Civilian Police Oversight Agency Board

Patricia J. French, Chair *Jesse Crawford, Vice-Chair*
Chantal M. Galloway *Eric Nixon* *Michael Wartell*
Diane McDermott, Interim Executive Director

BOARD AGENDA

Thursday, April 14, 2022 - 5:00 p.m.

Attendance: In response to the Public Health Emergency, the Civilian Police Oversight Agency (CPOA) Board meeting on Thursday, April 14, 2022 at 5:00 pm will be held via Zoom video conference.

Viewing: Members of the public will have the ability to view the meeting through GOVTV on Comcast Channel 16, or to stream live on the GOVTV website at: https://www.cabq.gov/culturalservices/govtv, or on YouTube at: https://www.cabq.gov/cpoa/events/cpoa-board-meeting-04-14-2022. (Please note that the link for YouTube has not yet been generated, however, the link could easily be found on the link provided above prior to the start of the meeting). The GOVTV live stream can be accessed at these addresses from most

also remain available for viewing at any time on the CPOA's website. CPOA Staff is available to help members of the public access pre-recorded CPOA meetings on-line at any time during normal business hours. Please email CPOA@cabq.gov for assistance.

Public Comment: The agenda for the meeting will be posted on the CPOA website by 5:00 p.m., Monday, April 11, 2022 at www.cabq.gov/cpoa.

The CPOA Board will take general public comment and comment on the meeting's specific agenda items in written form via email through 4:00 p.m. on Thursday, April 14, 2022. Submit your public comments to: POB@cabq.gov. These comments will be distributed to all CPOA Board members for review.

I. **Welcome and call to order**

II. **Mission Statement – *Patricia J. French, Chair***

"Advancing Constitutional policing and accountability for APD and the Albuquerque Community."

III. **Approval of the Agenda**

IV. **Public Comments**

V. **Review and Approval of Minutes from CPOA Board Special Meeting on March 22, 2022**

VI. Reports from City Departments

a. **APD**
   1. **IA Professional Standards Division (SOP 7-1, SOP 3-41, SOP 3-46) –** ***Lieutenant Mark Landavazo***
   2. **IA Force Division (SOP 2-52 through SOP 2-57) –** ***Acting Commander Richard Evans***
   3. **APD Quarterly Crash Report (SOP 2-50)–** ***Lieutenant Nick Wheeler***
   4. **APD Training Academy Semi-Annual Report**
   5. **ShotSpotter Program Briefing (SOP 2-98)**

b. **City Council –** ***Chris Sylvan***

c. **Public Safety Committee -** ***Chris Sylvan***

d. **Mayor's Office –** ***Pastor David Walker***

e. **City Attorney**

f. **CPC –** ***Kelly Mensah***

g. **CPOA –** ***Diane McDermott, Interim Executive Director***

VII. Requests for Reconsideration

a. **None**

VIII. Review of Cases:

a. **Administratively Closed (*See attached for specific case findings*)**
   247-21 004-22 015-22 010-22
   020-22 021-22 028-22 039-22

b. **Sustained *(See attached for specific case findings)***
   258-21 003-22

c. **Sustained, Sustained NBOOC and Unfounded *(See attached for specific case findings)***
   238-21

d. **Sustained and Unfounded *(See attached for specific case findings)***
   237-21

e. **Sustained, Sustained NBOOC and Not Sustained *(See attached for specific case findings)***
   223-21

f. **Unfounded *(See attached for specific case findings)***
   229-21 231-21 235-21 236-21 002-22

g. **Exonerated** ***(See attached for specific case findings)***
209-21 220-21 228-21 240-21

h. **Unfounded and Exonerated** ***(See attached for specific case findings)***
241-21 251-21

IX. Non-Concurrence Cases
- **a. 191-21**
- **b. 201-21**
- **c. 248-21**

X. Serious Use of Force Cases/Officer Involved Shooting – ***Interim Executive Director Diane McDermott***
- **a. File Requests:**
- **b. Proposed Case(s) for May 2022 Review:**
  1. **TBD**

XI. Reports from Subcommittees
- **a. Community Outreach Subcommittee –** ***Chantal Galloway***
  1. **Met March 29, 2022 (video Conference)**
  2. **Next meeting April 26, 2022 at 3:00 p.m.**
- **b. Policy and Procedure Review Subcommittee**
  1. **March 3, 2022 meeting was cancelled**
  2. **There was no meeting in April 2022**
  3. **Next meeting TBD**
- **c. Case Review Subcommittee**
  1. **Next meeting TBD**
- **d. Personnel Subcommittee –** ***Patricia J. French***
  1. **Met March 28, 2022 at 3:00 p.m. (video conference)**
  2. **Next meeting TBD**

XII. Discussion and Possible Action:
- **a. Designate CPOA Board Representative for PPRB**
- **b. Consideration of PPRB Policies with No Recommendation:**
- **c. Consideration of Proposed MOU between the City of Albuquerque, CPOA/CPOAB and APOA on OIS/SUOF Materials –** ***CPOA/CPOAB Legal Counsel Tina Gooch***
- **d. Use of Force Updates –** ***Interim Executive Director, Diane McDermott***
- **e. Legal Counsel Contract Update –** ***Interim Executive Director, Diane McDermott***
- **f. APD Use of Force Policies Letter to DOJ/Monitor -** ***Jesse Crawford***
- **g. CPOA Board Job Description –** ***Patricia J. French or CPOA/CPOAB Legal Counsel Tina Gooch***
- **h. Administrative Staff Internal Process –** ***Interim Executive Director, Diane McDermott***

XIII. Meeting with Counsel re: Pending Litigation or Personnel Issues:

Closed Discussion and Possible Action re: Pending Litigation or Personnel Issues

a. Limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2)

1. ***Interim Executive Director Performance Overview***

XIV. Other Business

XV. Adjournment- ***Next Regularly scheduled CPOA Board meeting will be on May 19, 2022 at 5:00 p.m.***

CITY OF ALBUQUERQUE

April 15, 2022

To File

Anonymous
No contact information available

Re: CPC # 247-21

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

The CPOA received an anonymous complaint advising that CID Detective M, CID Officer L and CID Detective B were playing golf all day while on duty. The complainant reported that the officers were consuming alcohol, had their city vehicles and had their weapons. The complainant reported that the officers posted those actions on Instagram

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: No

APD Employee Involved: Officer L

Other Materials: Instagram

Date Investigation Completed: March 18, 2022

FINDINGS

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.	☐
2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.	☐
3. **Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.	☐
4. **Exonerated.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.	☐
5. **Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.	☐
6. **Administratively Closed.** Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.	☑

Additional Comments:

The complainant did not provide a specific time/location to where the officers were playing golf or information to who's Instagram account all that information was posted. The CPOA Investigator was unable to obtain these specific details from the complainant as the complainant did not provide any contact information and requested to remain anonymous.

