



## Civilian Police Oversight Agency

### Finding Letters of the CPOA

The CPOA Executive Director's findings in each case are attached and listed below. The following notifications of the findings were provided to the citizen during the month of August 2023. The findings become part of the officer's file, if applicable.

#### August 2023:

285-22	295-22	006-23	020-23	022-23
025-23	042-23	053-23	070-23	074-23
077-23	083-23	086-23	087-23	095-23
104-23	107-23	117-23	130-23	133-23
138-23	205-23			

PO Box 1293

Albuquerque

NM 87103

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

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 3, 2023

Via Email

[REDACTED]

**Re: CPC # 285-22**

Dear Mr. B

PO Box 1293

Albuquerque

NM 87103

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

**COMPLAINT:**

Mr. B (MESD Transportation Director) made this complaint on behalf of the school bus driver, Tracy Hoitt who had the one on one communication encounter with Officer C. Mr. B reported that while in uniform, Officer C was present at his child's school bus stop when he approached the bus service door with a complaint about a student on the bus. The school bus driver, Ms. H had asked Officer C if he could describe the student he had a complaint about and Officer C informed her that he could show her the student since they were on the bus. Ms. H informed him that it is strictly against policy to allow any parent or anyone for that matter on the bus. Ms. H allowed Officer C on the bus because she felt intimidated.

**EVIDENCE REVIEWED:**

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer C.

Other Materials: Officer Detail Unit Log

Date Investigation Completed: July 12, 2023

## FINDINGS

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

Policies Reviewed: 1.1.6.A.1

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:

Mr. B alleged intimidation, but he was not present for the incident. The bus driver did not participate in the investigation and the witness employee did not say intimidation occurred, but did say he allowed Officer C onto the bus because of his position. Officer C did question a student while in uniform. Officer C's actions at the time blurred the line between his role as a parent and his official capacity when he questioned the student. The same actions, had he been in civilian clothing, would have had a different meaning, but also he likely would not have been given access to confront the student in the first place. The CPOA recommends an 8 hour suspension.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:

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

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. 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  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 14, 2023

Via Email

C

Re: CPC # 295-22

Mr. C

PO Box 1293

**COMPLAINT:**

Albuquerque

Mr. C submitted a complaint on-line regarding an incident on 1/16/2022. Mr. C alleged that he was falsely arrested for aggravated battery of his neighbor and incarcerated for ten days. Mr. C claimed he acted in self-defense when his neighbor, S, cornered him. Mr. C said he punched Mr. S in his left temple and hit him in the right side of his head with a thermos bag. Mr. C said that he attempted to notify the authorities to no avail.

NM 87103

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

**EVIDENCE REVIEWED:**

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

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

APD Employee Interviewed: Yes

APD Employee Involved: Officer C

Other Materials: N/A

Date Investigation Completed: July 20, 2023

## FINDINGS

Policies Reviewed: 2.60.4.A.5 (a-f)

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

Mr. C did not participate in the investigative process. This investigation has determined by clear and convincing evidence that Officer C committed no policy violations during the investigation and arrest of Mr. C for an aggravated battery. The review of the officer's lapel videos corroborated what occurred. All available witnesses were interviewed. Mr. C during his arrest, did not want to answer any questions, which was his right. However, during treatment with AFR and at the hospital, Mr. C freely told medical personnel how he hit his neighbor's head with a glass bottle and cut his hand. Those conversations were captured by Officer C's lapel camera and corroborated by him during his interview. No evidence of self-defense was presented on the scene or during Mr. C trial, in which he was found guilty of aggravated battery.

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 14, 2023

Via Certified Mail

7009 3410 0000 2321 2316

**Re: CPC # 006-23**

Mr. K

PO Box 1293

**COMPLAINT:**

Albuquerque

Mr. K alleged that during a traffic stop, Officer S was aggressive and made him feel uncomfortable and unsafe with her stance, tone, and demeanor. Mr. K was issued three citations with an incorrect address, was not allowed to ask questions about a specific citation, and was told incorrectly to set up his court date.

NM 87103

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

**EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer S

Other Materials: citations

Date Investigation Completed: August 3, 2023

## FINDINGS

Policies Reviewed: 1.1.5.A.1

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

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### Additional Comments:

After reviewing the available evidence, this investigation determined by clear and convincing evidence that Officer S committed no policy violations during her traffic stop with Mr. K. Officer S noted on her CAD about the driver's conduct and the reasons for requesting backup. A review the lapel videos corroborated what Officer S said happened during her interview. Officer S remained respectful, courteous, and professional throughout her traffic stop with Mr. K.

Mr. K withdrew his complaint, and therefore no clarifying questions were able to be asked. Nonetheless, copies of Officer S' citations included a scheduled court date of 2/6/2023 for Mr. K. An officer could arrange a traffic arraignment date or schedule a date in the system.

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 1, 2023

Via Certified Mail

7009 3410 0000 2321 2262



Re: CPC # 020-23

B

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Ms. B reported that a vehicle had passed by while she was at the bus stop, and the person in the vehicle threw a bottle of water at her. Ms. B reported that she tried to report it to an APD Officer in the area. Ms. B reported that while she approached the officer's vehicle, the officer got hostile and yelled at her, stating, "Do not approach my vehicle." Ms. B reported that the officer then rolled up his window.

### **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 T

Other Materials: n/a

Date Investigation Completed: May 26, 2023

## **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 1.1.5.A.4**

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

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### **Additional Comments:**

General Order 1.1.5.A.4- Ms. B        did not participate in the investigative process despite numerous attempts to interview her.

