

## Civilian Police Oversight Agency

### Finding Letters of the CPOA

The CPOA Executive Director's findings in each case are listed below. The following notifications of the findings were provided to the citizen(s) during January 2024. The findings become part of the officer's file, if applicable.

#### **January 2024:**

293-22	219-23	220-23	223-23	224-23
225-23	226-23	228-23	230-23	234-23
235-23	241-23	255-23	257-23	258-23
294-23	306-23			

PO Box 1293

Albuquerque

NM 87103

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

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

January 11, 2024

Via Email

Re: CPC # 293-22

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

On 12/14/2022, C : submitted a complaint online regarding an incident that occurred on 12/14/2022 at 1315 hours at the Albuquerque Public Schools (APS). Ms. C : reported that she was informed that the Albuquerque Police Department (APD) provided APS with a copy of her restraining order and called her job. Ms. C : implied that she had an audio recording and believed her rights had been violated.

### **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: Sergeant L

Other Materials: Not Applicable

Date Investigation Completed: September 27, 2023

## **FINDINGS**

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

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

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

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

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

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

**Additional Comments:**

This complaint investigation was administratively closed because it was determined that it was duplicative of CPC 302-22. Ms. C : never provided the evidence she mentioned to the CPOA investigator.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:**

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

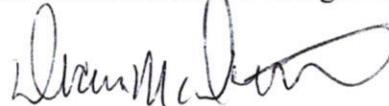
Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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

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

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

January 29, 2024

Via Email



Re: CPC # 219-23

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Ms. Q ; reported that it had been over thirty minutes since she had called 911 about an assault in progress between Ms. Q ; and her sister. Ms. Q ; was upset that no officer had arrived. Ms. Q ; reported that the dispatcher did not prioritize her call correctly and did not ask for the victim's information. Ms. Q ; reported that her mother and young daughter were also victims of an assault. Ms. Q ; reported that the dispatcher did not ask for the names of the other victims involved (her mother and daughter.)

### **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: Operator M

Other Materials: Emergency Communications Checklist and 911 audio recordings

Date Investigation Completed: January 10, 2024

## FINDINGS

Policies Reviewed: Procedural Order 2.100.4.B.8.f.i and General Order 1.1.5.A.1

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

Policies Reviewed: Procedural Order 2.100.4.B.8.i.i

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

### Additional Comments:

2.100.4.B.8.f.i-After a review of the SOP and the 911 recorded call from Ms. Q it was confirmed that the call-in question was correctly categorized as a priority 2.

2.100.4.B.8.i.i-After a review of the 911 recorded phone call between Ms. Q ; and Operator M, it was confirmed that Ms. Q ; advised Operator M that Ms. A ; assaulted Ms. Q ; daughter with water and Ms. Q ; mother with frosting. During the phone call, Operator M did ask if anyone was hurt or if any weapons were involved and Ms. Q ; stated no to both questions. It was also confirmed that Ms. Q ; never told Operator M that Ms. Q ; mother was allergic to coconut, per the complaint.

After a review of the Emergency Communications checklist, and review of the recorded 911 conversation between Ms. Q ; and Operator M, it was confirmed that Operator M used the checklist appropriately per the policy in question.

1.1.5.A.1-After a review of the recorded 911 call between Ms. Q and Operator M, it was confirmed that Operator M was not unprofessional toward Ms. Q ; during their phone conversation and did not violate the SOP in question.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:**

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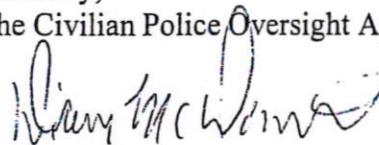
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Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

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

January 29, 2024

Via Email

**Re: CPC # 219-23**

PO Box 1293

**COMPLAINT:**

Ms. Q ; reported that she was upset that the officers contacted her sister first instead of her. Ms. Q ; reported that she believed the officers should contact the person who called 911 first.

Albuquerque

NM 87103

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

**EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer S

Other Materials: Emergency Communications Checklist and 911 audio recordings

Date Investigation Completed: January 10, 2024

## FINDINGS

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

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

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

Policies Reviewed:    General Order 1.1.5.A.4

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

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

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### Additional Comments:

1.1.5.A.4-A review of the OBRD Video confirmed Officer S did talk to Ms. A first; however, there was no SOP located that noted who needed to be spoken to first when officers arrived to a call.

A review of the OBRD Video confirmed that Ms. Q never advised Officer S that her mother was allergic to coconut frosting, per the complaint.

A review of the OBRD Video confirmed that Officer S did advise Ms. Q that it sounded like they could have double charges but never advised Ms. Q that if she pressed charges against Ms. A, Ms. Q would go to jail. During their interaction, Officer S never mentioned Ms. Q going to jail.

In reference to Ms. Q stating Officer S spent more time talking to Ms. A than Ms. Q OBRD Video confirmed that Officer S actually spent more time talking to Ms. Q rather than Ms. A. A review of the OBRD Video confirmed both Ms. A and Ms. Q confirmed that they threw stuff at each other, but both of them also advised Officer Suarez they did not want to pursue any charges.

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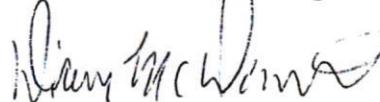
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

January 31, 2024

Via Email

a

**Re: CPC # 220-23**

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Ms. O reported that a female Detective who works with homicide was dating a girl who had stalked and harassed Ms. O since 2011. Ms. O reported that the Detective was in the backyard next door to Ms. O with W Ms. O reported that the Detective told her that the Detective was going to put Ms. O and her daughter in jail forever and was going to set them up, naming/accusing them of murder. Ms. O reported that the Detective told Ms. W not to worry as the Detective would make sure they sat in prison. Ms. O reported that the Detective worked under Detective F in homicide, and she was Spanish and had short hair. Ms. O reported that she did not know the Detective's name. Ms. O reported that she believed the Detective's last name was "M

### **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: Unknown Detective

Other Materials: Emails, IA Pro, and City Email list

Date Investigation Completed: January 9, 2024

## **FINDINGS**

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

CPOA Investigator emailed Sergeant F a copy of the complaint and inquired if the "Detective" described in the complaint met the description of any Detectives who worked for him, as Ms. O alleged the "Detective" in question worked for Sergeant F. Sergeant F responded to the email and noted that the description only physically described one female in their unit, but that female (Detective C) did not work under Sergeant F. In Ms. O's complaint, she reported that she thinks the Detective's last name was "M". CPOA Investigator reviewed both IA Pro and the city email list and could not locate any female APD Officers with the last name of M. An internet search and an address search of the location provided did not connect any names to those mentioned in the complaint. Due to Ms. O not getting back to the CPOA Investigator, there was not enough information provided by Ms. O to identify the APD employee involved in the incident in question. This incident will be administratively closed via not enough information to identify the involved employee.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:**