This incident was Administratively Closed via lack of information in 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 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. A hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.

In order for the Board to change the findings and/or recommendations or make further recommendations to the Chief of Police, proof must be offered that:

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

Administratively closed complaints may be re-opened if additional information becomes available.

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

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

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

Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY
Civilian Police Oversight Agency Board

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EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: No

APD Employee Involved: Detective B

Other Materials: Instagram

Date Investigation Completed: March 18, 2022

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Interim Executive Director
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cc: Albuquerque Police Department Chief of Police

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EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: No

APD Employee Involved: Detective M

Other Materials: Instagram

Date Investigation Completed: March 18, 2022

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Additional Comments:

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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

April 15, 2022

Via Certified Mail
7020 1810 0000 6296 6930

Re: CPC # 004-22

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. D listed multiple names of individuals and families that have committed theft against him as well as threats. Mr. D wished to file reports, seek justice, compensation for damages, and access to treatment.

EVIDENCE REVIEWED:

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

Complainant Interviewed: No Witness(es) Interviewed: No

APD Employee Interviewed: No

APD Employee Involved: Unknown

Other Materials: N/A

Date Investigation Completed: March 30, 2022

FINDINGS

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

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Additional Comments:

Mr. D provided multiple dates in his complaint, but those did not coincide with a search of Mr. D multiple reports when a search of APD records was done.
Mr. D did not provide a phone or email on his complaint, so a certified letter was mailed to the address listed on the complaint. The certified letter had been signed for and the receipt had been returned. Mr. D did not respond to the investigator.

Therefore, with lack of information to proceed further, this case was administratively closed.

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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

April 15, 2022

To File

Re: CPC # 10-22

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. J P eported on 1/18/22 Officer W unlawfully took a vehicle from the premises to another towing company. Mr. P wrote he works at a separate towing company and is asking to be refunded from APD.

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: Officer W

Other Materials: tried to locate incident, unsuccessful

Date Investigation Completed: March 16, 2022

FINDINGS

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Additional Comments:

CPOA Investigator attempted several times to contact Mr. P . for further information about the complaint. He was unable to be reached by phone and he did not provide his email or address. The address of the incident was Enchantment Towing. Enchantment Towing was contacted to see if Mr. P was an employee, but was informed he was not.

Records requests were made for any police reports, CADs or information related to the complaint. A CAD was located involving a tow by the officer, but nothing mentioned Mr. P and the information on the CAD was that the stolen vehicle was towed from apartments. The video was watched and did not match the citizen's description of events.

There was not enough information in the complaint to complete an investigation. Any requests for money would have to be filed through the City's Risk Management process

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Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

April 15, 2022

To File

Re: CPC # 015-22

Mr. Sonnier

COMPLAINT:

Mr. S reported that there were two APD police officers parked in front of the Apple Store at ABQ Uptown. The vehicles blocked traffic. Mr. S r reported he honked at the officers. Mr. S reported, *"I passed the police officer's driver window, the officer gave me a distinct look of disgust and contempt."*

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: N/A

APD Employee Involved: Officer R

Other Materials:

Date Investigation Completed: March 24, 2022

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

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

Policies Reviewed: 1.1.5.A.1

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 CPOA Investigator reviewed the CAD for a Chief's Overtime assignment at this location. The CPOA Investigator contacted the Apple Store and discovered officers park for the assignments in the front. The citizen was satisfied the situation was being reviewed. The officer had no previous misconduct and the allegation was of a minor nature. The citizen did not request further follow-up.

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

In order for the Board to change the findings and/or recommendations or make further recommendations to the Chief of Police, proof must be offered that:

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

Administratively closed complaints may be re-opened if additional information becomes available.

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

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

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

Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

April 15, 2022

Via Certified Mail

7020 1810 0000 6296 6909

Re: CPC # 020-22

Ms. G

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

V G submitted a CPOA complaint stating that the following individuals-D S and her husband, J S are providing false documents, theft of civilians, data conversion and are a danger to the community. Ms. G reported that D S is the comprehensive training unit manager for APD.

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: N/A

APD Employee Involved: unidentified

Other Materials: employee database

Date Investigation Completed: March 29, 2022

FINDINGS

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

A records request was submitted for the date Ms. G · put on her complaint. The CAD's received from records did not match the narrative of the CPOA complaint. There was a call for service involving Ms. G · on the date specified. That call was reviewed, which involved a custody exchange between her and her ex regarding their children. State police had a court order to exchange the children and an APD officer was assisting. None of the names Ms. G · mentioned in her complaint were part of the call. Ms. G · failed to respond to the investigator's attempts to reach her for more information. The names provided were not APD employees. There was insufficient information to conduct 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 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. A hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.

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C) The findings by the Director had no explanation that would lead to the conclusion made; or,
D) The findings by the Director were not supported by evidence that was available at the time of the investigation.

Administratively closed complaints may be re-opened if additional information becomes available.

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

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

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

Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

April 15, 2022

Via Certified Mail

7020 1810 0000 6296 6916

Re: CPC # 021-22

Ms. M D. z,

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

On 02/03/2022, Ms. M D submitted a CPOA complaint that stated due to a winter storm her brother, L D , lost control of his vehicle due to road conditions. L was coming back home from work when his vehicle was no longer in working condition. He had to walk back home and request assistance. Ms. D stated once her brother was home a police officer approached their residence and forced her brother to perform a DWI test to see if he was under the influence of alcohol. The officer had the vehicle towed to a towing company. Ms. D is asking for the city to pay the towing expenses.

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: N/A

Other Materials: N/A

Date Investigation Completed: March 8, 2022

FINDINGS

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

The CPOA Investigator did several searches in order to locate the incident. It was determined that the named employee was a Bernalillo County Sheriff Deputy. The citizen was informed her complaint would need to be investigated by BCSO IA and was given their contact information. The complaint was forwarded to BCSO IA

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

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Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY
Civilian Police Oversight Agency Board

Patricia J. French, Chair *Jesse Crawford, Vice-Chair* *Chantal M. Galloway*
Eric Nixon *Michael Wartell*

Diane McDermott, Interim Executive Director

April 15, 2022

To File

File

Re: CPC # 028-22

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

An anonymous complaint was submitted on 2/14/2022. The complainant arrived at the Albuquerque Police Department Substation located at 12700 Montgomery Blvd NE to file a police report. The Substation was closed when the complainant arrived but there were 4 officers present. The complaint alleged that 3 of the 4 officers did not assist him in with a police report.