Officer T denied yelling or being hostile with Ms. B        Officer T stated he believed his words to Ms. B        were to please not approach his window. Officer T confirmed his OBRD did not capture the initial approach when Ms. B        went up to his passenger window as Ms. B        caught Officer T by surprise. Officer T stated that he looked over, and Ms. B        was at his window. Officer T stated he activated his OBRD as he got out of his patrol vehicle. After a review of the OBRD Video, it was confirmed that Officer T did get out of a police cruiser to speak with Ms. B        Ms. B        advised that someone threw water at them, and she just wanted to let Officer T know. Ms. B        then walked away. OBRD Video confirmed that Officer T was not hostile with Ms. B        during their interaction or did Ms. B        ask Officer T for assistance.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. 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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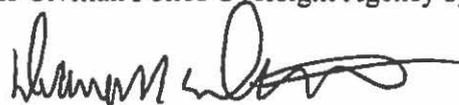
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If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>. There was a delay in the issuance of findings due to the resignation of the Executive Director and another not being appointed by City Council until some months later.

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  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 1, 2023

Via Email

[Redacted]

Re: CPC # 022-23

G

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Mr. G stated that Sergeant S arrived on the scene, and Sergeant S was being a real "asshole" with Mr. G. Mr. G stated that Sergeant S could have let Mr. G move his cars as he had a place to move them. Mr. G stated he believed Sergeant S may have cursed and was trying to compare dick sizes. Mr. G stated that Sergeant S was rude, but he changed his demeanor when Mr. G's wife came out. Mr. G stated that Sergeant S threatened to take Mr. G to jail, and Mr. G did nothing wrong. Mr. G stated that Sergeant S did not want to talk to Mr. G other than tell him to shut up otherwise, Sergeant S would take Mr. G to jail, or he would tow Mr. G's car no matter what he said.

### **EVIDENCE REVIEWED:**

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

Complainant Interviewed: Yes                      Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant S

Other Materials:

Date Investigation Completed: June 5, 2023

## FINDINGS

Policies Reviewed: General Order 1.1.5.C.3

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.
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Policies Reviewed: General Order 1.1.5.A.1

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**Additional Comments:**

General Order 1.1.5.A.1-After a review of the OBRD Videos, it was confirmed that Sergeant S was firm and direct while talking with Mr. G. During the review of the video, the CPOA Investigator did not observe any comments or behavior from Sergeant S that would violate the SOP in question.

General Order 1.1.5.C.3-After a review of the OBRD Videos, the CPOA Investigator did not observe Sergeant S ever threaten to take Mr. G to jail or tell Mr. G to "shut up," per the complaint.

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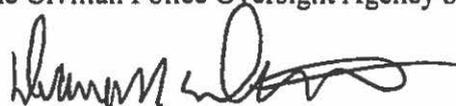
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(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 1, 2023

Via Email

[Redacted]

Re: CPC # 022-23

G

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Mr. G reported that he felt like the PSA's actions were disrespectful and harassing. Mr. G reported that if any of his vehicles were parked on the street for one day, the PSA would return and red tag the cars the next day if the cars were not moved. Mr. G reported that the PSA would sit outside of his home. Mr. G reported that the PSA ignored him completely when he asked her for her badge number.

### **EVIDENCE REVIEWED:**

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

Complainant Interviewed: Yes                      Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: PSA Z

Other Materials: 311 Abandoned Vehicle Sheets

Date Investigation Completed: June 5, 2023

## FINDINGS

Policies Reviewed: General Orders 1.1.5.C.3; 1.1.6.A.2 and 1.78.6.C.2.b

- |  |                                     |
|--|-------------------------------------|
| <b>1. Unfounded.</b> 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.                           | <input checked="" type="checkbox"/> |
| <b>2. Sustained.</b> Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.  | <input type="checkbox"/>            |
| <b>3. Not Sustained.</b> 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. | <input type="checkbox"/>            |

Policies Reviewed: General Order 1.1.5.A.1

- |   |                                     |
|---|-------------------------------------|
| <b>4. Exonerated.</b> 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.  | <input checked="" type="checkbox"/> |
| <b>5. Sustained Violation Not Based on Original Complaint.</b> 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.   | <input type="checkbox"/>            |
| <b>6. Administratively Closed.</b> 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. | <input type="checkbox"/>            |

**Additional Comments:**

1.1.5.A.1-After a review of the OBRD videos, the CPOA Investigator did not observe PSA Z being disrespectful or harassing toward Mr. G. After a review of the OBRD Videos, the CPOA Investigator did not observe PSA Z put her hand in Mr. G's face ("talk to the hand" gesture) per the complaint.

1.1.5.C.3-After a review of the CADs, there was no evidence to note that PSA Z went to Mr. G's home on back-to-back consecutive days to see if his cars were moved per the complaint. Per the CADs, PSA Z was officially at the address in question on 11/14/2022, 12/02/2022, 12/14/2022, 01/03/2023, and 01/10/2023. After a review of the OBRD Videos, the CPOA Investigator did not observe PSA Z tell Mr. G that she would tow his vehicles that were parked in his driveway, per the complaint.

1.1.6.A.2-OBRD Video confirmed that when Mr. G asked for PSA Z's name she provided him with her last name and advised that the rest of information would be on a card.

1.78.6.C.2.b-A review of the CADs and PSA Z's incident reports, the two vehicles that were towed on 01/10/2023 were red-tagged on 11/14/22 and 12/14/22.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:

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

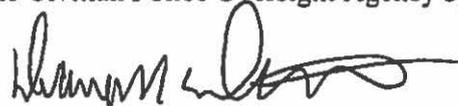
Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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. 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>. There was a delay in the issuance of findings due to the resignation of the Executive Director and another not being appointed by City Council until some months later.

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  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 16, 2023

Via Certified Mail

7009 3410 0000 2321 2415

Re: CPC # 025-23

R

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Ms. R reported that her her son was given a citation, and the information (first name, physical address, height, weight, and eye color) on the citation was not correct. Ms. R reported that she would not know about any follow-up requirements. Ms. R reported that the time on the citation (20:49) was incorrect. Ms. R reported that she had a 360-app documenting that her son was not at 5600 University at that time. Ms. R reported that her son was given a court appearance on 02/13/2023 at 08:30 am, but her son advised that the officer stated that the info was incorrect and that they would get something in the mail (Wrong address.) Ms. R reported that her son was a passenger in a vehicle and wanted to know why wasn't she called since her son was a minor.