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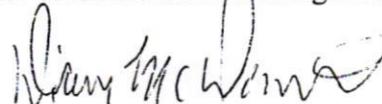
Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

January 30, 2024

Via Certified Mail

7017 2680 0000 5951 9716

Re: CPC # 223-23

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Mr. L [redacted] reported that Officer R [redacted] had an attitude and made comments contrary to APD's philosophy. Mr. L [redacted] reported that on 09/05/2023, he contacted officers to report the location and status of an individual who had active warrants. Mr. L [redacted] reported, to his surprise, that Officer R behaved in a disrespectful, almost confrontational manner, stating, "Well, we don't have the time or manpower to deal with traffic warrants." Mr. L [redacted] reported that he gave Officer R the perpetrator's employer's address, and Officer R stated that they did not have time to deal with that. Mr. L [redacted] reported that Officer R then got confrontational. Mr. L [redacted] reported that Officer R then grilled Mr. L [redacted] about how Mr. L [redacted] found out about the individual's warrants. Mr. L [redacted] reported that Officer R was lazy.

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer R

Other Materials: Unit history for Officer R

Date Investigation Completed: January 12, 2024

## **FINDINGS**

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

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

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Policies Reviewed:    General Order 1.1.5.A.4

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### **Additional Comments:**

General Order 1.1.5.A.4-After a review of the OBRD Videos, it was confirmed that Officer R did ask Mr. L    several questions about how Mr. L    obtained the information about Ms. T    however, Officer R did not do so in an unprofessional/disrespectful way. OBRD Video confirmed that Officer R's conduct toward Mr. L    during their conversation did not violate the policy in question.

OBRD Video confirmed that Mr. L    did not provide a DOB or vehicle description for Ms. T    OBRD Video confirmed that when Officer R asked how Mr. L    knew Mr. L    was looking at the correct Ms. T    for warrants, Mr. L    responded that it was exactly the same age "as far as he knew."

The investigation confirmed that Officer R did not completely follow up on Mr. L    concerns regarding Ms. T    having warrants. However, Officer R provided ample reasoning for not doing so.

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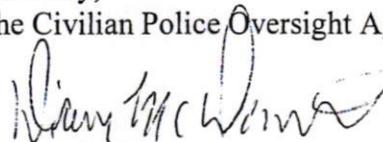
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The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

January 23, 2024

Via Email

**Re: CPC # 224-23**

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

On 09/12/2023, O submitted a complaint via telephone to CPOA staff regarding an incident that occurred on 06/24/2023 at 2230 hours. Ms. O reported that her husband had been involved in a traffic crash on 06/24/2023 and that the report (23-0049939/711088877) had still not been approved by a supervisor.

### **EVIDENCE REVIEWED:**

Video(s): No

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer C-G

Other Materials: Not Applicable

Date Investigation Completed: January 10, 2024

## **FINDINGS**

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

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

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

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

Policies Reviewed: Traffic Crashes: 2.46.4.A.2

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

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

**Additional Comments:**

It was determined that Officer C-G failed to include a diagram on report 23-0049939 (711088877).

The CPOA recommends a verbal reprimand.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:**

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- B) The findings by the Director were not supported by evidence that was available at the time of the investigation; or,
- C) The APD policy or APD policies that were considered by the Director were the wrong policies or they were used in the wrong way; or,
- D) The APD policy or APD policies considered by the Director were chosen randomly or they do not address the issues in your complaint.

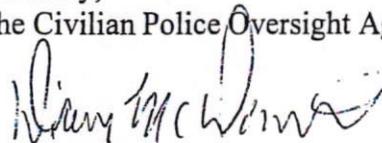
Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

January 23, 2024

Via Email

**Re: CPC # 224-23**

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

On 09/12/2023, O submitted a complaint via telephone to CPOA staff regarding an incident that occurred on 06/24/2023 at 2230 hours. Ms. O reported that her husband had been involved in a traffic crash on 06/24/2023 and that the report (23-0049939/711088877) had still not been approved by a supervisor.

### **EVIDENCE REVIEWED:**

Video(s): No

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant P

Other Materials: Not Applicable

Date Investigation Completed: January 10, 2024

## FINDINGS

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

Policies Reviewed:    Reports: 2.16.5.C.1.b

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

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

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

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

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

**Additional Comments:**

It was determined that Sgt. P failed to review and approve report 23-0049939 (711088877) within three (3) work days of the report being submitted by the reporting officer. Sgt. P advised that it was a mistake and that he lost track of the deadline. Sgt. P advised that he was a newly promoted supervisor and was adjusting to the different reporting platforms, graveyard shift, and new responsibilities.

The CPOA recommends a verbal reprimand.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:**

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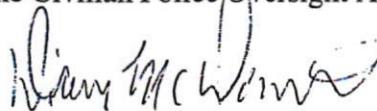
Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

January 23, 2024

Via Certified Mail

7017 2680 0000 5951 9693

**Re: CPC # 225-23**

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

On 09/14/2023, S submitted a complaint via telephone to CPOA staff regarding an incident that occurred on 09/13/2023 at 2130 hours. Mr. S reported that he and his children weren't listened to, and the video evidence wasn't reviewed or collected. Mr. S reported that the reports were lies and didn't mention everything. Mr. S reported that he was treated improperly and with bias and that Officer D was judgmental. Mr. S reported that ADA protocols weren't followed. Mr. S reported that Officer D was trying to be intimidating and was improperly handling a firearm by putting his finger inside the trigger guard and spinning the bullets/shells. Mr. S reported that Officer D patted down a female and grabbed her fake breast.

### **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 D

Other Materials: Email Communications, OBRD Transcripts, Property Sheet, & 2.60.

