

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 May 2025 findings. If applicable, these findings will become part of the officer's file.

119-24	172-24	312-24	327-24	003-25
005-25	007-25	008-25	009-25	010-25
011-25	012-25	014-25	015-25	017-25
018-25	019-25	022-25	058-25	060-25

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

May 16, 2025

Via Email

Re: CPC # 119-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 04/13/2024, M submitted an online complaint to the Civilian Police Oversight Agency regarding an incident that occurred on 03/02/2024 at 0000 hours. Ms. M reported encountering a sobriety checkpoint after leaving the Dirty Bourbon. She reported that Officer S shined a light in her eyes and had her do field sobriety testing. It was 45 degrees and Officer S would not let her have her jacket and extended the testing times, which Ms. M believed she had passed. Upon asking for a supervisor, Officer S grabbed Ms. M arm, began to handcuff her, placed her under arrest, told her to stop resisting, and called for another officer. Ms. M reported that Officer S also kicked the inside of her ankle, leaving a bruise.

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, Checkpoint Documents, & SOP 2.43.

Date Investigation Completed: February 17, 2025

FINDINGS

Policies Reviewed: 1.1.5.A.4 (Conduct), 2.71.4.A.1 (Search & Seizure), & 2.52.4.C.1 (Force)

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: 2.42.4.A.1 (DWI Investigations)

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 that Officer S performed her duties in the available environment. Officer S did tell Ms. M no regarding getting her jacket, but was professional and in the process of conducting sobriety tests. Officer S was not abrasive or demeaning and there was no logical reason for the personnel to respond or care about Ms. M personal life. There was no indication that Officer S moved closer, bent down, got into Ms. M face, or gave her a dirty look.

2.42.4.A.1: It was determined that Officer S conducted a proper DWI investigation and acted on her perceived findings.

2.52.4.C.1: It was determined that no APD personnel used any type of force on Ms. M. It was determined that there was no evidence to support the claim that Ms. M was kicked in the ankle or had her arm squeezed.

2.71.4.A.1: It was determined that Officer S was not associated with the vehicle search, but did conduct a perceived lawful search of Ms. M incident to arrest. It was determined that Officer S did conduct a perceived lawful arrest of Ms. M

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:

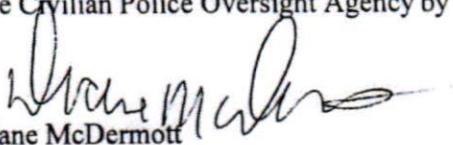
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

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 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

May 16, 2025

Via Email

Re: CPC # 119-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 04/13/2024, M submitted an online complaint to the Civilian Police Oversight Agency regarding an incident that occurred on 03/02/2024 at 0000 hours. Ms. M reported encountering a sobriety checkpoint after leaving the Dirty Bourbon. She reported that her vehicle was unlawfully searched, and the contents of her wallet were removed.

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: PSA E

Other Materials: Email Communications, Checkpoint Documents, & SOP 2.43.

Date Investigation Completed: February 17, 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.C.1 (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.C.1: It was determined that PSA R conducted an unlawful and unreasonable search and seizure, violating APD policy. As such, it was also determined that PSA E failed to properly train and supervise PSA R, whom he was training, instructing, and supervising when the violation occurred.

The CPOA recommends a written reprimand, however, due to the unexpected departure of the original assigned investigator the timelines for investigation were missed so the discipline could not be imposed, but is still a matter of record and can be used for training. It should be noted that the systemic issue has been corrected regarding DWI checkpoints.

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:

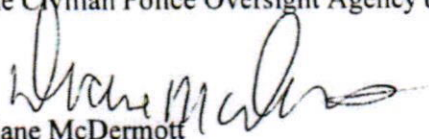
- 1) A policy was misapplied in the evaluation of the complaint;
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If you are not satisfied with the final disciplinary decision of the Chief of Police or any matter relating to the Chief's handling of the complaint you may request a review of the complaint 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

May 16, 2025

Via Email

Re: CPC # 119-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 04/13/2024, Mr. [REDACTED] submitted an online complaint to the Civilian Police Oversight Agency regarding an incident that occurred on 03/02/2024 at 0000 hours. Ms. M. [REDACTED] reported encountering a sobriety checkpoint after leaving the Dirty Bourbon. She reported that her vehicle was unlawfully searched, and the contents of her wallet were removed.

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: PSA R

Other Materials: Email Communications, Checkpoint Documents, & SOP 2.43.

