

Civilian Police Oversight Agency

Finding Letters of the CPOA

The findings of the CPOA Executive Director in each case are listed below. The citizens were notified of the findings in December 2024. These findings will become part of the officer’s file, if applicable.

December 2024:

184-24	206-24	212-24	217-24	221-24
225-24	231-24	235-24	238-24	240-24
279-24	286-24	305-24		

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

December 31, 2024

Via Certified Mail

Re: CPC # 184-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 7/8/2024, a civilian complaint was submitted on behalf of Mr. A who called the Southwest Substation to complain about an incident on 7/5/2024. The complaint described how Mr. A felt his Fourth Amendment Constitutional right was violated by two officers who entered his backyard illegally and without a warrant. In addition, Mr. A alleged that Officer R was rude, yelled at him, and pulled out his handcuffs to taunt him. Officer M, however, was nice to him.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: No

APD Employee Involved: Officer R

Other Materials: n/a

Date Investigation Completed: August 27, 2024

FINDINGS

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

☐

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

☐

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

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

☐

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

☐

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

☒

Additional Comments:

This case was Administratively Closed as the complaint was withdrawn by Mr. A during his interview with the investigator. There were no policy violations by Officer R and Officer M observed during a review of their OBRD videos. This was the third time that the police had to respond to Mr. A residence that day for a domestic disturbance with alleged physical violence. During the OBRD review, Mr. A appeared highly intoxicated, which might have explained his initial non-recollection of the incident.

Regarding Mr. A claim that his Fourth Amendment right had been violated when officers entered his backyard without a warrant. No violation existed. It was reasonable to believe the officers responded to a domestic incident, and according to the CADs, it was a crime in progress with physical violence listed (boyfriend pulling girlfriend's hair), alcohol, and drug use.

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:

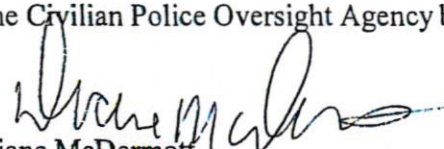
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

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.

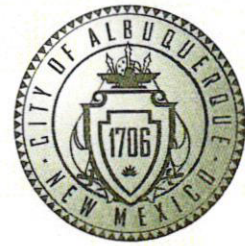
If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>. There was a delay in the issuance of findings due to the resignation of the Executive Director, another not being appointed by City Council until some months later, 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

December 31, 2024

Via Certified Mail

Re: CPC # 184-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

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EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: No

APD Employee Involved: Officer M.

Other Materials: n/a

Date Investigation Completed: August 27, 2024

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.

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

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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:

This case was Administratively Closed as the complaint was withdrawn by Mr. A during his interview with the investigator. There were no policy violations by Officer R and Officer M observed during a review of their OBRD videos. This was the third time that the police had to respond to Mr. A ; residence that day for a domestic disturbance with alleged physical violence. During the OBRD review, Mr. A appeared highly intoxicated, which might have explained his initial non-recollection of the incident.

Regarding Mr. A ; claim that his Fourth Amendment right had been violated when officers entered his backyard without a warrant. No violation existed. It was reasonable to believe the officers responded to a domestic incident, and according to the CADs, it was a crime in progress with physical violence listed (boyfriend pulling girlfriend's hair), alcohol, and drug use.

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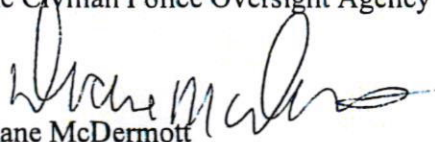
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Sincerely,
The Civilian Police Oversight Agency by


Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

December 30, 2024

Via Email

Re: CPC # 206-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

On 07/19/2024, R submitted a complaint online to the Civilian Police Oversight Agency (CPOA) regarding an incident that occurred on 07/18/2024 at 1200 hours. Ms. R reported that her husband and his employees were in a rollover crash at Sunport and I-25. The crash scene involved a truck carrying weeds, and the PSAs ordered the shaken individuals to clean the freeway. She reported that the PSA threatened to involve state police if they didn't comply. Ms. R advised she was appalled by the insensitive prioritization of cleanup over passenger well-being, especially as 5 PSAs spent over an hour idly observing from their vehicles without offering assistance.