Date Investigation Completed: January 11, 2024

**FINDINGS**

Policies Reviewed: 1.1.5.A.4, 1.1.6.A.6.a, 1.4.4.A.2.a, & 1.4.5.A.1, 2.3.4.A.1, & 2.71.4.C.5.b.vii

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

Policies Reviewed: 2.8.5.D.1, 2.80.4.L.1, 2.82.4.C.2.b, & 2.82.4.C.3.a

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

**Additional Comments:**

1.1.5.A.4: It was determined that Officer D attempted to collect the needed information and evidence professionally. A review of Procedural Order 2.60 was conducted with no violations noted. 1.1.6.A.6.a: It was determined that the reports were a summation of what had occurred on the scene and were consistent with the evidence reviewed. 1.4.4.A.2.a: It was determined that there was no indication of bias, mistreatment, or officiousness. 1.4.5.A.1: It was determined that no one advised anyone that anyone was autistic or required any accommodation. 2.3.4.A.1: It was determined that Officer D was safe in his handling of a firearm. 2.8.5.D.1: It was determined that Officer D failed to record his entire interaction with Ms. H [redacted] while at the APD Northwest Substation. It should be noted that the unrecorded portion of the interaction was captured on another OBRD. 2.71.4.C.5.b.vii: It was determined that Officer D never searched Ms. H [redacted] or grabbed her fake breast. It should be noted that same-sex searches are not mandated. 2.80.4.L.1: It was determined that Officer D failed to secure Ms. H [redacted] inside the APD Northwest Substation while he exited and left her unguarded. 2.82.4.C.2.b: It was determined that Officer D failed to secure Ms. H [redacted] in a seatbelt before transporting her from the scene to the APD Northwest Substation. 2.82.4.C.3.a: It was determined that Officer D failed to search Ms. H [redacted] before securing her in a patrol vehicle and transporting her from the scene to the APD Northwest Substation. The CPOA recommends for the violations a written reprimand and a 48 hour suspension.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:**

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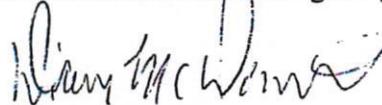
Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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

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

January 23, 2024

Via Certified Mail

7017 2680 0000 5951 9693

**Re: CPC # 225-23**

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

On 09/14/2023, S submitted a complaint via telephone to CPOA staff regarding an incident that occurred on 09/13/2023 at 2130 hours. When interviewed, Mr. S reported that he was trying to locate H property. Mr. S advised that the MDC had surveillance footage of an officer taking Ms. H purse and leaving the premises, yet it hadn't been turned into the evidence room. Mr. S advised that he had already filed a complaint with "the county" regarding the property. Mr. S advised that MDC said their policy wasn't to hold anything bigger than a sandwich-size Ziplock bag, so the purse was returned to an officer.

### **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 B

Other Materials: Email Communications, OBRD Transcripts, Property Sheet, & 2.60.

Date Investigation Completed: January 11, 2024

## **FINDINGS**

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

Policies Reviewed: 2.73.5.K.4.a (Property)

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

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

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

Policies Reviewed: 2.82.4.C.3.a (Transport)

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

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

### **Additional Comments:**

2.73.5.K.4.a: It was determined that Officer B disposed of H ; purse and some of its contents at the request of Ms. H , but failed to document or record the disposal.

The CPOA recommends a verbal reprimand for this violation.

2.82.4.C.3.a: It was determined that Officer B did not conduct a search of Ms. H prior to securing her in a patrol vehicle and transporting her from the APD Northwest Substation to the APD Prisoner Transport Center.

The CPOA recommends a written reprimand for this violation.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:**

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- B) The findings by the Director were not supported by evidence that was available at the time of the investigation; or,
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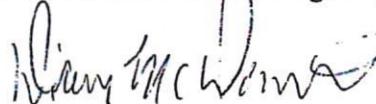
Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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

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

January 23, 2024

Via Certified Mail

7017 2680 0000 5951 9693

**Re: CPC #225-23**

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

On 09/14/2023, S submitted a complaint via telephone to CPOA staff regarding an incident that occurred on 09/13/2023 at 2130 hours. Mr. S reported that the sergeant on the scene didn't want to collect or see the video evidence. Mr. S reported that the sergeant did not provide his information even though Mr. S had asked for it. Mr. S reported that the reports were lies and didn't mention everything. Mr. S reported that he was treated improperly and with bias. Mr. S reported that ADA protocols weren't followed.

### **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 H

Other Materials: Email Communications, OBRD Transcripts, Property Sheet, & 2.60.

Date Investigation Completed: January 11, 2024

## FINDINGS

Policies Reviewed: 1.1.5.A.4, 1.1.6.A.2, 1.1.6.A.6.a, 1.4.4.A.2.a, & 1.4.5.A.1

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

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

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### Additional Comments:

1.1.5.A.4: It was determined that Sgt. H was not responsible for the investigation or the collection of evidence. A review of Procedural Order 2.60 was conducted with no violations noted. Statements attributed to Sgt. H by Mr. S were not made.

1.1.6.A.2: It was determined that Mr. S never asked Sgt. H for any of his information.

1.1.6.A.6.a: It was determined that the reports were a summation of what had occurred on the scene and were consistent with the evidence reviewed.

1.4.4.A.2.a: It was determined that there was no indication of bias, mistreatment, or officiousness.

1.4.5.A.1: It was determined that no one advised anyone that anyone was autistic or required any type of accommodation. All determinations are supported by a review of the videos.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:**

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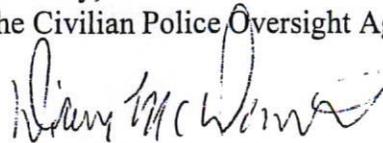
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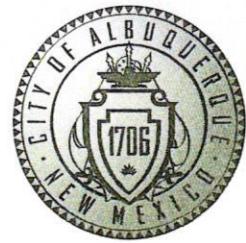
Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

January 23, 2024

Via Certified Mail

7017 2680 0000 5951 9693

Re: CPC # 225-23

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

On 09/14/2023, S submitted a complaint via telephone to CPOA staff regarding an incident that occurred on 09/13/2023 at 2130 hours. When interviewed, Mr. S reported that Sergeant V didn't have her Velcro name patch on and told him that "it wasn't important" when he asked for her name. Mr. S advised that Sgt. V walked away, and that was the last he saw of her. Mr. S advised that "everyone else was fully badged; she was not; I didn't even know she was a sergeant." Mr. S reported that Sgt. V obviously needed to be reprimanded because she needed to have a little bit more responsibility, needed to wear her uniform properly, and needed to provide her name and badge number when requested, "not tell me no thank you and walk away."

### **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 V

Other Materials: Email Communications, OBRD Transcripts, Property Sheet, & 2.60.