EVIDENCE REVIEWED:

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

Complainant Interviewed: No Witness(es) Interviewed: No

APD Employee Interviewed: No

APD Employee Involved: Unknown

Other Materials: N/A

Date Investigation Completed: March 30, 2022

FINDINGS

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

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

Additional Comments:

The complainant provided a telephone number that the investigator attempted to contact on two separate occasions (2/24/2022 0848 hours, 3/30/2022 1147 hours) but was unable to leave a message each time. No mailing address was provided in the complaint. A request for records resulted with no CAD or report for the date, time and location of the incident.

Therefore, with lack of information to proceed further, this case was administratively closed.

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

April 15, 2022

Via Certified Mail

7020 1810 0000 6296 6893

Re: CPC # 39-22

Mr. A· B

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

On 02/01/2022, Mr. A B submitted a CPOA complaint that stated he has contacted APD, "*honestly too many times.*" Mr. B reported the following issues in his complaint: video of an apparent burglary, extortion, scam, video of possible controlled drug-buy and lurking individuals that are harassing him non-stop. Mr. E did not report any specific APD police officer in his complaint.

EVIDENCE REVIEWED:

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

Complainant Interviewed: No Witness(es) Interviewed: No

APD Employee Interviewed: N/A

APD Employee Involved: N/A

Other Materials: N/A

Date Investigation Completed: March 8, 2022

FINDINGS

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

APD records provided a police report and CAD that was not the date of the original complaint on 02/01/2022. The complainant originally was non-responsive, but eventually contacted the investigator and asked the complaint be withdrawn. There was not enough information on a specific APD officer to further pursue the investigation in this 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 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. A hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.

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Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

April 15, 2022

Via Certified Mail
7020 1810 0000 6296

Re: CPC # 258-21

Mrs. S

PO Box 1293
Albuquerque
NM 87103
www.cabq.gov

COMPLAINT:

Mrs. S had alleged she was physically attacked by her wife, A S inside their apartment. When officers arrived, A S was arrested and taken to jail. According to D S Officer R stated to her that someone from the courts would contact her when A S is released. When D S left the apartment and returned with a new lock for the door, A S was inside and attacked her again. Prior to the second attack, A S was transported to the Prisoner Transport Center (PTC) by Officer R but was rejected by medical for concussion related symptoms. Officer R transported A S to the hospital and released her shortly thereafter.

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 R

Other Materials: n/a

Date Investigation Completed: March 25, 2022

FINDINGS

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

Policies Reviewed: 4.25.3.A.2.g

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:

Officer R took A S to the PTC to be ultimately transported to jail. However, PTC rejected A S due to medical symptoms and she needed to be assessed at the hospital. Instead of remaining with A S at the hospital, he decided to release her and forwarded the case to the DA. Officer R admitted it was a violation of policy to release A S instead of staying with her until she was medically cleared. He had not requested permission from a supervisor to release her from custody.

The recommended discipline approved by the Civilian Police Oversight Board is an 8 hour suspension.

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

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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

April 15, 2022

Via Certified Mail

7020 1810 0000 6296 6985

-

Re: CPC # 003-22

Mr. W -W

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

On 12/17/2021, Mr. J s W W had alleged Officer S damaged his vehicle antenna when he removed it from his vehicle and used it to break into a lock car that had a child inside that was not in danger. Mr. W -W naintained that he did not give Officer S his permission because he didn't fully understand what had happened. Officer S ignored him and used it anyway and damaged the antenna and never offered an apology or compensation.

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: N/A

Date Investigation Completed: March 31, 2022

FINDINGS

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

Policies Reviewed: 2.7.4.B.1-5

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:

Upon review, The investigator found it unclear if an objection to use the antenna had been clearly communicated to Officer S due to the background noise obstructing the conversation with Mr. W -W : after a review of the lapel video. However, Officer S did not comply with Albuquerque Police Department policy which required Officer S to create a damage to civilian property report, a notification to Crime Scene Specialist, a notification to the City of Albuquerque Risk Management Division and to provide that contact information to the property owner on how to file a claim with the Risk Management Division.

Mr. W W : was advised that a claim would need to be initiated with the City of Albuquerque Risk Management.
Their website is https://www.cabq.gov/dfa/risk-management which provides some information and their phone number is 505-768-3080.

The recommended discipline approved by the Civilian Police Oversight Board is 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 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. A hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.

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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

April 15, 2022

Via Certified Mail
7020 1810 0000 6296 6954

Re: CPC # 238-21

PO Box 1293
Albuquerque
NM 87103
www.cabq.gov

COMPLAINT:

Mr. S o reported when he showed the officer the screenshots and messages, the officer laughed in his face. Mr. S o reported the officer stated that if Mr. S went to court with those screenshots and messages, the court would laugh in his face as they were not evidence. Mr. S reported he asked the officer for help getting a restraining order and the officer did not help. Mr. S reported he screamed at the officer stating he feared for his life and the officer stated there was nothing he could do for Mr. S Mr. Sa reported that the officer advised that a police car would be watching/driving by Mr. Sa s home to keep an eye out for their safety but Mr. S did not believe that actually happened.

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: Yes

APD Employee Involved: Officer A

Other Materials: MDT/CADS Messages

Date Investigation Completed: March 25, 2022

FINDINGS

Policies Reviewed: General Order 1-1-5A.1

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

Policies Reviewed: General Order 1-1-6A.1

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

Policies Reviewed: Procedural Order 2-60-4A.5

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:

1-1-5A.1- A review of the Lapel Video confirmed that at no time did Officer A laugh into Mr. S face or state that the courts would laugh into Mr. S face.
A review of the Lapel Video confirmed Officer A talked to four different people during the course of his investigation and did not dismiss anyone.
Lapel Video confirmed that Officer A did advised Mr. Sa father that Mr. S would need to obtain a civil restraining order as Mr. S had already left area where they had all been communicating.
1-1-6A.1- There was no evidence located in the Lapel Videos, CADS or the computer messages to indicate that Officer A requested a periodic watch via Dispatch for Mr. S residence.
2-60-4A.5- Lapel video confirmed that Officer A advised Mr. K that Officer A would add the information he obtained from Mr. K to the previous officer's report, which Officer A confirmed was not done.
The recommended discipline approved by the Civilian Police Oversight Board is a **16 Hr suspension and a Written Reprimand**

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

In order for the Board to change the findings and/or recommendations or make further recommendations to the Chief of Police, proof must be offered that:

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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

April 15, 2022

Via Certified Mail
7020 1810 0000 6296 6961

[redacted]

Re: CPC # 237-21

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. K reported that on 03/04/2021, his son was arrested for DWI. Mr. K reported that when his son's property was checked into evidence there was a black backpack that was never checked in. Mr. K reported the backpack was shown in the property/evidence report and in the supplemental report completed by Officer O.