www.cabq.gov

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: Yes

APD Employee Involved: TSO S

Other Materials: state statutes

Date Investigation Completed: November 19, 2024

FINDINGS

Policies Reviewed: 1.1.6.C.1

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



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



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Additional Comments:

It remains unclear if or by whom the occupants were ordered to clean the freeway, but the evidence did not show the TSO engaged in it. It was determined that TSO S did not have contact with the citizens. There was no substantiation that the TSO took lunch and ignored the well-being of the individuals. The TSO acted appropriately and within policy.

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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Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

December 30, 2024

Via Email

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COMPLAINT:

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NM 87103

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www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: PSA T

Other Materials: state statutes

Date Investigation Completed: November 19, 2024

FINDINGS

Policies Reviewed: 1.1.6.C.1

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



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Additional Comments:

It remains unclear if or by whom the occupants were ordered to clean the freeway, but the evidence did not show PSAs engaged in it. It was determined that PSA T.'s actions during the incident adhered to standard crash response protocols regarding debris removal following an accident. OBRD review revealed that he gathered the required details and alerted dispatch about the compromised median fence. His vehicle placement with lights activated contributed to scene safety. There was no substantiation that PSAs took lunch and ignored the well-being of the individuals. The PSA acted appropriately and within policy.

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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Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

December 30, 2024

Via Email

Re: CPC # 206-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

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www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: PSA S.

Other Materials: state statutes

Date Investigation Completed: November 19, 2024

FINDINGS

Policies Reviewed: 1.1.6.C.1

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



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Additional Comments:

It remains unclear if or by whom the occupants were ordered to clean the freeway, but the evidence did not show PSAs engaged in it. It was determined that PSA S.'s actions during the incident adhered to standard crash response protocols regarding debris removal following an accident. OBRD review revealed that he gathered the required details and alerted dispatch about the compromised median fence. His vehicle placement with lights activated contributed to scene safety. There was no substantiation that PSAs took lunch and ignored the well-being of the individuals. The PSA acted appropriately and within policy.

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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

December 9, 2024

Via Email

Re: CPC # 212-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

On 8/7/2024, Mr. O submitted a complaint via telephone to the CPOA staff regarding an incident that occurred on 8/06/2024. Mr. O reported he was dropped down on his face and handcuffed. Mr. O reported the handcuffs were too tight, and he still had marks on his wrist. Mr. O reported he told the officers the handcuffs were too tight, and one officer responded, "That is the procedure." Mr. O reported the vehicle he was put into was "hotter than hell." Mr. O reported he believed he was treated with racial bias because he was an elderly white man and the officers were all Hispanic. Mr. O reported that officers told his neighbor, C, to go back inside.

www.cabq.gov

EVIDENCE REVIEWED:

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

Complainant Interviewed: No Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer M

Other Materials: Email Communications & Analyst 1-4 Report.

Date Investigation Completed: November 21, 2024

FINDINGS

Policies Reviewed: 1.4.4.A.2.a (Bias-Based Policing) & 2.52.5.A.1 (Use of 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.



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



Policies Reviewed: 2.8.5.D.1 (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.



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Additional Comments:

1.4.4.A.2.a: Mr. O was accommodated with two sets of cuffs and transported to the hospital for a mental health evaluation where he was further accommodated with a wheelchair. Officers made several efforts to alleviate his discomfort about the hot unit. Officer M treated Mr. O fairly and respectfully. There was no indication of mistreatment or bias-based policing. C was not instructed to go back inside.

2.8.5.D.1: During this mandatory recording event, Officer M deactivated his OBRD before terminating all intended contact with Mr. O and did not document the justifiable reason why this mandatory recording event was not entirely captured.