Date Investigation Completed: January 11, 2024

## **FINDINGS**

Policies Reviewed: 1.1.6.A.2 (Conduct)

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

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

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

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

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

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

**Additional Comments:**

1.1.6.A.2: It was determined that the allegations made by Mr. S against Sergeant V were false and, therefore, unfounded. Mr. S ; version of events throughout the process were not supported by the available evidence, to include a review of the videos.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:**

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

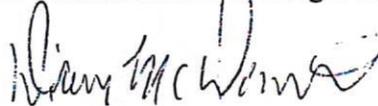
Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

January 26, 2024

Via Email

Re: CPC # 226-23

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Ms. N alleged that Officer B had an attitude and mistreated her during a traffic stop. Before the stop, Ms. N alleged that Officer B, with no lights and siren, pulled alongside her, yelled at her, and told her to pull over. When Officer B approached her when she had pulled over, he asked her what she was doing and what she had in the back of her car. She was confused by the officer's questions. It was about her daughter, and the officer yelled and lectured her about her driving, accusing her of speeding and almost causing an accident. The officer demanded her license and registration. Ms. N said she had never been pulled over before and felt stressed and frightened by the entire experience.

### **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 B

Other Materials: email communication

Date Investigation Completed: January 18, 2024

## FINDINGS

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

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

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

Policies Reviewed: 1.1.5.A.1

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

Policies Reviewed: 2.8.5.B

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 initial encounter between Officer B and Ms. N was not recorded due to Officer B's failure to activate his OBRD. However, Ms. N wrote in her complaint a series of statements of mistreatment and yelling claims that were not supported in the second half of the interaction that was recorded. Officer B remained calm and did not yell at Ms. N, although he was firm and lectured her about how she could have caused an accident due to her speed and disregard for the signal all while her daughter was present. When Ms. N said her father just passed he expressed concern for her safety and asked if she needed further assistance. Ms. N complaints appeared to be based on her perception of the incident rather than what actually occurred since the portions that were recorded showed statements she attributed to Officer B were not actually made. Ms. N had a tragic event, her father's passing, that could have clouded her memory of her encounter and she was upset about the five citations she received. However, the initial contact not being recorded is a violation of policy. The CPOA recommends a written reprimand for the policy violation. The discipline cannot be imposed due to the officer's departure from the department. However, the discipline recommendation will remain on the officer's file.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:**

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- B) The findings by the Director were not supported by evidence that was available at the time of the investigation; or,
- C) The APD policy or APD policies that were considered by the Director were the wrong policies or they were used in the wrong way; or,
- D) The APD policy or APD policies considered by the Director were chosen randomly or they do not address the issues in your complaint.

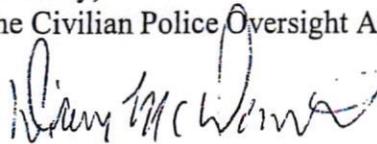
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If you are not satisfied with the final disciplinary decision of the Chief of Police or any matter relating to the Chief's handling of the complaint you may request a review of the complaint by the City's Chief Administrative Officer. Your request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

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

January 29, 2024

Via Certified Mail

7017 2680 0000 5951 9679

**Re: CPC # 228-23**

PO Box 1293

### **COMPLAINT:**

Albuquerque

NM 87103

On 09/22/2023, [REDACTED] V [REDACTED] submitted a complaint via telephone to CPOA staff regarding a hit-and-run accident that occurred on 08/04/2023 at 2030 hours. Ms. V reported that she had called the APD Records Unit and was advised that they had initially rejected the crash report. The Records Unit advised that they had returned the report to the sergeant for approval on 08/30/2023. The Records Unit advised that they had attempted to contact the sergeant to have the report approved but received no response. Ms. V [REDACTED] reported that she had no complaint against the reporting officer, Officer C, and did not want to get anyone in trouble.

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

### **EVIDENCE REVIEWED:**

Video(s): No

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer C

Other Materials: Email Communications, TraCS Logs, & TraCS Rejection Notes.

Date Investigation Completed: January 18, 2024

## FINDINGS

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

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

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

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

Policies Reviewed: 2.46.4.A.2

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

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

**Additional Comments:**

It was determined that Officer C failed to include a diagram on report 23-0062236 (711095501). The lack of the diagram contributed to the delay in the report. Due to progressive discipline the CPOA recommends an 8 hour suspension.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:**

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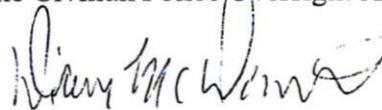
Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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

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

January 29, 2024

Via Certified Mail

7017 2680 0000 5951 9679

**Re: CPC # 228-23**

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

On 09/22/2023, [V] submitted a complaint via telephone to CPOA staff regarding a hit-and-run accident that occurred on 08/04/2023 at 2030 hours. Ms. V reported that she had called the APD Records Unit and was advised that they had initially rejected the crash report. The Records Unit advised that they had returned the report to the sergeant for approval on 08/30/2023. The Records Unit advised that they had attempted to contact the sergeant to have the report approved but received no response. Ms. V reported that she had no complaint against the reporting officer, Officer C, and did not want to get anyone in trouble.

### **EVIDENCE REVIEWED:**

Video(s): No

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Sgt. P

Other Materials: Email Communications, TraCS Logs, & TraCS Rejection Notes.

Date Investigation Completed: January 18, 2024

## FINDINGS

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

Policies Reviewed: 2.16.5.C.1.b

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

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

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

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

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**Additional Comments:**

It was determined that Sgt. P failed to review and approve report 23-0062236 (711095501) within three work days of the report being submitted by the reporting officer. The CPOA recommends a verbal reprimand.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:**

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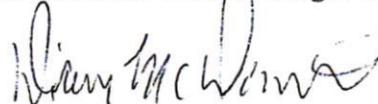
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

January 30, 2024

Via Email

Re: CPC # 230-23

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

C reported that Officer W's demeanor changed when shown a picture of a female involved in the incident she reported. Ms. C reported that the female had previously been employed by the APD and given special treatment. Ms. C reported that the APD compromised how they responded to her calls because of their relationship with the female. Officer W refused to listen to her evidence, refused to enforce a protection order, dismissed everything she said, would not let her complete sentences, tried to convince her not to take action, did not file an honest police report, did not act on an arrest warrant, did not call her back, and tampered with an arrest warrant.

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer W

Other Materials: Emails, Court Detail Sheet, IAPro, SOP 2-60, & SOP 2-78.

Date Investigation Completed: January 22, 2024

## FINDINGS

Policies Reviewed: 1.1.5.A.4, 1.1.5.C.3, 1.1.6.A.6, & 2.80.4.F.5.