Date Investigation Completed: February 17, 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: 2.71.4.A.1 (Authority to Make an Arrest, Search, or Seizure)

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

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

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

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Additional Comments:

2.71.4.A.1: It was determined that PSA R conducted an unlawful and unreasonable search and seizure, violating APD policy. PSA R conducted a thorough search of Ms. M vehicle in an attempt to locate evidence of a crime and property of value. PSA R then seized currency and a telephone from the vehicle. At the time of the search, Ms. M was not under arrest and had not consented to the warrantless search and seizure. At the time of the search, Ms. M's vehicle was not subject to tow and, therefore, not subject to an inventory search. There were no articulable probable cause or exigent circumstances to justify the warrantless search and seizure.

The CPOA recommends an 8 hour suspension, however, due to the unexpected departure of the original assigned investigator the timelines for investigation were missed so the discipline could not be imposed, but is still a matter of record and can be used for training. It should be noted that the systemic issue has been corrected regarding DWI checkpoints.

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:

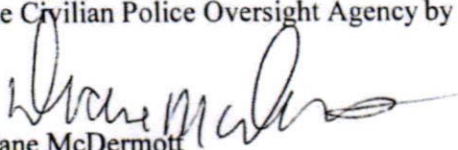
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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

May 30, 2025

Via Email

Re: CPC # 172-24

COMPLAINT:

PO Box 1293

Ms. F. reported that she was contacted by crisis unit detectives on 05/22/2024 regarding an email she sent to a city councilor. Ms. F. believed they were sent at the order of Chief M. Ms. F. believed this to be gas-lighting, harassment, intimidation, abuse of position, and a violation of her rights.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Deputy Chief B

Other Materials: Email Communications.

Date Investigation Completed: October 11, 2024

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.

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 DC B properly managed the incident and referred it to the Crisis Intervention Unit (CIU) for review. CIU did not initiate contact for potential criminal motivations; instead, they intended to provide guidance on available resources and conduct threat mitigation. They communicated to Ms. F that her engagement with them was entirely voluntary. Contrary to her assertions, the Chief had no role in deploying officers to Ms. F location. Her concerns were focused on the manner in which the officers were sent to her, rather than on the officers themselves. The recordings showed the detective did not say "that the highest in brass ordered him," nor did they assert that they had received directives from anyone "way up there." Ms. F was simply apprised that a request had been submitted through the chain of command to assess the situation. DC B emphasized that contacting the CIU is standard practice in comparable situations. The investigation substantiated that no personnel from the APD demonstrated biased or preferential treatment. Ms. Flynt's complaints pertaining to the Council Director and Councilor fall outside of the jurisdiction of the CPOA. Unfortunately, the investigator assigned to the case passed away unexpectedly; however, all necessary interviews had been completed before this occurrence. A delay occurred in recovering the relevant materials, having documentation completed by alternate CPOA staff, and final review.

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.

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

May 9, 2025

To File

Re: CPC # 312-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 11/12/2024, M () submitted a complaint online to the CPOA regarding an incident that occurred on 10/19/2024 at 1330 hours. Mr. M () reported that a jet bridge door had been left open, and he asked Officer M if he could call the communications center. Officer M stated, "This particular door was different, and it does not work with the communication center the same as other doors in the airport worked." Officer M said, "There was no way to know who left it open." Mr. M () reported that "no one had any real proof because no one called the communication center to get the answer." Mr. M () reported that he also wanted to know why Officer M lied regarding there being no way to know who the last one was to badge in.

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 M

Other Materials: Email Communications.

Date Investigation Completed: May 1, 2025

FINDINGS

Policies Reviewed: 1.1.5.A.4 (Public Welfare)

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



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



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



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



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



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Additional Comments:

1.1.5.A.4: It was determined that Officer M was prompt and professional in his response. He confirmed that the door was secure and cleared the call for service. Officer M did not lie, but due to security protocols, he was limited in the information he could provide to the individuals. Mr. M ; various other issues with his employer and coworkers were internal issues with his employer and not related to Officer M. There was no indication that Mr. McMillian was being targeted, watched by several people, or that the APD put a tracker on his vehicle.

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:

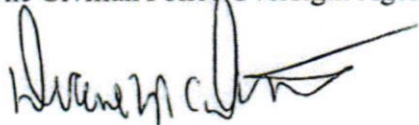
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If you are not satisfied with the final disciplinary decision of the Office of Police Reform or any matter relating to the Office of Police Reform's handling of the complaint you may request a review of the complaint by the City's Chief Administrative 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 will not be delayed as it is not dependent upon the Advisory Board.

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

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
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(505) 924-3770

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