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 O

Other Materials: Evidence Reports

Date Investigation Completed: March 25, 2022

FINDINGS

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

Policies Reviewed: 2.73.2.A

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:

Officer O confirmed the last place he recalled placing the backpack was on the counter at the PTC and he did not know the whereabouts of the backpack. Officer O stated he did not know why the backpack was not checked into evidence. Although Officer O was not the Primary Officer during this incident, it was confirmed Officer O transported the backpack to the PTC, was the last known person with the backpack and Officer O was listed as the "Tagging Officer" on the Property and Evidence Report.

The whereabouts of the backpack are still unknown. A risk management claim may be filed by calling 505-768-3080

The recommended discipline approved by the Civilian Police Oversight Board is a **Written Reprimand**

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

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Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

April 15, 2022

Via Certified Mail
7020 1810 0000 6296 6961

--

Re: CPC # 237-21

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. K reported that on 03/04/2021, his son was arrested for DWI. Mr. K reported that when his son's property was checked into evidence there was a black backpack that was never checked in. Mr. K reported the backpack was shown in the property/evidence report and in the supplemental report completed by Officer O.

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 P

Other Materials: Evidence Reports

Date Investigation Completed: March 25, 2022

FINDINGS

Policies Reviewed: 2.73.2.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:

Although Officer P was the Primary Officer during this incident, it was confirmed Officer O transported the backpack to the PTC, was the last known person with the backpack and Officer O was listed as the "Tagging Officer" on the Property and Evidence Report.

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

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Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

April 15, 2022

Via Certified Mail
7020 1810 0000 6296 6978

Re: CPC # 223-21

Dear Mrs. W

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

L W as involved in a multi-car accident and was hit by vehicle/driver six. The Woods asked for a police officer on scene due to them being hit by a drunk driver, but police never arrived and PS kept saying police were on the way. W stated PS wrote the police report incorrectly; he did not get any information on the driver who hit them, he didn't get his insurance info, etc.. W later went to the SW substation, but staff were rude and not willing to help. They didn't want to talk to her, they just wanted to talk to her son since he was the driver, but he has been ill. W called the substation and no one answered and knows they're avoiding her calls. W ' said she needs to get ahold of someone due to her insurance company needing information regarding the other driver.

EVIDENCE REVIEWED:

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

Complainant Interviewed: No Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: PS

Other Materials: crash report, supplemental report

Date Investigation Completed: March 17, 2022

FINDINGS

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

Policies Reviewed: *1 -78 -3B3d, 2-46-4A2d*

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: *1 -78 -3B3a, 1 -78 -3B3b*

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

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

Policies Reviewed: *1 -78 -3B4a*

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

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Additional Comments:

2-46-4A2d- Didn't request additional help and felt no need to notify SGT and made his own determinations. This issue is **"SUSTAINED".**

1-78-3B3d- Traffic crash w/ possibility of criminal elements, PS didn't turn over the investigation. This issue is **"SUSTAINED".**

1-78-3B4a- PS took it upon self to make independent decisions without all facts, to not call his supervisor to get further instruction on all the conflicting stories surfacing from the accident. This issue is a **"Sustained violation not based on original complaint."**

1-78-3B3a- Though PS assumed the role of primary officer (without notifying his supervisor), his SGT said that PS did not have to notify him. SGT explained that being dispatched and taking on the traffic calls is one of PS's job duties. This issue will be **"NOT SUSTAINED."**

1 -78 -3B3b- SGT said he heard PS's radio transmission that driver six was en route to the hospital. This issue will be **"NOT SUSTAINED."**

The recommended discipline approved by the Civilian Police Oversight Board is a **Written Reprimand**

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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

April 15, 2022

Via Email

Re: CPC # 229-21

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. G reported that the officer was hostile over the phone and she was worried about her friend in the officers' care. Ms. G reported that the officer seemed angry, was extremely hostile and should not be on the streets.

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: No

APD Employee Involved: Officer P

Other Materials:

Date Investigation Completed: March 8, 2022

FINDINGS

Policies Reviewed: General Order 1-1-5A.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-1-1-5A,1-After a review of the lapel videos it was confirmed that Officer P spoke with Ms. G on one occasion via speaker phone after Ms. T had called Ms. G . At no time during the conversation between Officer P and Ms. G did Officer P yell, act hostile, be aggressive or be demanding with Ms. G during the phone conversation.

After a review of the lapel video, it was confirmed that at no time did Officer P yell at, state to "shut up" or threaten Ms. T per the complaint. On several occasions, Officer P advised Ms. T that due to her being the primary aggressor in the domestic violence incident, she would need to find another place to stay for the night or she would be taken to jail.

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

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Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY
Civilian Police Oversight Agency Board

Patricia J. French, Chair *Jesse Crawford, Vice-Chair* *Chantal M. Galloway*
Eric Nixon *Michael Wartell*
Diane McDermott, Interim Executive Director

April 15, 2022

Via Email

Re: CPC # 229-21

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. G reported that the officer was hostile over the phone and she was worried about her friend in the officers' care. Ms. G reported that the officer seemed angry, was extremely hostile and should not be on the streets.

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: No

APD Employee Involved: Officer Y

Other Materials:

Date Investigation Completed: March 8, 2022

FINDINGS

Policies Reviewed: General Order 1-1-5A.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:

General Order 1-1-5A.1-After a review of the lapel videos it was confirmed that Officer Y did not speak with Ms. G at the time of incident as it was Officer P who spoke with Ms. G over the phone.

After a review of the lapel videos, it was confirmed that at no time did Officer Y yell at, state to "shut up" or threaten Ms. T 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 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. A hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.

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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

April 15, 2022

Via Certified Mail
7020 1810 0000 6296 6923

Re: CPC # 231-21

Dear Mr. Chavez

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Complainant stated he was setting a vending station at the Sunshine (09/25/2021); C said he was parked in the yellow zone so he could unload. Ofcr R, who harassed me (a Rastafarian), said to leave. She and another officer timed me and next thing you know, I got a ticket. Ofcr R also harassed me in the fall and told me to move my van. My merch was stolen when I was told to leave the unloading zone. Cops like this give bad name and are getting shot because they abuse their authority and cause a disconnect with the community. I've never been harassed like this in the 22 years doing this.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: No

APD Employee Involved: Ofcr R

Other Materials: Traffic code 8-1-2-34; 8-5-1-1 article 5

Date Investigation Completed: March 19, 2022

FINDINGS

Policies Reviewed: 1-1-5A1

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:

1-1-5A1: It was determined that Ofcr R did not violate ***1-1-5A1.*** She was also not disrespectful or harassing in any form. It was learned that Cl was aggressive and argumentative even when he was given more time as he requested. The issue is **"UNFOUNDED.**

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

In order for the Board to change the findings and/or recommendations or make further recommendations to the Chief of Police, proof must be offered that:

A) 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,
B) The APD policy or APD policies considered by the Director were chosen randomly or they do not address the issues in your complaint; or,
C) The findings by the Director had no explanation that would lead to the conclusion made; or,
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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

April 15, 2022

Via Certified Mail
7020 1810 0000 6296 6923

A"

Re: CPC # 231-21

Dear Mr. C

PO Box 1293
Albuquerque
NM 87103
www.cabq.gov

COMPLAINT:

Complainant stated, "I was setting a vending station at the Sunshine (09/25/2021); I parked in the yellow zone. Ofcr M who harassed me (a Rastafarian) before in a parking lot near El Rey (summer 2021), said to leave. If I didn't move in 10 minutes, I was to get ticketed. He timed me and next thing you know, I got a ticket. He told me it had been 15 minutes when he gave me 10. Ofcr M harassed me in the summer and a few weeks after 09/25/2021. My merch was stolen when I was told to leave the unloading zone. Cops like this give bad name and are getting shot because they abuse their authority and cause a disconnect with the community. I've never been harassed like this in the 22 years doing this.