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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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:

Ms. C i alleged Officer W interrupted her, was dismissive and would not enforce a restraining order. The lapel videos showed Officer W was respectful and tried to keep Ms. C focused. She alleged Officer W changed his demeanor when he saw a picture of a former APD employee. The lapel videos showed that Officer W did not react when Ms. C i showed a picture on her phone of a woman and did not make any statements about her. Ms. C i alleged the report written was untruthful and that Officer W affected a warrant. The lapel videos showed there was no mention of a warrant and the report was written consistently to the lapel videos. Officer W had no ability to affect an original warrant. Ms. C ; allegations were unsupported by the available evidence.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:**

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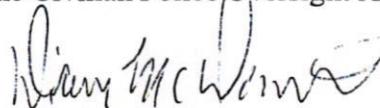
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If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>.

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

January 31, 2024

To File

Anonymous

Re: CPC # 234-23

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

On 09/26/2023, Anonymous submitted a complaint via telephone to CPOA staff regarding an incident that occurred on 09/26/2023 at 1330 hours. Anonymous reported that a group of APD officers was attempting to get AJ to exit his apartment. Anonymous alleged that an officer was belittling A and also appeared to be provoking A. Anonymous reported that an officer, Jason, was speaking loudly, called AJ a baby, and said they would call his mommy. Anonymous believed J referred to him as an onlooker. Jason loudly told A something like, "I have one of your neighbors outside who wants to play video games with you;" Anonymous shouted back, "No man, I'm keeping an eye on you."

### **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: Sergeant S

Other Materials: Email Communications

Date Investigation Completed: January 23, 2024

## **FINDINGS**

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

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

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

Policies Reviewed: 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:**

It was determined that Sergeant S did make remarks that an individual unaware of the officer's tactics or what the officers were trying to accomplish could view as belittling and/or provoking. The actions of Sergeant S were exonerated as the officers were using a tactic that consisted of the use of hooks and triggers in an attempt to get A to engage with them in the hopes that he would exit the apartment so he could be taken into custody on a felony warrant for kidnapping.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:**

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

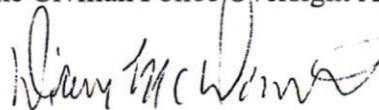
Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

January 31, 2024

To File

Anonymous

Re: CPC # 234-23

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

On 09/26/2023, Anonymous submitted a complaint via telephone to CPOA staff regarding an incident that occurred on 09/26/2023 at 1330 hours. Anonymous reported that a group of APD officers was attempting to get A to exit his apartment. Anonymous alleged that an officer was belittling A and also appeared to be provoking A. Anonymous reported that an officer, J, was speaking loudly, called A a baby, and said they would call his mommy. Anonymous believed J referred to him as an onlooker. J loudly told A something like, "I have one of your neighbors outside who wants to play video games with you;" Anonymous shouted back, "No man, I'm keeping an eye on you."

### **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 H

Other Materials: Email Communications

Date Investigation Completed: January 23, 2024

## **FINDINGS**

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

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

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

Policies Reviewed: 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:**

It was determined that Officer H did make remarks that an individual unaware of the officer's tactics or what the officers were trying to accomplish could view as belittling and/or provoking. The actions of Officer H were exonerated as the officers were using a tactic that consisted of the use of hooks and triggers in an attempt to get A to engage with them in the hopes that he would exit the apartment so he could be taken into custody on a felony warrant for kidnapping.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:**

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

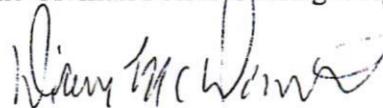
Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

January 31, 2024

To File

Anonymous

**Re: CPC # 234-23**

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

On 09/26/2023, Anonymous submitted a complaint via telephone to CPOA staff regarding an incident that occurred on 09/26/2023 at 1330 hours. No portion of Anonymous' submitted complaint was related to this portion of the complaint investigation.

### **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 C

Other Materials: Email Communications

Date Investigation Completed: January 23, 2024

## **FINDINGS**

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

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

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

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

Policies Reviewed: 2.16.5.C.1

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

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

### **Additional Comments:**

It was determined that Officer C did not complete the report related to the incident associated with this complaint investigation within the mandated time frame. The CPOA recommends a verbal reprimand.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:**

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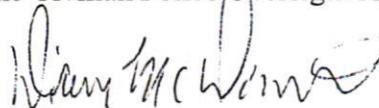
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Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

January 29, 2024

Via Email

[Redacted] n

Re: CPC # 235-23

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

### **COMPLAINT:**

Ms. G called the CPOA and alleged that officers accused her son of a crime that he did not do. Officers arrived at her home and knocked on her door regarding the wrecked vehicle parked in front of her home. Initially, the officers failed to mention to her the car they were looking for was involved in a fatal hit-and-run accident. Her damaged vehicle had been parked in front of her house for two years. The officers were looking for a black colored vehicle, whereas her vehicle was white. An officer threatened to have her vehicle towed the next day. Ms. G felt that four officers at her home to question her about a damaged vehicle in front of her home was strange.

### **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: Yes

APD Employee Involved: Officer J

Other Materials: N/A

Date Investigation Completed: January 16, 2024

**FINDINGS**

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

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

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

Policies Reviewed: 1.1.5.A.4

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

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:**

After a review, the investigation determined, by a preponderance of the evidence, that Officer J did not violate policy during his encounter with Ms. G, nor was she mistreated. A review of Officers K's and J's lapel videos corroborated what happened and what Officer J and K said during their interviews. The initial conversation began with Officer K as he attempted to gather information about the vehicle parked on the sidewalk in front of Ms. G's house. Later, Officer J informed Ms. G that they were additionally investigating a fatal hit-and-run accident, and her vehicle matched the description of the suspected vehicle. Officer J notified Ms. G that they would remove the car cover to verify if the vehicle matched the description. At that time, Ms. G became argumentative and accused the officers of accusing her son of committing a crime. Ms. G mentioned a warrant, and Officer J informed her they did not need a warrant since the vehicle was parked on the sidewalk on public property and required to be identified for the safety violation and the potential match. After review, Ms. G was explained that her vehicle did not match but needed to be moved off the sidewalk or it would be towed the next day.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:**

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- C) The APD policy or APD policies that were considered by the Director were the wrong policies or they were used in the wrong way; or,
- D) The APD policy or APD policies considered by the Director were chosen randomly or they do not address the issues in your complaint.