2.52.5.A.1: Mr. O did claim the handcuffs were too tight, but no officers told him, "That is the procedure." Officer M only told him he properly spaced them. Officer M appeared to properly space and double-lock the cuffs. No force was used on Mr. O and he was not dropped on his face.

The CPOA recommends a written reprimand for the policy infraction.

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:

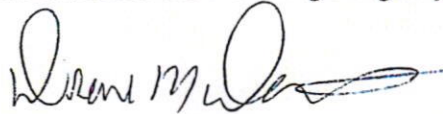
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

Administratively closed complaints 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

December 9, 2024

Via Email

Re: CPC # 212-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 8/7/2024, O submitted a complaint via telephone to the CPOA staff regarding an incident that occurred on 8/06/2024. Mr. O reported he was dropped down on his face and handcuffed. Mr. O reported the handcuffs were too tight, and he still had marks on his wrist. Mr. O reported he told the officers the handcuffs were too tight, and one officer responded, "That is the procedure." Mr. O reported the vehicle he was put into was "hotter than hell." Mr. O reported he believed he was treated with racial bias because he was an elderly white man and the officers were all Hispanic. Mr. O reported that officers told his neighbor, C, to go back inside.

EVIDENCE REVIEWED:

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

Complainant Interviewed: No Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer W

Other Materials: Email Communications & Analyst 1-4 Report.

Date Investigation Completed: November 21, 2024

FINDINGS

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

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



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:

1.4.4.A.2.a: Mr. O was accommodated with two sets of cuffs and transported to the hospital for a mental health evaluation where he was further accommodated with a wheelchair. Officers made several efforts to alleviate his discomfort about the hot unit. Officer W treated Mr. O fairly and respectfully. There was no indication of mistreatment or bias-based policing. C was not instructed to go back inside. There was no use of force and no personnel dropped Mr. O on his face.

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:

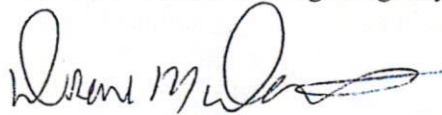
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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

December 9, 2024

Via Email

Re: CPC # 212-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

On 8/7/2024, O submitted a complaint via telephone to the CPOA staff regarding an incident that occurred on 8/06/2024. Mr. O reported he was dropped down on his face and handcuffed. Mr. O reported the handcuffs were too tight, and he still had marks on his wrist. Mr. O reported he told the officers the handcuffs were too tight, and one officer responded, "That is the procedure." Mr. O reported the vehicle he was put into was "hotter than hell." Mr. O reported he believed he was treated with racial bias because he was an elderly white man and the officers were all Hispanic. Mr. O reported that officers told his neighbor, C, to go back inside.

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant F

Other Materials: Email Communications & Analyst 1-4 Report.

Date Investigation Completed: November 21, 2024

FINDINGS

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

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



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



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Additional Comments:

1.4.4.A.2.a: Mr. O was accommodated with two sets of cuffs and transported to the hospital for a mental health evaluation where he was further accommodated with a wheelchair. Officers made several efforts to alleviate his discomfort about the hot unit. Sergeant F treated Mr. O fairly and respectfully. There was no indication of mistreatment or bias-based policing. Cindy was not instructed to go back inside. There was no use of force and no personnel dropped Mr. O on his face.

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:

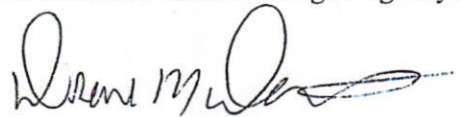
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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

December 20, 2024

Via Certified Mail

Re: CPC # 217-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

On 8/9/2024, Mr. L submitted an online complaint to the Civilian Police Oversight Agency (CPOA) staff regarding an incident that occurred on 8/3/2024 at 0100 hours. Mr. L reported that APD, with guns drawn, arrived at the parking lot and forced his family out of the car they were sleeping in. He was accused of committing a crime, and his car was impounded. An officer lost his wallet with his identification and lost one of his dogs. An officer told him both dogs were at the dog pound, but only one was there. The officer lost his other dog. Mr. L can not enroll his kids at school because all of his kid's information was in the vehicle. He lost his job.