### **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: Citation

Date Investigation Completed: June 10, 2023

## 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: General Order 1.1.6.A.1

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

Policies Reviewed: General Order 1.1.5.A.4

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

Policies Reviewed: Procedural Order 2.22.4.K.3.a

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

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

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

### Additional Comments:

1.1.5.A.4-There was not enough evidence located that Officer W did or did not note on the citation the correct information (Name and Physical Address) that was provided to him by Ms. R son, as Officer W stated he just noted the information on the citation that Ms. R son provided to him. 1.1.6.A.1-Officer W confirmed that he did not ask Mr. R for his exact height, weight, or eye color, and Officer W thinks that for everyone that did not have IDs, he used the same height, weight, and eye color. When asked if that was allowed, Officer W stated he did not know if that was allowed. Officer W did not provide a justifiable reason for not citing the individuals in the Mustang when the individuals in the other cars were cited. 2.22.4.K.3.a-Although Officer W was unable to advise of the specific criteria of when a parent of a juvenile needed to be contacted, in this specific incident, the criteria was not met to where Ms. R would have needed to be notified. The CPOA recommended an 80 hour suspension and training.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. 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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- D) The APD policy or APD policies considered by the Director were chosen randomly or they do not address the issues in your complaint.

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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  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 14, 2023

Via Email

Re: CPC # 042-23

W

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Ms. W reported that she received a call from Officer W, who advised that Ms. W was in a manic state and set fire to Ms. W home. Ms. W reported that AFD had to break into the residence and extinguish the fire due to Ms. W paranoid delusions, as Ms. W would not let AFD into the residence. Ms. W reported that Officer W advised her that her Sergeant would not allow Officer W to take Ms. W involuntarily. Ms. W reported that she then spoke with the Sergeant, who advised her that he made the decision not to take Ms. W in because Ms. W advised that she started the fire in the bathtub because it was windy outside. Ms. W reported that Ms. W was a danger to herself.

### **EVIDENCE REVIEWED:**

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

Complainant Interviewed: Yes                      Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant W

Other Materials:

Date Investigation Completed: June 30, 2023

1

## FINDINGS

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

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

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

Policies Reviewed:    Procedural Order 2.19.10.A.3

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

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:**

Procedural Order 2.19.10.A.3-After a review of the OBRD Videos, it was confirmed that Ms. W did advise that she lit the fire inside her tub because it was too windy outside. At no time did Ms. W ever advise that she was trying to hurt herself or others. The OBRD between Officer W and Ms. W revealed that Ms. W said that even though her organization was a temporary guardian for Ms. W there was some issue with the Judge approving verbiage for pickup orders. Ms. W currently did not have a psychiatrist. She was unable to personally issue a certificate of evaluation and the previous one expired. After a review of SOP 2.19.10, it was confirmed that the incident in question did not meet the other reasons noted in the SOP which allowed officers to detain an individual for emergency evaluation (without a valid court order) other than possible self-harm. During the interview, Sergeant W was able to articulate his reasonings for not taking Ms. W involuntarily without a certificate for evaluation due to his concern about violating Ms. W fourth amendment rights

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur.** If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. **Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. 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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- D) The APD policy or APD policies considered by the Director were chosen randomly or they do not address the issues in your complaint.

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. 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>. There was a delay in the issuance of findings due to the resignation of the Executive Director and another not being appointed by City Council until some months later.

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  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 14, 2023

Via Email

Re: CPC # 053-23

B

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

On 03/14/2023, B submitted a complaint online regarding an incident that occurred on 03/12/2023. Mr. B reported that Officer G was biased toward them, blamed them for the incident due to their race, made them feel victimized, blamed the victim, didn't take them seriously, and said that he was a police officer and lawyer in New Mexico. Mr. B listed "wife" as a witness.

When interviewed, Mr. B advised that "wife" did not need to be interviewed because "wife" was not physically present during the interactions with the officers.

### **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 G

Other Materials: American Legal Publishing & NM OneSource

Date Investigation Completed: July 12, 2023

## FINDINGS

### 1.1.5.A.2 & 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.

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.2: No evidence was presented, located, or reviewed that would give any legitimacy to the allegations against Officer G regarding bias-based policing in any form. No evidence was presented, located, or reviewed that would give any legitimacy to the allegations that Officer G blamed the victim or didn't take Mr. B seriously. Mr. B feeling of being victimized by Officer G is a matter of perception, and no evidence was presented, located, or reviewed that would give any legitimacy to the reasonable belief that Officer G had done anything to cause Mr. B feelings other than Mr. B not getting the outcome they desired.

1.1.5.A.4: No evidence was presented, located, or reviewed that would give any legitimacy to the allegations regarding Officer G saying he was a police officer and lawyer in New Mexico. Officer G never said he was a police officer and lawyer in New Mexico; Officer G stated, "New Mexico is an officer prosecution state for misdemeanors, meaning I act as the lawyer." Officer G explained that he didn't have a law degree but prosecuted the case as the lawyer, which is an accurate statement per the New Mexico Rules of Criminal Procedure for the Metropolitan Courts, 7-108.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur.** If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. 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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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  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 1, 2023

Via Email

A

Re: CPC # 070-23

A

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

On 03/28/2023, A submitted a complaint online regarding an incident that occurred on 03/01/2023 at 1345 hours. Mr. A alleged that he owned the residence at 1020 12<sup>th</sup> Street Northwest and had reported the neighbor breaking into the residence and stealing ten times. Mr. A alleged that the police wouldn't do anything and that his reports were deleted after two days.

### **EVIDENCE REVIEWED:**

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: No

Witness(es) Interviewed: N/A

APD Employee Interviewed: N/A

APD Employee Involved: None Identified

Other Materials: Email Communications

Date Investigation Completed: July 27, 2023

## 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.

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**Additional Comments:**

A was unresponsive to the request for contact, so an interview wasn't completed, and additional information could not be gathered. There were no CAD logs, accepted or rejected reports, or lapel video recordings located that were associated with the complaint, either for the day listed in the complaint or for 2023. It was determined that the investigation be Administratively Closed because it could not be conducted because of the lack of verifiable information in the complaint since the complainant did not cooperate with the investigation.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. 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  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 24, 2023

Via Email

Re: CPC # 074-23

-H -C

PO Box 1293

Albuquerque

NM 87103

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

**COMPLAINT:**

-H : -C submitted a complaint that stated, "Came to town upon my mother's request as she is being held against her free-will in the nhome and with no cell phone. She requested I come and save her from being a prisoner of my father and the rets of the family that are attempting to drug her with medications to cause dimensia and memory loss so they may justify power of attorney over financial decisions involving the estate."