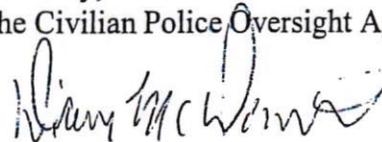
Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

January 30, 2024

Via Email

1

**Re: CPC # 241-23**

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Ms. A alleged that her cousin, M was involved in a domestic dispute with her boyfriend, Juan S who beat her up, drugged her, ran over her with her vehicle, and stole her car. The BCSO reported Ms. M's vehicle as stolen through NCIC. The following day, Mr. S was involved in a traffic crash accident on I-25 and Jefferson in the stolen vehicle. An APD officer responded to the traffic accident and reported no charges against Mr. S for vehicle theft and DUI -drugs. Ms. A had alleged that Mr. S was a known fentanyl drug user. However, the accident report indicated no suspected drug use. Ms. A believed that APD should have arrested Mr. S for domestic violence, DUI, and stealing her cousin's vehicle when he crashed it on I-25 that night.

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: No

APD Employee Involved: Officer R.

Other Materials: N/A

Date Investigation Completed: January 23, 2024

1

## FINDINGS

Policies Reviewed: 2.60.4.C.1.e

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

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

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

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

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

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### Additional Comments:

The investigation determined that Ofc. R committed no misconduct during the traffic accident investigation. That night, Ofc. R investigated the traffic accident and took appropriate action based on what he observed during the accident scene. Regarding alleged DUI and suspected drug use, a review of Ofc. R's lapel video offered no evidence to suspect that Mr. S was under the influence of alcohol or drugs. Mr. S reported that he had argued with his girlfriend before the accident. Ofc. R could not have known about Mr. S drug use, as alleged by Ms. A. As a result of Ofc. R's investigation, Mr. S was summoned to court for reckless driving. In addition, the alleged stolen auto was reported stolen the *day after* the traffic accident happened. Also, the alleged domestic violence incident was handled by the Bernalillo County Sheriff's Office and did not share that information with APD or Ofc. R. Upon learning that Ofc. R issued a reckless driving summons and the other information discussed during the interview she did not have a complaint against Ofc. R. However, the case was not withdrawn as Ms. A did not respond to a followup question about withdrawal.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:**

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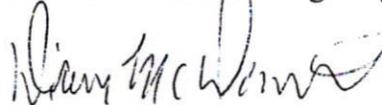
Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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

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

January 30, 2024

Via Email

Re: CPC # 241-23

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

### **COMPLAINT:**

Ms. A alleged that her cousin, M, was involved in a domestic dispute with her boyfriend, Juan S, who beat her up, drugged her, ran over her with her vehicle, and stole her car. The BCSO reported Ms. M's vehicle as stolen through NCIC. The following day, Mr. S was involved in a traffic crash accident on I-25 and Jefferson in the stolen vehicle. An APD officer responded to the traffic accident and reported no charges against Mr. S for vehicle theft and DUI -drugs. Ms. A had alleged that Mr. S was a known fentanyl drug user. However, the accident report indicated no suspected drug use. Ms. A believed that APD should have arrested Mr. S for domestic violence, DUI, and stealing her cousin's vehicle when he crashed it on I-25 that night.

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: No

APD Employee Involved: Officer R.

Other Materials: N/A

Date Investigation Completed: January 23, 2024

## FINDINGS

Policies Reviewed: 2.60.4.C.1.e

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

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

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

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

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

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

### Additional Comments:

The investigation determined that Ofc. R committed no misconduct during the traffic accident investigation. That night, Ofc. R investigated the traffic accident and took appropriate action based on what he observed during the accident scene. Regarding alleged DUI and suspected drug use, a review of Ofc. R's lapel video offered no evidence to suspect that Mr. S was under the influence of alcohol or drugs. Mr. S reported that he had argued with his girlfriend before the accident. Ofc. R could not have known about Mr. S drug use, as alleged by Ms. A. As a result of Ofc. R's investigation, Mr. S was summoned to court for reckless driving. In addition, the alleged stolen auto was reported stolen the *day after* the traffic accident happened. Also, the alleged domestic violence incident was handled by the Bernalillo County Sheriff's Office and did not share that information with APD or Ofc. R. Upon learning that Ofc. R issued a reckless driving summons and the other information discussed during the interview she did not have a complaint against Ofc. R. However, the case was not withdrawn as Ms. A did not respond to a followup question about withdrawal.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:**

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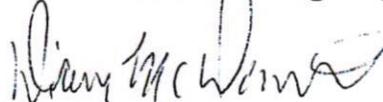
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

January 31, 2024

Via Certified Mail

7017 2680 0000 5951 9723

**Re: CPC # 255-23**

PO Box 1293

**COMPLAINT:**

Ms. Sandra E . alleged that Sergeant T refused to write a report that her neighbor damaged her trash can. Allegedly, Sergeant T told her that a report would not be generated due to her abusing the police phone line.

Albuquerque

NM 87103

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

**EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): No

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant T.

Other Materials: N/A

Date Investigation Completed: January 30, 2024

## **FINDINGS**

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

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

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

Policies Reviewed: 2.100.4.B.6.e.ii.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:**

After review, the investigation determined that Sergeant T did not violate APD policy when he canceled the call for service regarding a neighbor dispute at Ms. B residence. According to APD policy, on-duty FSB field supervisors have the authority and discretion to cancel calls for service. A review of Sergeant T's OBRD video corroborated what he told Ms. B and the investigator during his interview. Ms. B has had many calls for service, but none have been confirmed as harassment.

In addition, during Ms. B call with the police operator, she reported no crime in progress and was not an eyewitness to her trash can, which was alleged to have been damaged by her neighbor. Current APD policy does not require a written report for every incident, even if a community member requests it, as it was required on previous versions of the report writing policy, 2.16. This incident, a neighbor dispute, did not meet the mandatory report writing requirements.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:**

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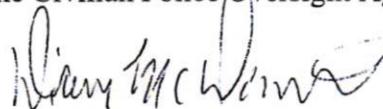
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

January 29, 2024

Via Email

Re: CPC # 257-23

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

W reported that on 10/15/2023, Lieutenant B knocked aggressively on a food truck, said he was an officer, and said to move now. Ms. W reported that Lt. B was aggressive, mean, and unprofessional and told them no when asked to wait a couple of minutes.