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: Ofcr M

Other Materials: Traffic code 8-1-2-34; 8-5-1-1 article 5

Date Investigation Completed: March 19, 2022

FINDINGS

Policies Reviewed: 1-1-5A1

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

1-1-5A1: It was determined that Ofcr M did not violate ***1-1-5A1.*** He was also not disrespectful or harassing in any form. It was learned that C was aggressive and argumentative even when he was given more time as he requested. The issue **is "UNFOUNDED.**

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

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Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

April 15, 2022

Re: CPC # 235-21

Dear K W

COMPLAINT:

K W submitted a complaint that alleged officers pointed guns at her and her son and ordered her to put her hands out the window. Ms. V complied, and the officers asked her, "Who the fuck was in the back seat"; Ms. W said her ten-year-old son. The officers had their guns drawn and yelled at her son to get out of the vehicle; the officers saw that her son was only a boy and told him to get back in the car, but still had their guns pointed at him. Ms. W. didn't know why the officers approached them but thought it was because they were black and the officers were profiling.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: Yes

APD Employee Involved: Officer S

Other Materials: Use of Force Definitions 2-53

Date Investigation Completed: March 18, 2022

FINDINGS

Policies Reviewed: Use of Force 2-52-4F1a, Conduct 1-1-5C2, & Conduct 1-1-5A2

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:

The investigator determined, by clear and convincing evidence, that the alleged misconduct did not occur. A review of the evidence determined that Officer S did not point a firearm at K W or her son, the weapon's were in the low ready position and did not constitute a use of force. Officer S did not curse or order Ms. W to put her hands out the window. Officer S never communicated with Ms. W or her son. Officer S was the backup officer and acted on the information and description provided and not solely upon the race of the individuals contacted.

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

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Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

April 15, 2022

Via Email

Re: CPC # 235-21

Dear K W

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

K i W submitted a complaint that alleged officers pointed guns at her and her son and ordered her to put her hands out the window. Ms. W complied, and the officers asked her, "Who the fuck was in the back seat"; Ms. W said her ten-year-old son. The officers had their guns drawn and yelled at her son to get out of the vehicle; the officers saw that her son was only a boy and told him to get back in the car, but still had their guns pointed at him. Ms. W didn't know why the officers approached them but thought it was because they were black and the officers were profiling.

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: Sergeant L

Other Materials: Use of Force Definitions 2-53

Date Investigation Completed: March 18, 2022

FINDINGS

Policies Reviewed: Use of Force 2-52-4F1a, Conduct 1-1-5C2, & Conduct 1-1-5A2

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:

The investigator determined, by clear and convincing evidence, that the alleged misconduct did not occur. A review of the evidence determined that Sergeant L did not point a firearm at K W or her son. Sgt. L did not curse or order Ms. W to put her hands out the window. Sgt. L pulled up behind the other officers on the scene after contact had been made and did not act solely upon the race of the individuals contacted.

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

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Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

April 15, 2022

Via Email

[redacted]

Keri Waites

Re: CPC # 235-21

Dear K· W· :

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

K W s submitted a complaint that alleged officers pointed guns at her and her son and ordered her to put her hands out the window. Ms. W complied, and the officers asked her, "Who the fuck was in the back seat"; Ms. W said her ten-year-old son. The officers had their guns drawn and yelled at her son to get out of the vehicle; the officers saw that her son was only a boy and told him to get back in the car, but still had their guns pointed at him. Ms. W didn't know why the officers approached them but thought it was because they were black and the officers were profiling.

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: Use of Force Definitions 2-53

Date Investigation Completed: March 18, 2022

FINDINGS

Policies Reviewed: Use of Force 2-52-4F1a, Conduct 1-1-5C2, & Conduct 1-1-5A2

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:

The investigator determined, by clear and convincing evidence, that the alleged misconduct did not occur. A review of the evidence determined that Officer H did not point a firearm at K W s or her son, the weapon's were in the low ready position and did not constitute a use of force. Officer H did not curse or order Ms. W to put her hands out the window. Officer H acted on the information and description provided and not solely upon the race of the individuals contacted.

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

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Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY
Civilian Police Oversight Agency Board

Patricia J. French, Chair *Jesse Crawford, Vice-Chair* *Chantal M. Galloway*
Eric Nixon *Michael Wartell*
Diane McDermott, Interim Executive Director

April 15, 2022

Via Email

BynumBryan47@gmail.com

Bryan Bynum

Re: CPC # 236-21

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. B reported that Officer C did not help him at all. Mr. B reported that Officer C refused to help Mr. B with the situation

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: No

APD Employee Involved: Officer C

Other Materials:

Date Investigation Completed: March 8, 2022

FINDINGS

Policies Reviewed: General Order 1-1-5A.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.	☑
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Additional Comments:

General Order 1-1-5A.4- Lapel Video confirmed that Mr. B was assessed by Rescue Personnel. Per the lapel Video, Officer C interviewed both parties (Mr. B and Mr. L) involved, witnesses and reviewed the video from the location of the incident. Officer C explained to Mr. B why he would not charge Mr. L d. Mr. B became upset and advised Officer C on several occasions that Officer C was no longer needed and Officer C could leave.

Per Officer C's incident report, he documented that charges could not be confirmed at that time due to conflicting stories but it did appear that the stories from the witness and Mr. L matched the surveillance footage.

Due to Mr. B complaint offering minimum details and the CPOA Investigator not being able to speak with Mr. B , it was not 100% clear as to what Mr. B wanted help with and what Officer C refused to help Mr. B with, 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 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. A hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.

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Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

April 15, 2022

Via Certified Mail

7020 1810 0000 6296 7005

Re: CPC # 002-22

Ms. G

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. G had alleged that her tenant, Mr. D had released an unknown chemical smoke in the duplex apartment building that caused her to choke and made her sick. Ms. G also claimed that her tenant tampered with fixtures under the building and with the basement heater. She called the police because she wanted this activity stopped. Ms. G called the police on 12/31/2021 and again on 1/1/2022 because she felt the police did not do anything and only believed her tenant and not her. She felt it was due to the officers thinking she was a "hysterical female".