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer E.

Other Materials: n/a

Date Investigation Completed: November 26, 2024

FINDINGS

Policies Reviewed: 2.52.5.A.1 and 1.1.5.A.1

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



Policies Reviewed: 2.73.5.A.1.5

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:

Ofc. E and his partner, conducted a high-risk traffic stop. During the OBRD video review, weapons were drawn but kept in a low-ready position and never pointed it at Mr. L or Ms. W. The investigation determined by documentation in the incident report, OBRD video review, and Ofc E's admission that he unintentionally lost Mr. L wallet. The evidence showed no one mistreated or used profanity at Mr. L. Ofc. E remained professional, courteous, and respectful with Mr. L during the encounter. Additional items not specifically addressed via SOP were explored such as Mr. L claim no one provided their name except Ofc E. Per the videos Mr. L did not ask for anyone's name. Mr. L implied his vehicle was towed and claimed damage, but provided not specifics. The vehicle was towed due to a warrant and Mr. L did not retrieve his vehicle personally, a family member did, much later. When animal control came to retrieve the dogs, one escaped and could not be located. Animal control has jurisdiction over the care of the animals, not APD. 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. 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

December 13, 2024

Via Certified Mail

Re: CPC # 221-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

Ms. K reported that her apartment burned down, and there were looters around the building. Ms. K reported that she went up to the security guard, and he hit Ms. K knocking her to the ground. Ms. K reported that when she regained consciousness, she saw the officer standing over her. Ms. J reported that the officer charged her with assault. Ms. K reported that she was in a coma for several days and had no knowledge of charges against her or appearing in court; Ms. K reported that when she called to file charges against the security guard, there were no reports submitted. Ms. K reported that the officer misspelled her name, and no report was made until the 11th.

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer T

Other Materials: citizen provided videos

Date Investigation Completed: November 26, 2024

FINDINGS

Policies Reviewed: Procedural Order 2.16.5.C.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: Procedural Order 2.16.5.B.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.



Policies Reviewed: General Order 1.1.6.C.1

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



Policies Reviewed: Procedural Order 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:

2.16.5.C.1-It was confirmed that the report was submitted and approved on 07/07/2024 (the same date as the incident.)

1.1.6.C.1-A review of the OBRD video confirmed that Officer T used the spelling of Ms. K [redacted] name in his report that was given to him by Ms. K [redacted] husband

2.16.5.B.4-After reviewing the OBRD Video, it was confirmed that at no time did Ms. K advise Officer T that she was at the scene attempting to get items from her apartment that had burned down, as noted in Officer T's incident report. After a review of the OBRD videos and Officer T's report, it was confirmed that Officer T's report had several discrepancies compared to what was said or not said to him on the scene violating the SOP in question.

2.8.5.A-Officer T violated the policies in question as he did not record the entirety of the law enforcement encounter that involved contact with the community members.

The CPOA recommends a verbal and written reprimand 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. 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

December 16, 2024

Via Email

Re: CPC # 225-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

P reported that Officer K conducted a traffic stop on her, checked the VIN on her vehicle door frame, *"looked at my passenger then looked at me then made the statement your not going to pull a gun on me and shoot me are you"*. Ms. P reported that the passenger was her biracial grandson.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer K

Other Materials: Email Communications.

Date Investigation Completed: November 27, 2024

FINDINGS

Policies Reviewed: 1.1.5.A.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.



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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.2: It was determined that Officer K conducted a traffic stop and issued a citation for a perceived traffic violation but did not make the reported comment. The comment made by Officer K was presented in a joking manner, was not racially motivated, and was used as a de-escalation technique. Officer K was professional, patient, and non-aggressive. The video evidence showed Officer K was focused on observing the VIN plate on the vehicle. The video showed Ms. Perez also appeared to react to the comment as it was intended as she laughed at the time and did not appear disturbed, but changed her demeanor when she was informed she would receive a citation.