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Lieutenant B

Other Materials: Email communications

Date Investigation Completed: January 10, 2024

## FINDINGS

Policies Reviewed: 1.1.5.A.1 (General Conduct-Public Welfare)

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

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

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

**Additional Comments:**

It was determined that Lieutenant B had a lawful reason to contact the food truck occupants and instruct them to move because they were illegally parked. Lt. B was not inappropriate in how he knocked on the door of the food truck. Lt. B was patient, professional, and accommodating.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:**

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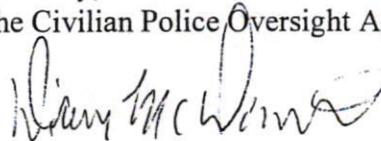
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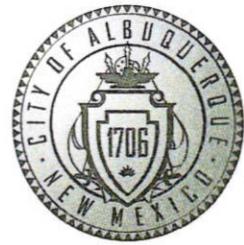
Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

January 29, 2024

Via Certified Mail

7017 2680 0000 5951 9709

**Re: CPC # 258-23**

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

On 10/18/2023, [redacted] P [redacted] submitted a complaint via telephone to CPOA staff regarding an incident that occurred on 10/18/2023 at 0600 hours at 3849 Montgomery (Hill Crest Park). Ms. P [redacted] reported that a Caucasian officer was hissing at her by elongating the s in his spoken words. Ms. P [redacted] reported that the officer was aggressive and threatened to take Ms. P [redacted] to a mental hospital involuntarily and charge her with 911 abuse because she called 242-COPS at 0400 hours "to report murders and that her stepfather raped her in the 4th grade."

### **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 M

Other Materials: Email Communications & Payroll Records.

Date Investigation Completed: January 18, 2024

## **FINDINGS**

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

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

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

Policies Reviewed: 2.16.5.C.1

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

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

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### **Additional Comments:**

It was determined that Officer M did not complete and submit the report related to the complainant investigation before the end of shift but that the supervisor had knowledge of and consented to the delay.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:**

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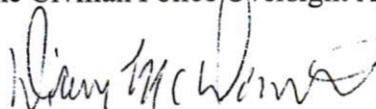
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

January 29, 2024

Via Certified Mail

7017 2680 0000 5951 9709

Re: CPC # 258-23

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

On 10/18/2023, P submitted a complaint via telephone to CPOA staff regarding an incident that occurred on 10/18/2023 at 0600 hours at 3849 Montgomery (Hill Crest Park). Ms. P reported that a Caucasian officer was hissing at her by elongating the s in his spoken words. Ms. P reported that the officer was aggressive and threatened to take Ms. P to a mental hospital involuntarily and charge her with 911 abuse because she called 242-COPS at 0400 hours "to report murders and that her stepfather raped her in the 4th grade."

### **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 W

Other Materials: Email Communications & Payroll Records.

Date Investigation Completed: January 18, 2024

## **FINDINGS**

Policies Reviewed: 1.1.5.A.4

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

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**Additional Comments:**

It was determined that Officer W was professional, never hissed, wasn't aggressive, and never made any threats. He provided her explanations of what could happen given the circumstances.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:**

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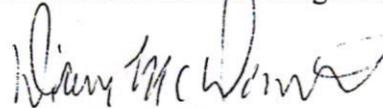
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Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

January 29, 2024

Via Certified Mail

7017 2680 0000 5951 9709

Re: CPC # 258-23

PO Box 1293

**COMPLAINT:**

Albuquerque

On 10/18/2023, P submitted a complaint via telephone to CPOA staff regarding an incident that occurred on 10/18/2023 at 0600 hours at 3849 Montgomery (Hill Crest Park). Ms. P reported that a Caucasian officer was hissing at her by elongating the s in his spoken words. Ms. P reported that the officer was aggressive and threatened to take Ms. P to a mental hospital involuntarily and charge her with 911 abuse because she called 242-COPS at 0400 hours "to report murders and that her stepfather raped her in the 4th grade."

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: Sergeant K

Other Materials: Email Communications & Payroll Records.

Date Investigation Completed: January 18, 2024

## **FINDINGS**

Policies Reviewed: 2.16.5.C.1.b

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

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**Additional Comments:**

It was determined that Sergeant K completed the review and approval of the report related to this complaint investigation within three (3) workdays of when it was submitted.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:**

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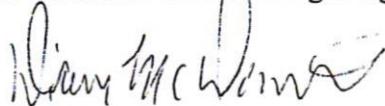
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Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

January 31, 2024

Via Certified Mail

7017 2680 0000 5951 9730

Re: CPC # 294-23

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Ms. B alleged that she called the police and wanted a police report because her neighbor had been harassing and arguing with her. She alleged that Sergeant T would not come to take a report and insisted on taking her report over the phone. Ms. B believed Sergeant T was siding with the neighbors and not taking her seriously.

### **EVIDENCE REVIEWED:**

Video(s): No

APD Report(s): No

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant T

Other Materials: N/A

Date Investigation Completed: January 30, 2024

## **FINDINGS**

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

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

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

Policies Reviewed: 2.100.4.B.6.e.ii.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:**

After review, the investigation determined that Sergeant T did not violate APD policy when he canceled the call for service regarding a neighbor dispute at Ms. B residence. According to APD policy, on-duty FSB field supervisors have the authority and discretion to cancel calls for service. Ms. B has a history of allegations against her neighbors with no credible evidence or charges filed.

Regarding police reports, the current APD policy does not require a written report for every incident, even if a community member requests it, as it was required on previous versions of the report writing SOP, 2.16. This incident, a disturbance, did not meet the mandatory report-writing requirements.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:**

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- B) The findings by the Director were not supported by evidence that was available at the time of the investigation; or,
- C) The APD policy or APD policies that were considered by the Director were the wrong policies or they were used in the wrong way; or,
- D) The APD policy or APD policies considered by the Director were chosen randomly or they do not address the issues in your complaint.

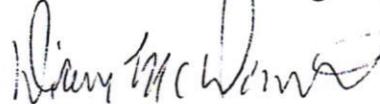
Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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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

January 31, 2024

To File

Anonymous

Re: CPC # 306-23

PO Box 1293

### **COMPLAINT:**

Albuquerque

Anonymous submitted a complaint and reported, "*Him and 2 other officers were sweeping homeless people off the side of the highway in DIRECT violation of a judicial injunction. All officers were made aware that what they were doing was ILLEGAL and didn't care nor stopped.*" Anonymous reported that she didn't witness the incident and was not submitting the form for anyone else.

NM 87103

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

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer O

Other Materials: S.O. 23-136, NM Statute 30-14-1, Injunction, & Email Communications.