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: No

APD Employee Involved: Officer F

Other Materials: N/A

Date Investigation Completed: March 14, 2022

FINDINGS

Policies Reviewed: 1.4.3.A.3

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.	☑
2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.	☐
3. **Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.	☐
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 lapel video showed Officer F did speak with Ms. G on the second date she called police. She explained her concerns again, which were similar to the day prior. Ms. G had not expressed dissatisfaction with the police from the prior day. She wanted Officer F to again tell her tenant to leave the heater alone and if he saw smoke to call the fire department. She asked if she should get medically checked for the chemical causing her to choke. Officer F advised she could if she wished and offered rescue to check on her, which she declined. Ms. G had not identified that Officer F treated her improperly, but felt she was not believed. However, the lapel video showed Officer F never indicated or stated he did not believe Ms. G . The situation was a dispute between a landlord and tenant. Officer F provided the information Ms. G z wanted conveyed to her tenant. The evidence showed there was no dismissive conduct or different treatment due to Ms. G gender.

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

In order for the Board to change the findings and/or recommendations or make further recommendations to the Chief of Police, proof must be offered that:

A) 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,
B) The APD policy or APD policies considered by the Director were chosen randomly or they do not address the issues in your complaint; or,
C) The findings by the Director had no explanation that would lead to the conclusion made; or,
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Administratively closed complaints may be re-opened if additional information becomes available.

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

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

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

Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

April 15, 2022

Via Certified Mail
7020 1810 0000 6296 7005

Re: CPC # 002-22

Ms. Gonzalez:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. G had alleged that her tenant, Mr. D had released an unknown chemical smoke in the duplex apartment building that caused her to choke and made her sick. Ms. G also claimed that her tenant tampered with fixtures under the building and with the basement heater. She called the police because she wanted this activity stopped. Ms. G called the police on 12/31/2021 and again on 1/1/2022 because she felt the police did not do anything and only believed her tenant and not her.

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: No

APD Employee Involved: Officer K

Other Materials: N/A

Date Investigation Completed:

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

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Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

April 15, 2022

Via Certified Mail

7020 1810 0000 6296 6886

Re: CPC # 209-21

Dear Mr. M :

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

I was "rousted" by OF. He said in a loud voice, "We've had reports you made threats against the Government!" That was a lie. He was determined to cause me harm. When I realized that, in fact, this was a uniformed APD Officer, I feared a "rogue cop". Moments later, I settled my mind. I then asked this person, who said this and why was I being rousted? He refused to answer, saying it was an emergent "Welfare Check". He gave me a card and walked away. My first question is why would OF make a decision that a punitive form of "Welfare Check" was called for? So why would this officer decide waking citizens (it wasn't just me he scared) in the middle of the night and making loud disgusting statements in the driveway and was proper police procedure for a 21-day old "Welfare Check"?

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: OF

Other Materials: n/a

Date Investigation Completed: March 30, 2022

FINDINGS

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

Policies Reviewed: 3.13.3.B.3.b

4. **Exonerated.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.	☑
5. **Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.	☐
6. **Administratively Closed.** Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.	☐

Additional Comments:

3.13.3.B.3.b: OF explained this service call came in during the mid-afternoon of the previous shift on 06/30/2021. He explained he does not have the ability or authority to hold calls and said that's what happened on this CAD. He also explained that calls shouldn't be held or delayed for 21 days. OF pointed out that M service call was a priority 5 and dispatch did initially dispatch him at 23:09:12, but had to be temporarily taken off due to receiving a higher priority call. Once he was done with the higher priority, he tended to M 's service call. OF said he has no control on where and when he is assigned, has no control where other staff are assigned to and has no control on whether there is a shortage of staff. OF said he followed all instructions on the CAD, went to M home when he was dispatched and disagreed with the allegations stating that he never rousted, abused or conducted/intended to conduct a night raid as M alleged. This issue will be **EXONERATED.**

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

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Administratively closed complaints may be re-opened if additional information becomes available.

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

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

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

Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY
Civilian Police Oversight Agency Board

Patricia J. French, Chair *Jesse Crawford, Vice-Chair* *Chantal M. Galloway*
Eric Nixon *Michael Wartell*

Diane McDermott, Interim Executive Director

April 15, 2022

Via Certified Mail

7020 1810 0000 6296 7012

[redacted]

Re: CPC # 220-21

Dear Mr. L

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

You filed a complaint stating two comments that you posted on APD's Facebook page were deleted or hidden by PA. The first one was of a Halloween safety tips video; you called out APD public affairs personnel for not doing a remembrance of a fallen officer. The second post was on the actual remembrance post that was posted on 10/29/2021. You commented how disrespectful it was to post so late in the day. You explained PIO A cannot delete or hide your comments as the APD Facebook page is an official page. Your expert knowledge in Facebook social media page management is APD public affairs hid my comments from the public to see. You stated this is a violation of your civil rights. You said deleting/hiding comments or blocking users of the page is censorship.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: PIO A

Other Materials: PICS of hidden comments; APD Terms of Use Policy

Date Investigation Completed: March 11, 2022

FINDINGS

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

Policies Reviewed: 1-1-4A

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:

1-1-4A department personnel shall obey and policies: As a result of this investigation, it was determined that PA did hide the complainant's comments due to the comments being a violation of APD's social media pages terms of use policy. The policy has been in existence long before the employment of any of the APD public information personnel and to their knowledge had been either authored or approved by City Legal. There are many government social media platforms have terms of service agreements. In consultation with the City Clerk, there is conflicting guidance, which is very fact specific per case, about whether comments on social media pages are even considered public record and/or have a retention schedule. This issue will be **EXONERATED.**

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

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Administratively closed complaints may be re-opened if additional information becomes available.

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

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

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

Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

April 15, 2022

Via Email

Re: CPC # 228-21

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. R reported that he called the crime line stating that he saw the person (B who burned down his house (on 05/22/21.) Mr. R eported the Operator advised they would send a police car to the address that Mr. R provided, but officers never showed up. Mr. R : reported that the officers drove by, but they never contacted Mr. J (the person Mr. R old them to contact.) Mr. R stated when he called back, APD continued to tell him that they did not see anything.