**EVIDENCE REVIEWED:**

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

Complainant Interviewed: No                      Witness(es) Interviewed: N/A

APD Employee Interviewed: N/A

APD Employee Involved: None identified

Other Materials: Email Communications

Date Investigation Completed: August 24, 2023

## 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 is Administratively Closed because the investigation showed that the incident did not occur within the jurisdiction of the APD and did not involve any APD personnel.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. 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  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 30, 2023

Via Certified Mail

7009 3410 0000 2321 2385

Re: CPC # 077-23

S

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Ms. S reported that Sergeant B called an officer to assist him, and when the assisting officer arrived on the scene, while Ms. S was wearing a dress, that Officer searched Ms. S without a female officer present. Ms. S reported that she felt violated without a female officer being present at the time of the incident. Ms. S reported that the officer rubbed his hands along her bra and panty lines.

### **EVIDENCE REVIEWED:**

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

Complainant Interviewed: Yes                      Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer L

Other Materials: n/a

Date Investigation Completed: August 3, 2023

## **FINDINGS**

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

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

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

Policies Reviewed: Procedural Order 2.71.4.G.1.a

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

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

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### **Additional Comments:**

Procedural Order 2.71.4.G.1.a-After a review of the OBRD Videos, it was confirmed that Officer L did search Ms. S before placing her into the backseat of his cruiser. Officer L checked Ms. S jacket pocket and ran the back of his hand against her waistline and bra line. After a review of all the OBRD Videos, no angle showed Officer L putting his hand inside Ms. S bra per the complaint. After viewing the search from two different officers' OBRDs, the CPOA Investigator did not observe Officer L touch Ms. S inappropriately at any time. OBRD Video confirmed that during the search, Officer L advised Ms. S everything he was going to do before he did it, and at no point did Ms. S state that she did not want to be searched by Officer L or request a female officer to search her. It should be noted that the search from start to finish took approximately 45 seconds.

It was confirmed that Officer L did search Ms. S however, per the policy in question, neither a search nor observation by a female officer was required.

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

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 30, 2023

Via Certified Mail

7009 3410 0000 2321 2385

Re: CPC # 077-23

S

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

During the interview with Ms. S she stated that Sergeant B did not search her but was really rude to her. Ms. S stated that Sergeant B then got really mean with her. Ms. S stated that Sergeant B was like where was her license and registration and as she was trying to find it, then Sergeant B advised her that as soon as she could locate her stuff, to let him know. Ms. S stated that the whole time she was talking to Sergeant B, he was really smart mouthing her and was really rude to her when she asked why she could not park there. Ms. S stated that Sergeant B advised her that she knew the road was closed right; Ms. S stated that the barricade was moved. Ms. S stated Sergeant B was cocky toward her and raised his voice while demanding her license and insurance.

### **EVIDENCE REVIEWED:**

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

Complainant Interviewed: Yes                      Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant B

Other Materials: n/a

Date Investigation Completed: August 3, 2023

**FINDINGS**

Policies Reviewed:    General Order 1.1.5.A.1

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

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

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**Additional Comments:**

General Order 1.1.5.A.1-After a review of the OBRD Videos, the CPOA Investigator did not observe any unprofessional behaviors, or comments from Sergeant B toward Ms. S per the complaint.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. 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  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 14, 2023

Via Certified Mail

7009 3410 0000 2321 2217

Re: CPC # 083-23

K

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Mr. K reported that he was stopped for speeding (100 mph) by Officer G, who was tailgating him to the point that he couldn't see the patrol vehicle's headlights for over a mile. Mr. K reported that the first words out of Officer G's mouth were, "lose your fucking attitude." Mr. K reported that Officer G did not identify himself or the agency he was, lied about the reason for the traffic stop, and did not have his OBRD activated during the initial contact. Mr. K reported that Officer G's father-in-law was a deputy chief and that he had previously been employed by the APD and had personal problems with Officer G's wife. Mr. K reported that Officer G "knew who I was, and he knew what he was doing."

### **EVIDENCE REVIEWED:**

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

Complainant Interviewed: Yes                      Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer G

Other Materials: Operator Recording, Transit Recordings, Unit Inspection, & Citations.

Date Investigation Completed: August 4, 2023

**FINDINGS**

Policies Reviewed: 1.1.4.A.2.d, 1.1.5.A.1, 1.1.5.C.2, 1.1.5.C.3, & 2.8.5.D

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

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

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

Policies Reviewed: 2.41.4.A.1.e

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

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

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

**Additional Comments:**

The investigation determined that Officer G did not identify himself or the name of the department he was employed by when he first contacted K and explained the reason for the traffic stop. Officer G later provided his MAN number to B even though it wasn't requested. The policy states that the sworn personnel shall "Identify themselves as a Department officer," yet there is no definition or explanation of what a "Department officer" is or what information is required to be given to meet the definition of a "Department officer." The investigator submitted a policy recommendation regarding this issue.

It was determined that there was no evidence presented, located, or reviewed that would give any legitimacy to the allegations regarding Officer G tailgating or failing to signal. The evidence reviewed showed that the allegations regarding Officer G almost running a bus off the road, profanity, not recording the entire encounter, being unprofessional, lying, and acting officiously were untrue and therefore discredited the information provided by Mr. K and Ms. B

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. 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  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 30, 2023

Via Email

Re: CPC # 086-23

B

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Mr. B alleged that he went to the APD Northwest Substation to pick up a report on 04/12/2023, and upon walking in, an almost 6' officer, a male in a wheelchair, and an older male in a blue shirt made him feel like an idiot. The older male informed Mr. B that the report was still processing, yet he had received an email advising that the report was ready. Mr. B alleged that he tried to show his telephone to the male in a wheelchair; the male in a wheelchair told him to "stop doing that." Mr. B alleged he was a victim and no one helped him.