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

December 26, 2024

Via Email

Re: CPC # 231-24

COMPLAINT:

PO Box 1293

On 08/24/2024, R submitted a complaint to CPOA via email regarding an incident that occurred on 08/19/2024 at 2000 hours. Mr. R reported that PSA L violated his rights by using excessive force to solve a situation that could have easily been de-escalated. PSA L was unprofessional and abused his power in his handling of a crash that had already been reported.

Albuquerque

Mr. R reported that his vehicle was in a safe position and not blocking traffic. Mr. R ordered his own tow truck but PSA L arrived on the scene and instructed Mr. R tow truck operator to put his vehicle down. PSA L then had his vehicle towed by Acme Towing, who requested payment for Mr. R to retrieve his vehicle. Mr. Registre reported that his tow company also charged him.

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: PSA L

Other Materials: Email Communications, Towing Invoice, & Complainant Evidence.

Date Investigation Completed: December 10, 2024

FINDINGS

Policies Reviewed: 2.52.5.A.1 (Use of 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.



Policies Reviewed: 1.1.6.A.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.



Policies Reviewed: 2.48.4.A.1.d (Towing Services)

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) & 2.48.4.B.1.b (reporting of tow)

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: PSA L brought discredit and impaired the department's efficiency when he unlawfully ordered Dugger's Towing to release the vehicle into the custody of Acme Towing.

2.8.5.A: PSA L failed to properly activate his OBRD through the entirety of the situation.

2.48.4.A.1.d: PSA L properly ordered the tow of the vehicle. The vehicle had been involved in a crash and was left parked on the corner of the intersection and up on the sidewalk. The vehicle was blocking the sidewalk and sidewalk ramps. Approximately half (rear) of the vehicle was protruding beyond the curb and into the intersection. Mr. R left the scene and his vehicle prior to the arrival of the tow truck he had requested, therefore requiring PSA L to take action when he came upon the crashed vehicle.

2.48.4.B.1.b: PSA L did not complete a report.

2.52.5.A.1: PSA L did not use any force.

The CPOA recommends a verbal reprimand, a written reprimand and an 8 hour suspension for the various 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. 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

December 31, 2024

Via Certified Mail

Re: CPC # 235-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

Mr. O reported that he was trying to file a missing person's report for his son. Mr O stepped outside to speak with Officer P and Officer T. Mr. O reported that Officer P had walked into his residence and ordered that she speak to his other two children and that Mr. O's partner go outside. Mr. O reported that his partner explained that she just got the kids to go to sleep and asked, "Is it necessary to wake them up?" Mr. O reported that Officer P told his partner that she didn't care and asked his partner again to step outside. Mr. O reported that while Officer P was in the home conducting some sort of search and questioning his kids, the other the other officer told them that they had already found his missing child. Mr. O reported that Officer P had no right going into his home.

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer T

Other Materials: n/a

Date Investigation Completed: December 20, 2024

FINDINGS

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

☐

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

☐

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

☐

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

☐

Policies Reviewed: Procedural Order 2.8.5.D.1

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.D.1-A review of the OBRD Videos confirmed that Officer T deactivated his OBRD prior to all his intended contact with the individuals involved in the incident being terminated and failed to document the reason that the recording event was not captured in its entirety per policy.

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. 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

December 31, 2024

Via Certified Mail

Re: CPC # 235-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

Mr. O reported that he was trying to file a missing person's report for his son. Mr. O stepped outside to speak with Officer P and Officer T. Mr. O reported that Officer P had walked into his residence and ordered that she speak to his other two children and that Mr. O's partner go outside. Mr. O reported that his partner explained that she just got the kids to go to sleep and asked, "Is it necessary to wake them up?" Mr. O reported that Officer P told his partner that she didn't care and asked his partner again to step outside. Mr. O reported that while Officer P was in the home conducting some sort of search and questioning his kids, the other the other officer told them that they had already found his missing child. Mr. O reported that Officer P had no right going into his home.