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: 242-Cops Audio Recording

Date Investigation Completed: March 16, 2022

FINDINGS

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

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

4. **Exonerated.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.	☑
5. **Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.	☐
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Additional Comments:

2.60.4.A.5.b 1. ***preliminary investigation***-Mr. R advised the Operator that he never saw "B " going into the apartment in question (Mr. J. ' Apartment.) Mr. R advised the Operator that he had seen B walking in the streets in the area of where Mr. R z lived. Mr. R stated B burned down his apartment complex (05/22/21) nearly six months prior to Mr. R calling law enforcement (11/04/21.) Per the audio recording, the Operator advised Mr. R on two separate occasions that she would have officers check the area in which Mr. R acknowledged both times. Officer S stated he checked the area for the alleged suspect (B) as the CAD had advised. Officer S stated he did not contact Mr. R as per the CAD, Mr. R did not want contact.

Please contact 242-Cops if you would like to speak with an officer about the additional information obtained about 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 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. A hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.

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Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

April 15, 2022

Via Certified Mail
7020 1810 0000 6296 6879

Re: CPC # 240-21

Dear M

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

M A submitted a complaint alleging Officer A attempted to pick up M child (Officer A's stepchild) from daycare while off duty and in uniform by telling staff that she was authorized to pick up the child because she was an officer and married to the child's father. Officer A was not allowed to pick up the child because she was not on the approved list and said loudly that she was recording with her lapel camera. Officer A tried to use her police powers and equipment to intimidate staff and seeing the officers in uniform was traumatic for her child and the other children.

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 A

Other Materials: Telephone Videos

Date Investigation Completed: March 4, 2022

FINDINGS

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.	☐
2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.	☐
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Policies Reviewed: Conduct 1-1-5E2 & Conduct 1-1-6A1

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:

The investigator determined, by a preponderance of the evidence, that some of the alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training, while some of the alleged conduct was found to be unproven or incorrect. Officer A did attempt to pick up the child from daycare on a day that her husband had custody, was on duty but on her meal break, was in her own vehicle, and wearing civilian clothing with an APD jacket and had her badge, lapel camera, and duty weapon on her person. Officer A was not in full uniform, did not say she was authorized to pick up the child because she was an officer, was not speaking loudly, did not record or say she was recording with her lapel camera, and did not try to intimidate staff with her police powers and equipment. There was no evidence to support that uniformed officers responding to take a report was traumatic for any child, and Officer A never entered the daycare facility. The witness advised that Officer A was stubborn and made a scene that made the daycare owner uncomfortable because nothing like that had ever happened there before but advised that it was understandable in the situation. The witness advised that Officer A never identified herself as an officer, and they didn't know she was an officer.

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

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Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

April 15, 2022

Via Email

Re: CPC # 241-21

Dear F i K

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

F K alleged that he called the substation and was told Sergeant G would call him back, but his call had not been returned.

F said a sergeant had called him back about a week after the incident on 11/29/2021, but the sergeant didn't listen to him, kept repeating the same things, never acknowledged F feelings or concerns, and never told F that he understood. F said that the sergeant didn't do anything, never helped him, and didn't refer him to someone else.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: No

APD Employee Involved: Sergeant G

Other Materials: N/A

Date Investigation Completed: March 25, 2022

FINDINGS

Policies Reviewed: Conduct 1.1.5.A.4

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.	☑
2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.	☐
3. **Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.	☐
4. **Exonerated.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.	☐
5. **Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.	☐
6. **Administratively Closed.** Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.	☐

Additional Comments:

The investigator determined, by clear and convincing evidence, the alleged misconduct did not occur. Sgt. G called F on 11/30/2021, maintained a professional tone, listened to F , answered F questions repeatedly, and referred Fereidoun to CYFD.

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

In order for the Board to change the findings and/or recommendations or make further recommendations to the Chief of Police, proof must be offered that:

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

Administratively closed complaints may be re-opened if additional information becomes available.

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

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

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

Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

April 15, 2022

Via Email

Re: CPC # 241-21

Dear F n K

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

F K alleged that on 09/09/2021, four officers responded and provided his wife, J K , with a domestic violence packet even though he called for police. Officers also catered to J because she cried, did not listen to F or their sons, and did not report the incident to CYFD.

F alleged that on 11/29/2021, officers made his eleven-year-old son, J K give a telephone to J raised their voice to J like a bully and said, "You need to give your phone to your mom now," didn't report the incident to CYFD, and never notified F n about the incident occurring. Fereidoun believed the officer knew T A or J , creating a conflict of interest.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer S

Other Materials: Reviewed Policy 2.92 Crimes Against Children

Date Investigation Completed: March 25, 2022

FINDINGS

Policies Reviewed: Conduct 1.1.5.A.4 & Conduct 1.1.5.C.3

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

Policies Reviewed: Preliminary Investigations 2.60.4.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.	☑
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 investigator determined, by clear and convincing evidence, the alleged misconduct did not occur. Two officers responded on 09/09/2021, and provided F and J a with domestic violence packets on 09/09/2021. Officer S interviewed the parties, checked for injuries, and completed a report. Officer S did not raise his voice like a bully to J make J give a telephone to J , or tell J , "You need to give your phone to your mom now" on 11/29/2021. Officer S knew J and T from the call on 09/09/2021, did not greet J or T and had no conflict of interest. Officer S did not contact F about the 11/29/2021 incident, but had no reason to do so.

The investigator determined, by a preponderance of the evidence, that the alleged conduct occurred but did not violate APD policies, procedures, or training. Officer S completed a report on 09/09/2021, but was not required to forward it to CYFD per policy 2.92. Officer S was the training officer of the reporting officer on 11/29/2021, but was not required to forward it to CYFD per policy 2.92.

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

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

Administratively closed complaints may be re-opened if additional information becomes available.

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

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

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

Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

April 15, 2022

Via Email

Re: CPC # 241-21

Dear F K

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

F K alleged that on 09/09/2021, four officers responded and provided his wife, J K , with a domestic violence packet even though he called for police. Officers also catered to J because she cried, did not listen to F or their sons, did not report the incident to CYFD, and Officer C was rude to him with his tone.

F alleged that on 11/29/2021, officers made his eleven-year-old son, J K give a telephone to J raised their voice to J a like a bully and said, "You need to give your phone to your mom now," didn't report the incident to CYFD, and never notified F about the incident occurring. F believed the officer knew T A r J , creating a conflict of interest.

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 C

Other Materials: Reviewed Policy 2.92 Crimes Against Children

Date Investigation Completed: March 25, 2022

FINDINGS

Policies Reviewed: Conduct 1.1.5.A.4, Conduct 1.1.5.C.3, & Preliminary Investigations 2.60.4.A.1

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

The investigator determined, by clear and convincing evidence, the alleged misconduct did not occur. Two officers responded on 09/09/2021, and provided F ı and J with domestic violence packets on 09/09/2021. Officer C was the secondary officer and the primary officer interviewed the parties, checked for injuries, and completed a report. Officer C did not raise his voice like a bully to J , make J ı give a telephone to J ı, or tell J , "You need to give your phone to your mom now" on 11/29/2021. Officer C knew J ı and T from the call on 09/09/2021, greeted J ı to be cordial, and had no conflict of interest. Officer C was not the primary officer and did not contact F about the 11/29/2021 incident. Officer C was not rude to F ı with his tone of voice and was trying to maintain the peace. Officer C was not the reporting officer on either incident and was not required to complete a report or forward it to CYFD per policy 2.92.