CSA L was determined to be the older male.

### **EVIDENCE REVIEWED:**

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Community Service Assistant L

Other Materials: Email Communications

Date Investigation Completed: August 14, 2023

## **FINDINGS**

Policies Reviewed: 1.4.4.A.2.a

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

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

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**Additional Comments:**

This complaint was determined to be unfounded because Mr. B was unable to provide any articulable facts or evidence that he was treated differently, unprofessionally, or that an actual bias or discrimination occurred. Mr. B based his allegations on his feelings, senses, and perceived demeanors and looks. CSA L and others assisted or attempted to assist Mr. B. Mr. B made statements to the investigator which were contradictory to other information provided by him or not consistent with other facts.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:

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The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 30, 2023

Via Email

Re: CPC # 086-23

B

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Mr. B alleged that he went to the APD Northwest Substation to pick up a report on 04/12/2023, and upon walking in, an almost 6' officer, a male in a wheelchair, and an older male in a blue shirt made him feel like an idiot. The older male informed Mr. B that the report was still processing, yet he had received an email advising that the report was ready. Mr. B alleged that he tried to show his telephone to the male in a wheelchair; the male in a wheelchair told him to "stop doing that." Mr. B alleged he was a victim and no one helped him.

Sergeant L was determined to be the male in a wheelchair.

### **EVIDENCE REVIEWED:**

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant L

Other Materials: Email Communications

Date Investigation Completed: August 14, 2023

**FINDINGS**

Policies Reviewed: 1.4.4.A.2.a

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

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**Additional Comments:**

This complaint was determined to be unfounded because Mr. B was unable to provide any articulable facts or evidence that he was treated differently, unprofessionally, or that an actual bias or discrimination occurred. Mr. B based his allegations on his feelings, senses, and perceived demeanors and looks. Sergeant L and others assisted or attempted to assist Mr. B. Mr. B made statements to the investigator which were contradictory to other information provided by him or not consistent with other facts.

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(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 31, 2023

Via Email

G

Re: CPC # 087-23

G

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Ms. G reported that at the scene, Officer A advised them that he only had forms for domestic abuse, so they had to go to the courthouse. Ms. G reported that Officer A was wrong when telling them to go to the courthouse because Officer A did not put in the report that they asked for an Order of Protection, so the court could not issue one. Ms. G reported that they wanted Mr. M arrested for threatening their lives. Ms. G reported that Officer A advised them that the jails were full, and even though they were threatened by gun violence, Mr. M did not point a gun at them. Ms. G reported that Officer A also put down the wrong address for Ms. H on his report. Ms. G reported she was seeking the incomplete and inaccurate report to be completed correctly.

### **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 A

Other Materials: New Mexico Courts Website

Date Investigation Completed: August 16, 2023

## FINDINGS

Policies Reviewed: General Order 1.1.5.A.1

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



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



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



Policies Reviewed: General Order 1.1.5.A.4 and Procedural Order 2.80.5.H.2.a

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



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



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



### Additional Comments:

1.1.5.A.4-After a review of OBRD Videos and Officer A's initial incident report, the report was not written verbatim to the information obtained on the scene, the discrepancies did not violate the SOP in question. A review of the OBRD Video confirmed that Officer A never told Ms. H that when she picked up the police report at the police station they would complete the order of protection, per Ms. G complaint.

2.80.5.H.2.a-A review of the OBRD Videos confirmed that Officer A explained to all parties the reason why Mr. M was not being arrested, as there were no aggravated assault charges based on the information obtained. OBRD Video confirmed that at no time was it mentioned that a gun was ever brandished. Officer A also explained per guidelines officers were to issue summons and not make physical arrests on misdemeanors.

1.1.5.A.1-After a review of the OBRD Videos, the CPOA Investigator did not observe Officer A say or do anything that would violate the SOP in question. Refresher training was recommended for restraining order procedures.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. 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  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 23, 2023

Via Certified Mail

7009 3410 0000 2321 2408

Re: CPC # 095-23

Dear Mr. Q

PO Box 1293

Albuquerque

NM 87103

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

**COMPLAINT:**

I was assaulted outside of Effex nightclub on 02/11/2023. I was punched in the face, fell back on my head, passed out and was rushed to the hospital w/head injury and bleeding. Former officer (Ex-Ofc. D) took the report/case, but has FAILED to get the report completed, after several attempts at requesting this through him and/or his supervisor.

I was severely injured, and my attorney is also awaiting said report so that I can seek justice for this assault. What if I had died? The assailant was NOT arrested; I want the report completed and charges brought against my assailant ASAP. I also want the officer to understand this is not acceptable.

**EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: No

APD Employee Involved: Ex-Ofc. D

Other Materials: report history

Date Investigation Completed: August 9, 2023

## 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: *2.80.4.A.1.a.i and 2.60.4.C.1.d*

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

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

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

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

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:

2.80.4.A.1.a.i: An arrest or summons was not made for this incident. The officer failed to take the appropriate actions before he left the department.

2.60.4.C.1.d: Incident Report History (case #230011586) search was conducted and there are no reports that were initiated or created by Ex-Ofc. D. Once Ex-Ofc. D left the department Lt. S created case #230011586 based on the review of the videos from that night. Ex-Ofc. D failed to write the report and failed to submit it by the end of shift as required.

The CPOA recommends a 16 hour suspension, which will be on the officer's record, but will not be able to be imposed as the officer was no longer with the department essentially when the complaint was filed.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. 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  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 23, 2023

Via Certified Mail

7009 3410 0000 2321 2408



Re: CPC # 095-23

Dear Mr. Q

PO Box 1293

Albuquerque

NM 87103

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

**COMPLAINT:**

I was assaulted outside of Effex nightclub on 02/11/2023. Former officer (Ex-Ofc. D) took the report/case, but FAILED to get the report completed, after several attempts at requesting this through him and/or his supervisor Lt. S.