Date Investigation Completed: January 19, 2024

## **FINDINGS**

Policies Reviewed: 1.4.5.B.1 (Biased-Base Policing)

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

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

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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:

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

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### **Additional Comments:**

1.4.5. B.1: It was determined that Officer O had a lawful objective to enforce a no-trespassing statute at the location of the unhoused person's encampment, where a no-trespassing sign was posted. The enforcement was conducted within said APD policy to include pursuant to APD Special Order 23-136, which allowed officers to take enforcement action on public/private property when a law violation is being committed. The individuals were ordered to stop their unlawful activity, but no further action was taken against them, and none of their property was seized or disposed of by APD personnel.

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- D) The APD policy or APD policies considered by the Director were chosen randomly or they do not address the issues in your complaint.

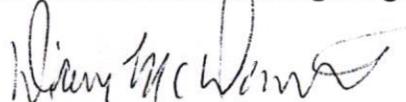
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

January 31, 2024

To File

Anonymous

Re: CPC # 306-23

PO Box 1293

### **COMPLAINT:**

Albuquerque

Anonymous 1 submitted a complaint and reported, "*Him and 2 other officers were sweeping homeless people off the side of the highway in DIRECT violation of a judicial injunction. All officers were made aware that what they were doing was ILLEGAL and didn't care nor stopped.*" Anonymous reported that she didn't witness the incident and was not submitting the form for anyone else.

NM 87103

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

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer P

Other Materials: S.O. 23-136, NM Statute 30-14-1, Injunction, & Email Communications.

Date Investigation Completed: January 19, 2024

**FINDINGS**

Policies Reviewed: 1.4.5.B.1 (Biased-Base Policing)

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

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

Policies Reviewed:

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**Additional Comments:**

1.4.5. B.1: It was determined that Officer P had a lawful objective to enforce a no-trespassing statute at the location of the unhoused person's encampment, where a no-trespassing sign was posted. The enforcement was conducted within said APD policy to include pursuant to APD Special Order 23-136, which allowed officers to take enforcement action on public/private property when a law violation is being committed. The individuals were ordered to stop their unlawful activity, but no further action was taken against them, and none of their property was seized or disposed of by APD personnel.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:**

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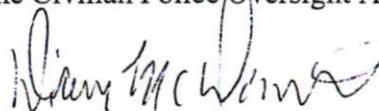
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

January 31, 2024

To File

Anonymous

Re: CPC # 306-23

PO Box 1293

### **COMPLAINT:**

Anonymous submitted a complaint and reported, "Him and 2 other officers were sweeping homeless people off the side of the highway in DIRECT violation of a judicial injunction. All officers were made aware that what they were doing was ILLEGAL and didn't care nor stopped." Anonymous reported that she didn't witness the incident and was not submitting the form for anyone else.

Albuquerque

NM 87103

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

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer M

Other Materials: S.O. 23-136, NM Statute 30-14-1, Injunction, & Email Communications.

Date Investigation Completed: January 19, 2024

**FINDINGS**

Policies Reviewed: 1.4.5.B.1 (Biased-Base Policing)

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

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Policies Reviewed:

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**Additional Comments:**

1.4.5. B.1: It was determined that Officer M had a lawful objective to enforce a no-trespassing statute at the location of the unhoused person's encampment, where a no-trespassing sign was posted. The enforcement was conducted within said APD policy to include pursuant to APD Special Order 23-136, which allowed officers to take enforcement action on public/private property when a law violation is being committed. The individuals were ordered to stop their unlawful activity, but no further action was taken against them, and none of their property was seized or disposed of by APD personnel.

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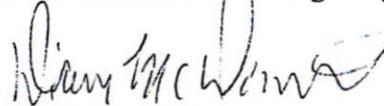
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

January 31, 2024

Via Email

**Re: CPC # 306-23**

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

D submitted a complaint and reported, "I witnessed this incident via a video on a phone. Officer 7352 and two other officers were demanding that unhoused neighbors move from public property on the side of a highway, despite the current court injunction on this action."

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer M

Other Materials: S.O. 23-136, NM Statute 30-14-1, Injunction, & Email Communications.

Date Investigation Completed: January 19, 2024

## **FINDINGS**

Policies Reviewed: 1.4.5.B.1 (Biased-Base Policing)

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

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Policies Reviewed:

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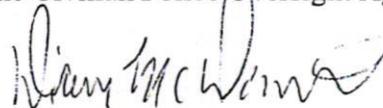
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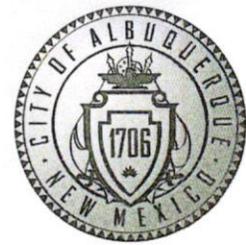
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The Civilian Police Oversight Agency by



Diane McDermott  
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(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

January 31, 2024

Via Email

**Re: CPC # 306-23**

PO Box 1293

### **COMPLAINT:**

Albuquerque

D submitted a complaint and reported, *"I witnessed this incident via a video on a phone. Officer 7352 and two other officers were demanding that unhoused neighbors move from public property on the side of a highway, despite the current court injunction on this action."*

NM 87103

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

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer P

Other Materials: S.O. 23-136, NM Statute 30-14-1, Injunction, & Email Communications.

Date Investigation Completed: January 19, 2024

## FINDINGS

Policies Reviewed: 1.4.5.B.1 (Biased-Base Policing)

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

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

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Policies Reviewed:

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

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

### **Additional Comments:**

1.4.5. B.1: It was determined that Officer P had a lawful objective to enforce a no-trespassing statute at the location of the unhoused person's encampment, where a no-trespassing sign was posted. The enforcement was conducted within said APD policy to include pursuant to APD Special Order 23-136, which allowed officers to take enforcement action on public/private property when a law violation is being committed. The individuals were ordered to stop their unlawful activity, but no further action was taken against them, and none of their property was seized or disposed of by APD personnel.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:**

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

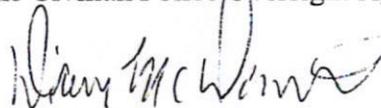
Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

January 31, 2024

Via Email

Re: CPC # 306-23

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

D submitted a complaint and reported, *"I witnessed this incident via a video on a phone. Officer 7352 and two other officers were demanding that unhoused neighbors move from public property on the side of a highway, despite the current court injunction on this action."*

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer O

Other Materials: S.O. 23-136, NM Statute 30-14-1, Injunction, & Email Communications.

Date Investigation Completed: January 19, 2024

## **FINDINGS**

Policies Reviewed: 1.4.5.B.1 (Biased-Base Policing)

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

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

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

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

Policies Reviewed:

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:**

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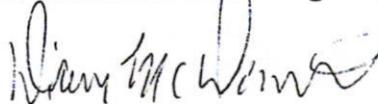
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