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

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Administratively closed complaints may be re-opened if additional information becomes available.

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

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

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

Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

April 15, 2022

Via Email

Re: CPC # 241-21

Dear F a K:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

F a K alleged that on 11/29/2021, officers made his eleven-year-old son, J K , give a telephone to his mother, J K raised their voice to Joshua like a bully and said, "You need to give your phone to your mom now." Officers didn't report the incident to CYFD, and never notified F a about the incident occurring. F a believed the officer knew T A or J creating a conflict of interest.

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 R

Other Materials: Reviewed Policy 2.92 Crimes Against Children

Date Investigation Completed: March 25, 2022

FINDINGS

Policies Reviewed: Conduct 1.1.5.A.4, & Conduct 1.1.5.C.3

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.	☑
2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.	☐
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Policies Reviewed: Preliminary Investigations 2.60.4.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.	☑
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:

The investigator determined, by clear and convincing evidence, the alleged misconduct did not occur. Officer R interviewed the parties, checked for injuries, and completed a report. Officer R did not raise his voice like a bully to J , make J give a telephone to J or tell J "You need to give your phone to your mom now" on 11/29/2021. Officer R did not know J or T prior to 11/29/2021, and had no conflict of interest. Officer R did not contact F about the 11/29/2021 incident, but had no reason to do so.

The investigator determined, by a preponderance of the evidence, that the alleged conduct occurred but did not violate APD policies, procedures, or training. Officer R completed a report on 11/29/2021, but was not required to forward it to CYFD per policy 2.92.

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

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Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

April 15, 2022

Via Email

Re: CPC # 251-21

Dear S B ,

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

S. B submitted a complaint alleging Operator G placed her in additional danger while on the telephone with her, didn't do enough to protect her, and was unprofessional.

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: Yes

APD Employee Involved: Operator G

Other Materials: Operator Audio Recording

Date Investigation Completed: March 25, 2022

FINDINGS

Policies Reviewed: Conduct 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:

The investigator determined, by clear and convincing evidence, the alleged misconduct did not occur. Operator G attempted to get officers to Ms. B faster by advising her to remain where she was and advised Ms. B not to follow to suspects. Operator G collected information from Ms. B in a professional and courteous manner and appropriately acted on the information.

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

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Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

April 15, 2022

Via Email

Re: CPC # 251-21

Dear S t B

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Sl B submitted a complaint alleging Officer JC told her that a chase was called off because it was not important enough to continue, that she should be thankful the officers risked their lives for her, didn't do enough to protect her, was laughing and joking while reviewing surveillance video footage, and was unprofessional.

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: Yes

APD Employee Involved: Officer JC

Other Materials: Operator Audio Recording

Date Investigation Completed: March 25, 2022

FINDINGS

Policies Reviewed: Conduct 1.1.5.A.4

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

Policies Reviewed: Conduct 1.1.5.A.1

4. **Exonerated.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.	☑
5. **Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.	☐
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 investigator determined, by clear and convincing evidence, the alleged misconduct did not occur. Officer JC collected information from Ms. B in a professional and courteous manner and appropriately acted on the information. Officer JC did not tell Ms. B the chase was called off because it was not important enough to continue, but explained he followed the suspect for a long time, but couldn't put more lives in danger when the suspect began going through intersections at a high rate of speed. There were no additional actions to be taken by Officer JC to protect Ms. B . Officer JC did not tell Ms. B she should be thankful the officers risked their lives for her, but explained that he put his life and other officers' lives in danger to try and catch the suspect.

The investigator determined, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures or training. Officer JC did giggle while on the scene, but the giggles were not directed at Ms. B or her situation or in an inappropriate manner. The giggles occurred while reviewing surveillance video footage and realizing the vehicle chased was not involved in the incident.

CITY OF ALBUQUERQUE

April 15, 2022

Via Email

Re: CPC # 251-21

Dear Sl B

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

S B submitted a complaint alleging Officer AC told her that a chase was called off because it was not important enough to continue, didn't do enough to protect her, was laughing and joking while reviewing surveillance video footage, and was unprofessional.

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: Yes

APD Employee Involved: Officer AC

Other Materials: Operator Audio Recording

Date Investigation Completed: March 25, 2022

FINDINGS

Policies Reviewed: Conduct 1.1.5.A.4

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

Policies Reviewed: Conduct 1.1.5.A.1

4. **Exonerated.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.	☑
5. **Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.	☐
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 investigator determined, by clear and convincing evidence, the alleged misconduct did not occur. Officer AC collected information from Ms. B in a professional and courteous manner and appropriately acted on the information. Officer AC did not tell Ms. B the chase was called off because it was not important enough to continue, but explained it had become too dangerous, and didn't want someone else to get hurt. There were no additional actions to be taken by Officer AC to protect Ms. B

The investigator determined, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures or training. Officer AC did giggle while on the scene, but the giggles were not directed at Ms. B or her situation or in an inappropriate manner. The giggles occurred while reviewing surveillance video footage and realizing the vehicle chased was not involved in the incident.

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

In order for the Board to change the findings and/or recommendations or make further recommendations to the Chief of Police, proof must be offered that:

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

Administratively closed complaints may be re-opened if additional information becomes available.

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

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

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

Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

April 15, 2022

Via Email

Re: CPC # 251-21

Dear S B

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

S. P submitted a complaint alleging Officer G told her that a chase was called off because it was not important enough to continue, didn't do enough to protect her, was laughing and joking while reviewing surveillance video footage, and was unprofessional.

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: Yes

APD Employee Involved: Officer G

Other Materials: Operator Audio Recording

Date Investigation Completed: March 25, 2022

FINDINGS

Policies Reviewed: Conduct 1.1.5.A.4

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

Policies Reviewed: Conduct 1.1.5.A.1

4. **Exonerated.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.	☑
5. **Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.	☐
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 investigator determined, by clear and convincing evidence, the alleged misconduct did not occur. Officer G collected information from Ms. B in a professional and courteous manner and appropriately acted on the information. Officer G did not tell Ms. B o the chase was called off because it was not important enough to continue, but explained the suspect was driving dangerously and if certain criteria weren't met, a pursuit would be called off. There were no additional actions to be taken by Officer G to protect Ms. B

The investigator determined, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures or training. Officer G did giggle while on the scene, but the giggles were not directed at Ms. B or her situation or in an inappropriate manner. The giggles occurred while reviewing surveillance video footage and realizing the vehicle chased was not involved in the incident.

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