**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: Lt. S

Other Materials: report history

Date Investigation Completed: August 9, 2023

## FINDINGS

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

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

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

Policies Reviewed: 2.16.5.C.2

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

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### Additional Comments:

2.16.5.C.2: Lt. S explained that due to the lack of communication from Ex-Ofc. D to his supervisors regarding this incident, and due to Ex- Ofc. D's departure from the department, the report was not completed and no supervisor was made aware of his outstanding reports.

This investigation revealed that Lt. S conducted an audit to see if Ex-Ofc. D had any pending reports following his departure. Lt. S worked with Records to devise a solution to complete the report. Lt. S reviewed the OBRD and documented the incident; he was also able to followup with Q Lt. S originally was unaware that there was an open report on Ex-Ofc. D's end and took the necessary steps to complete it when the problem was discovered.

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The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 16, 2023

Via Certified Mail

7009 3410 0000 2321 2323

Re: CPC # 104-23

Mr. T

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Mr. T alleged that he bought a car from a guy for whom he paid ten thousand dollars. When he attempted to register the vehicle at the MVD, he discovered the car was stolen. Mr. T called the police, and Officer C responded to his home. Officer C told Mr. T to contact the guy who sold him the stolen car to arrange a meeting to arrest the guy and recover his ten thousand dollars. The plan was set to meet at the Dollar General, but Officer C left when the suspect was on his way, squandering the chance to get his ten thousand dollars back and arrest the suspect.

### **EVIDENCE REVIEWED:**

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

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

APD Employee Interviewed: Yes

APD Employee Involved: Officer C

Other Materials: N/A

Date Investigation Completed: August 8, 2023

## FINDINGS

Policies Reviewed: 1.1.5.A.4

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

After a review of the evidence, it was determined that Officer C did not violate policy during his encounter with Mr. T as he attempted to apprehend the suspect identified in the fraud scheme. Officer C's lapel video of a conversation between him and Mr. T his CAD log, and text messages corroborated Officer C's version of what occurred. Officer C was not responsible for Mr. T ten-thousand-dollar loss. At 1849, Officer C texted Mr. T that he was leaving the area on another call. He would send his case to the detectives. Mr. T replied with a "thumbs-up" emoji. Shortly, Mr. T texted, "he's passing San Mateo right now." Officer C replied, "Already on another call, so just tell him another time." According to Officer C's CAD log, he cleared Mr. T call for service at 18:48:24 hours and received another call two minutes later, at 18:50:26 hours. Officer C cleared that call at 1942 hours. Officer C sent the case to auto theft as he said he would.

**You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA 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 CPOA@cabq.gov. Include your CPC number. Please note, at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. 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  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 31, 2023

Via Certified Mail

7009 3410 0000 2321 2347

Re: CPC # 107-23

Mr. D

PO Box 1293

**COMPLAINT:**

Albuquerque

Mr. D alleged that he was physically assaulted by two brothers that live in the next-door apartment. Mr. D claimed the brothers, N and R should have been arrested and charged with assault. The responding officers were negligent when they failed to arrest both brothers and knew or should have known that an assault was an arrestable criminal offense.

NM 87103

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

**EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer H

Other Materials: N/A

Date Investigation Completed: August 17, 2023

1

**FINDINGS**

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

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

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

Policies Reviewed: 2.71.4.A.1

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

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**Additional Comments:**

After reviewing all available evidence, the investigation determined, that Officer H committed no policy violation for failing to arrest N and R for an assault against Mr. D

The investigation determined that both parties acted in self-defense. From Mr. D point of view, it was understandable that N and R should have been arrested for assault when at first, words were exchanged, a threatened approach, Mr. D was punched, and the gun was taken. Also, it was reasonable for the brothers to believe something terrible would happen when Mr. D reached for his gun. The brothers did not aggravate the situation once Mr. D was on the ground and his gun taken. There was insufficient evidence to file charges against the brothers or Mr. D

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The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 31, 2023

Via Certified Mail

7009 3410 0000 2321 2347

Re: CPC # 107-23

Mr. D

PO Box 1293

Albuquerque

NM 87103

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

**COMPLAINT:**

Mr. D alleged that he was physically assaulted by two brothers that live in the next-door apartment. Mr. D claimed the brothers, N and R should have been arrested and charged with assault. The responding officers were negligent when they failed to arrest both brothers and knew or should have known that an assault was an arrestable criminal offense.

**EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer S

Other Materials: N/A

Date Investigation Completed: August 17, 2023

**FINDINGS**

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

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Policies Reviewed: 2.71.4.A.1

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

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**Additional Comments:**

After reviewing all available evidence, the investigation determined, that Officer S committed no policy violation for failing to arrest N and R R for an assault against Mr. D

The investigation determined that both parties acted in self-defense. From Mr. D point of view, it was understandable that N and R should have been arrested for assault when at first, words were exchanged, a threatened approach, Mr. D was punched, and the gun was taken. Also, it was reasonable for the brothers to believe something terrible would happen when Mr. D reached for his gun. The brothers did not aggravate the situation once Mr. D was on the ground and his gun taken. There was insufficient evidence to file charges against the brothers or Mr. D

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur.** If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. 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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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  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 29, 2023

To File

Anonymous, Anonymous

Re: CPC # 117-23

Anonymous, Anonymous

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Anonymous reported that Officer R was using his badge against them because the complainant did not know the law and their English was not good.

The investigator did not conduct a recorded telephone interview with Anonymous regarding this complaint because Anonymous provided no contact information.