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer P

Other Materials: n/a

Date Investigation Completed: December 20, 2024

FINDINGS

Policies Reviewed: General Order 1.1.5.C.2

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



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



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



Policies Reviewed: Procedural Orders 2.71.4.A.1 and General Order 1.1.5.A.1

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



Policies Reviewed: Procedural Order 2.8.5.D.1

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- Officer P did not search the house, was let into the home by Ms. S, and only interviewed the children based on the allegations that had been brought up during her previous interviews earlier in the evening. 1.1.5.C.2-the evidence showed, Officer P did not violate the policy in question as she did not tell Ms. S to leave the home, and although Officer P stated she may have had one previous interaction with Mr. O, there was no other evidence provided to corroborate that Officer P had an issue with Mr. O. 1.1.5.A.1-Officer P confirmed she made the comments in question toward the complainants and provided her reasoning, which was corroborated through the review of the OBRD video. Although the comments in question from Officer P were made they did not violate policy 2.8.5.D.1-A review of the OBRD Videos confirmed that Officer P deactivated her OBRD prior to all her intended contact with the individuals involved in the incident being terminated and failed to document the reason that the recording event was not captured in its entirety per policy. 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. 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

December 31, 2024

Via Certified Mail



Re: CPC # 238-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

Mr. A reported that Sergeant M had shown up at his home and informed him that someone had called, claiming that Mr. A had a gun. Mr. A reported that he was a disabled veteran and did not appreciate Sergeant M's comment, "This is a new world." Mr. A reported that Sergeant M's comment was opposite gender discrimination. Mr. A reported that Sergeant M asked Mr. A if she had made things worse for him by going to his home. Mr. A reported that he was currently in a dispute with the probate court, and APD was making it worse by going to his house.

www.cabq.gov

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: Sergeant M

Other Materials: n/a

Date Investigation Completed: December 16, 2024

FINDINGS

Policies Reviewed: General Order 1.4.4.A.2 & 1.1.5.A.1

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



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



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



Policies Reviewed:

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:

1.4.4.A.2-After a review of the OBRD video, the CPOA Investigator did not observe any form of discrimination from Sergeant M toward Mr. A. After a review of the interviews and the OBRD Video, it was confirmed that Sergeant M did make a form of the comment in question; however did not violate the policy in question and was not in the context as the complainant alleged.

1.1.5.A.1-A review of the OBRD video confirmed that Sergeant M did not violate the policy in question, as the CPOA Investigator did not observe Sergeant M being unprofessional toward Mr. A during their interaction.

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

December 31, 2024

To File

Re: CPC # 240-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

Mr. W : reported that he was threatened by another citizen while at the substation. Mr. W : told the woman behind the counter to get a cop as the other driver was threatening him. Mr. W : reported that apparently, according to Officer B, that wasn't a threat enough to even tell someone to chill. Officer B responded, and Mr. W : told him that Mr. W : had every right to be irate as he was being harassed and threatened in a police station. Mr. W : reported that not only did Officer B not respond to that or the threats, but he was directly lied to by both other parties, and when he was told that the cameras would show as much, he did nothing.

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

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 B

Other Materials: n/a

Date Investigation Completed: December 18, 2024

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

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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

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: General Order 1.1.6.C.1

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

☒

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

☐

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☐

Additional Comments:

1.1.6.C.1-A review of the OBRD Videos confirmed that Officer B spoke with both parties involved and while Officer B was asking Mr. W to provide additional details in how the other party had threatened him, Mr. W advised he would take it up with a Detective, asked if he was free to go and then Mr. W left the substation.

Without Mr. W participating in the interview process, the CPOA Investigator was unable to gather additional details and clarification from what Mr. W was specifically complaining about, but based on what was noted in his written complaint and a review of the OBRD videos and interview, Officer B did not violate the policy in question.

