Police Reform's handling of the complaint you may request a review of the complaint by the City's Chief Administrative Officer by sending a letter to the Office of the Mayor, P.O. Box 1293, Albuquerque, NM 87103. Your request must be in writing and within 30 calendar days (inclusive of holidays and weekends) of receipt of the Office of Police Reform letter. Include your CPC number. The review by the Chief Administrative Officer is independent of the Advisory Board.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>. Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

June 30, 2025

Via Email

Re: CPC # 038-25

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

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

On 03/06/2025, R [REDACTED] I [REDACTED] submitted an online complaint to the CPOA regarding an incident that occurred on 02/27/2025. Ms. L [REDACTED] reported that Officer A responded to a shooting threat concerning students. Officer A met with the suspect and informed them of the allegations against them and who made them. Ms. L [REDACTED] reported that the information should not have been divulged to the suspect. Ms. L [REDACTED] believed that Officer A minimized the situation and put the school in a difficult situation of having to either disenroll or expel the student.

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer A

Other Materials: Email Communications & NM Children's Code 32A.

Date Investigation Completed: June 25, 2025



## 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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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.4 (Conduct) & 2.16.5.C.1 (Reports)

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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Policies Reviewed: 2.22.4.B.1 (Juvenile Delinquency)

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

☒

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

☐

### Additional Comments:

1.1.5.A.4: It was determined that Officer A did release the name of the victim to the suspect, but doing so did not violate policy and therefore was not deemed to be unprofessional or inappropriate. There was no indication that Officer A minimized the situation or created undue risk to the victim, who was already known to the suspect.

2.16.5.C.1: It was determined that Officer A delayed the associated report beyond the end of his shift with supervisor approval.

2.22.4.B.1: It was determined that Officer A interviewed a juvenile suspect for a delinquent act without both advising the child of their constitutional rights and securing a knowing, intelligent, and voluntary waiver. The suspect was questioned in a closed room at school, with administrators and police present, and was not told that they were free to leave or that they were not required to answer. Officer A did not attempt to confirm the presence of the suspect's parents or secure parental assistance prior to the interview. The CPOA recommends an 8 hour suspension.

**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

June 23, 2025

To File

Anonymous

Re: CPC # 059-25

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 04/03/2025, Anonymous submitted a complaint via mail to the CPOA regarding an incident that occurred in Mexico in March 2023. Anonymous reported that Officer H was on the mayor's security detail on a trip to Mexico when he and an intern engaged in an adulterous affair. Anonymous reported that the affair occurred while the mayor and his family were in the same Airbnb. Anonymous indicated that they had sex while on duty because they were being paid, housed, and fed by the taxpayers. Anonymous reported that having sex while on duty violated ethical standards and undermined the public trust in law enforcement. It is a blatant disregard and abuse of their responsibilities, a disgrace for their positions, and the integrity of their professions.

### **EVIDENCE REVIEWED:**

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: No

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer H

Other Materials: Email Communications, Trip Agenda, Timesheets, Unit History, & More.

Date Investigation Completed: June 10, 2025

## **FINDINGS**

Policies Reviewed: 1.1.6.A.1 (Professional Conduct While On- and Off-Duty)

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.



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### **Additional Comments:**

It was determined that Officer H did not engage in an adulterous affair or sexual relationship while on duty, abuse his position of authority, violate ethical standards, undermine the public trust in law enforcement, show a blatant disregard for his responsibilities, abuse his responsibilities, disgrace his position, or disgrace the integrity of his profession. Even though portions of the trip were publicly funded, it does not mean those attending were working 24/7, as reflected in the payroll records. The CPOA does not have jurisdiction to investigate the personal lives of APD personnel unless there is a direct correlation between the off-duty conduct and their employment.



**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police