### **EVIDENCE REVIEWED:**

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: No

Witness(es) Interviewed: N/A

APD Employee Interviewed: N/A

APD Employee Involved: None Identified

Other Materials: Email Communications

Date Investigation Completed: August 14, 2023

## 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 is **Administratively Closed** because the investigation could not identify any APD personnel or misconduct with the information supplied by the complainant or located by the investigator.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. 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  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 29, 2023

Via Certified Mail

7009 3410 0000 2321 2170

Re: CPC # 130-23

W

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Ms. W reported that someone had broken into her vehicle on the night of 05/20/2023 and left a white powdery substance in the trunk. Ms. W called 242-COPS on the morning of 05/21/2023 to make a report; the TRU did not contact Ms. W until the afternoon of 05/22/2023. A technician asked her when she would be home so officers could contact her at her residence to take a report; Ms. W advised that she would be home after 1730 hours. Ms. W arrived home, discovered the officers had come at 1630 hours, and called 242-COPS to request officers be dispatched again. Ms. W waited until the officers and a CSS arrived at about 2130 hours. Ms. W reported that the technician said she would email the case number to her but never did.

### **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: Technician S

Other Materials: Email Communications, CAD Recordings, & CAD Audit Reports.

Date Investigation Completed: June 26, 2023

## FINDINGS

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

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

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 Technician S did inform W that she would send her an email with her case information. Technician S failed to email Ms. W with her case information.

It was determined that Technician S advised Ms. W that she would set up the call for service close to 1730 hours, so she would be home when someone responded. Technician S set up the call for service shortly after she finished taking Ms. W report but failed to note that contact could only be made with Ms. W after 1730 hours, which resulted in contact being attempted with Ms. W before she arrived home and the delay of services. The CPOA recommends a written reprimand.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. 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  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 29, 2023

Via Certified Mail

7009 3410 0000 2321 2170

Re: CPC # 130-23

W

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Ms. W reported that someone had broken into her vehicle on the night of 05/20/2023 and left a white powdery substance in the trunk. Ms. W called 242-COPS on the morning of 05/21/2023 to make a report; the TRU did not contact Ms. W until the afternoon of 05/22/2023. A technician asked her when she would be home so officers could contact her at her residence to take a report; Ms. W advised that she would be home after 1730 hours. Ms. W arrived home, discovered the officers had come at 1630 hours, and called 242-COPS to request officers be dispatched again. When officers didn't arrive, Ms. W called 242-COPS and was informed that the officers were dispatched to the wrong address by a technician. Ms. W waited until the officers and a CSS arrived at about 2130 hours.

### **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: Technician Q

Other Materials: Email Communications, CAD Recordings, & CAD Audit Reports.

Date Investigation Completed: June 26, 2023

**FINDINGS**

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

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

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 Technician Q set up a call for service for W but reported an incorrect address and telephone number even though she had been provided with the correct information, which resulted in the delay of services. The CPOA recommends a written reprimand.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. 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  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 29, 2023

Via Certified Mail

7009 3410 0000 2321 2170

Re: CPC # 130-23

W

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Ms. W reported that someone had broken into her vehicle on the night of 05/20/2023 and left a white powdery substance in the trunk. Ms. W called 242-COPS on the morning of 05/21/2023 to make a report; the TRU did not contact Ms. W until the afternoon of 05/22/2023. CSS D responded to Ms. W residence and was very rude (recanted), didn't want to inspect or clean up the substance (recanted), told her to clean up the substance herself (recanted), didn't tell her what he was doing with evidence even though she asked, and didn't provide his badge number or the names and badge numbers of the assisting officers even though she asked.

### **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: CSS D

Other Materials: Email Communications, CAD Recordings, & CAD Audit Reports.

Date Investigation Completed: June 26, 2023

## FINDINGS

Policies Reviewed: 1.1.5.A.4 (Public Welfare) & 1.1.6.A.2 (Honesty, Integrity, & Accountability)

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 CSS D was professional, answered all questions asked of him, advised Ms. W what he was doing with the evidence even though she didn't ask, and provided Ms. W with his name and email address even though she didn't ask. CSS D did not provide Ms. W with anyone's badge numbers or the names of the assisting officers, but she never requested the information from him or any other APD personnel. CSS D reported that the substance was consistent with drywall powder and advised Ms. W that he was unable to do any sampling because he couldn't submit it to the state lab for testing.

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 29, 2023

Via Certified Mail

7009 3410 0000 2321 2170

Re: CPC # 130-23

W

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Ms. W reported that someone had broken into her vehicle on the night of 05/20/2023 and left a white powdery substance in the trunk. While waiting for officers to respond, Ms. W was contacted via telephone by CSSS S; CSSS S was very rude, didn't want to inspect or clean up the substance, told her to clean up the substance herself, yelled at her, asked why she wanted to know if the substance was drugs, told her they didn't test for drugs because it cost too much, said the mayor was an idiot, offered to clean the substance out of the vehicle for her, and then told her he would send someone out to check the substance. CSSS S repeatedly interrupted Ms. W said who cared if the substance was drugs, and called her a worry wart.

### **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: CSSS S

Other Materials: Email Communications, CAD Recordings, & CAD Audit Reports.

Date Investigation Completed: June 26, 2023

**FINDINGS**

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

Policies Reviewed: 2.8.5.A (OBRD)

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:**

It was determined that there was no evidence presented, located, or reviewed that would give legitimacy to the allegations against CSSS S regarding the conduct issues (1-1). The evidence reviewed showed that CSSS S called Ms. W in order to get more information and try to resolve the situation. The original contact information CSSS S had was incorrect, yet he followed up almost three hours later and re-dispatched a CSS for a third time. Despite the call did not meet the criteria for a CSS dispatch he did so because he didn't want Ms. W frustrated about the service she received. A credibility assessment had to be made because there was no recording of the interaction between CSSS S and Ms. W. It was determined that there were inconsistencies and inaccuracies in Ms. W statements and allegations; therefore, the information provided by CSSS S was considered more reliable. It was determined that CSSS S did not record (2-8) the interaction between himself and Ms. W but the incident was not considered a mandatory recording because there was no stop, detention, pat-down, enforcement of the law, or action related to community caretaking.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. 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  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 29, 2023

Via Certified Mail

7009 3410 0000 2321 2170

Re: CPC # 130-23

W

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Ms. W reported that someone had broken into her vehicle on the night of 05/20/2023 and left a white powdery substance in the trunk. Ms. W called 242-COPS on the morning of 05/21/2023 to make a report; the TRU did not contact Ms. W until the afternoon of 05/22/2023. Officer D responded to Ms. W residence and was very rude (recanted), just stood there watching everything, never said a word, and didn't provide his name and badge number even though she had requested it from a CSS on the scene.