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

December 16, 2024

Via Email

Re: CPC # 279-24

COMPLAINT:

PO Box 1293

On 10/23/2024, [REDACTED] G reported that Commander DG and an unknown APD employee walked out of a 100 Club luncheon during an emotionally powerful speech which was disrespectful and disappointing.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: No

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Lieutenant R

Other Materials: Email Communications & Text Message Screenshots.

Date Investigation Completed: November 25, 2024

FINDINGS

Policies Reviewed: 1.1.6.A.1.b

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



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



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



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Additional Comments:

It was determined that the reported allegations of misconduct were grossly untrue. Multiple 100 Club witnesses, the agenda, and evidence provided by the employees established the time line of departure versus the speech referenced. The complainant was not identified as an attendee of the event. The involved personnel left between discussions regarding financial topics and before the reported speech occurred. They attended the luncheon for as long as their professional schedules would allow and then left to attend a mandated meeting.

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:

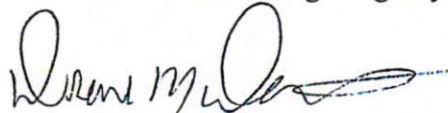
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

December 16, 2024

Via Email

Re: CPC # 279-24

COMPLAINT:

PO Box 1293

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Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: No

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Commander DG

Other Materials: Email Communications & Text Message Screenshots.

Date Investigation Completed: November 25, 2024

FINDINGS

Policies Reviewed: 1.1.6.A.1.b

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:

It was determined that the reported allegations of misconduct were grossly untrue. Multiple 100 Club witnesses, the agenda, and evidence provided by the employees established the time line of departure versus the speech referenced. The complainant was not identified as an attendee of the event. The involved personnel left between discussions regarding financial topics and before the reported speech occurred. They attended the luncheon for as long as their professional schedules would allow and then left to attend a mandated meeting.

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:

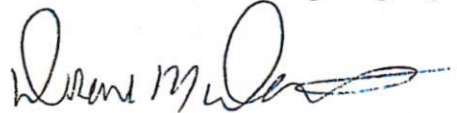
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

Administratively closed complaints 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

December 18, 2024

To File

Re: CPC # 286-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 11/01/2024, Mr. R submitted a complaint with the APD IAPS regarding a search warrant being served by the APD at a passage parlor on 10/29/2024. Mr. R reported that an inventory receipt was left showing that cash was seized but did not specify how much. Mr. R reported that an officer had struck a female over the head with a pistol, resulting in her having to get stitches. Mr. R added that the officers were wearing masks when they served a search warrant.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: N/A

APD Employee Involved: Not Applicable

Other Materials: Email Communications, Complaint Submitted Materials, & SOP 2-73.

Date Investigation Completed: November 26, 2024

FINDINGS

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

☐

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

☐

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

☐

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

☐

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

☐

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

☒

Additional Comments:

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

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:

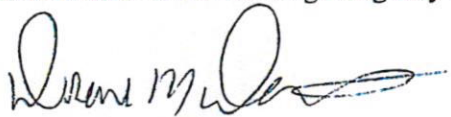
- 1) A policy was misapplied in the evaluation of the complaint;
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If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>. Thank you for participating in the process of 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

December 18, 2024

Via Email

Re: CPC # 305-24

COMPLAINT:

PO Box 1293

On 11/16/2024, I submitted an online complaint to the CPOA and CPOAB regarding an incident that occurred on 11/15/2024. Mr. I : reported that he was crossing the street in the crosswalk when an APD vehicle struck him.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: N/A

APD Employee Interviewed: N/A

APD Employee Involved: Not Applicable

Other Materials: Email Communications & CABQ Ordinance.

Date Investigation Completed: November 26, 2024

FINDINGS

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

☐

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

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Additional Comments:

This investigation was Administratively Closed because the allegations were duplicative and reportedly criminal, and the APD had already taken documented actions to investigate the incident and complaint. The APD IAPS case number is I2024-001191. Results may be obtained through an inspection of public records request upon completion of the IAPS case.

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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