### **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 D

Other Materials: Email Communications, CAD Recordings, & CAD Audit Reports.

Date Investigation Completed: June 26, 2023

## FINDINGS

Policies Reviewed: 1.1.5.A.4 (Public Welfare) & 1.1.6.A.2 (Honesty, Integrity, & Accountability)

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 Officer D was professional, casually spoke with Ms. W , and stood by while the CSS handled the call for service because he was there for the safety of the CSS and not for investigative purposes. Officer D did not provide Ms. W with his name and badge number, but she never requested the information from him or any other APD personnel.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. 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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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. The review by the Chief Administrative Officer will not be delayed as it is not dependent upon the Advisory Board.

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 29, 2023

Via Certified Mail

7009 3410 0000 2321 2170

Re: CPC # 130-23

W

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Ms. W reported that someone had broken into her vehicle on the night of 05/20/2023 and left a white powdery substance in the trunk. Ms. W called 242-COPS on the morning of 05/21/2023 to make a report; the TRU did not contact Ms. W until the afternoon of 05/22/2023. Officer F responded to Ms. W residence and was very rude (recanted), just stood there watching everything, never said a word, and didn't provide his name and badge number even though she had requested it from a CSS on the scene.

### **EVIDENCE REVIEWED:**

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

Complainant Interviewed: Yes                      Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer F

Other Materials: Email Communications, CAD Recordings, & CAD Audit Reports.

Date Investigation Completed: June 26, 2023

## FINDINGS

Policies Reviewed: 1.1.5.A.4 (Public Welfare) & 1.1.6.A.2 (Honesty, Integrity, & Accountability)

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 was determined that Officer F was professional, casually spoke with Ms. W , a stood by while the CSS handled the call for service because he was there for the safety of the CSS and not for investigative purposes. Officer F did not provide Ms. W w his name and badge number, but she never requested the information from him or any other APD personnel.

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 29, 2023

Via Email

**Re: CPC # 133-23**

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

S submitted a complaint on 05/22/2023 regarding misconduct issues during a traffic stop conducted by "MD310" on Alameda Boulevard Northwest at 2nd Street Northwest on 05/22/2023 at 1445 hours. Ms. S complaint included a copy of State of New Mexico Uniform Traffic Citation 4187578, issued by MD310 of the Bernalillo County Sheriff's Office on 05/22/2023 at 1447 hours.

### **EVIDENCE REVIEWED:**

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: No

Witness(es) Interviewed: No

APD Employee Interviewed: N/A

APD Employee Involved: None Identified

Other Materials: Email Communications

Date Investigation Completed: August 24, 2023

**FINDINGS**

- 1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.
  
- 2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.
  
- 3. **Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.
  
- 4. **Exonerated.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.
  
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**Additional Comments:**

This case is **Administratively Closed** because the investigation showed that the incident did not occur within the jurisdiction of the APD and did not involve any APD personnel.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. 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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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  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 11, 2023

To File

Re: CPC # 138-23

J C Jr:

PO Box 1293

**COMPLAINT:**

Albuquerque

On 05/31/2023, J C Jr submitted a complaint online regarding an incident that occurred on 04/02/2023 at 1615 hours. Mr. C reported that the crash report associated with his incident had yet to be completed even though he had called the APD repeatedly about it. Mr. C did not provide any information regarding additional witnesses and provided a case number of 23-0025945.

NM 87103

Mr. C was not interviewed because he was unresponsive to telephone request for an interview and provided no other contact information.

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

**EVIDENCE REVIEWED:**

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

Complainant Interviewed: No Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant W

Other Materials: TraCS Logs & Email Communications

Date Investigation Completed: July 28, 2023

**FINDINGS**

- 1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.
- Policies Reviewed: 2.16.5.C.2 (Reports)
- 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:**

It was determined, by a preponderance of the evidence, that Sergeant W failed to review and approve report 23-00259445 (710892443) within five days of the report being submitted by the reporting officer. The CPOA recommends a verbal reprimand.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. 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 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. The review by the Chief Administrative Officer will not be delayed as it is not dependent upon the Advisory Board.

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 11, 2023

To File

Re: CPC # 138-23

J C Jr:

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

On 05/31/2023, J C Jr submitted a complaint online regarding an incident that occurred on 04/02/2023 at 1615 hours. Mr. C reported that the crash report associated with his incident had yet to be completed even though he had called the APD repeatedly about it. Mr. C did not provide any information regarding additional witnesses and provided a case number of 23-0025945.

Mr. C was not interviewed because he was unresponsive to telephone request for an interview and provided no other contact information.

### **EVIDENCE REVIEWED:**

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

Complainant Interviewed: No                      Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer G

Other Materials: TraCS Logs & Email Communications

Date Investigation Completed: July 28, 2023

## FINDINGS

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

Policies Reviewed: 2.46.4.A.2 (Response to Traffic Crashes)

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

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:

It was determined, by a preponderance of the evidence, that Officer G failed to include a diagram on the initially submitted version of report 23-00259445 (710892443). The CPOA recommends a Written Reprimand.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. 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  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 28, 2023

Via Certified Mail

7009 3410 0000 2321 2378

Re: CPC # 205-23

C

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Ms. C alleged that her neighbor had members of the Albuquerque Police Department willing to provide information and initiate investigations into her and her family at his request. Ms. C provided several examples of parking citations she received as examples of that favoritism. She also provided the example that her neighbor shouted to her false information regarding an investigation that he should not have been able to obtain.

### **EVIDENCE REVIEWED:**

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: N/A

APD Employee Involved: None Identified

Other Materials: parking research

Date Investigation Completed: August 28, 2023

## **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 case is **Administratively Closed** because the investigation determined the majority of the complaint focused on the actions of parking personnel and not Albuquerque Police Department personnel. Based on the conversation with the complainant more information will be provided with a new complaint to the issue of her neighbor obtaining information improperly.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. 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  
Interim Executive Director  
(505) 924-3770

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