



Civilian Police Oversight Agency

Finding Letters of the CPOA

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

July 2023:

216-22	228-22	234-22	257-22	268-22
269-22	289-22	299-22	305-22	007-23
039-23	051-23	052-23	054-23	055-23

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

July 26, 2023

Via Email

Anonymous

Re: CPC # 216-22

Anonymous:

COMPLAINT:

Anonymous submitted a complaint alleging officers constantly stopped him while walking down the street to see his driver's license. Anonymous said he had been detained four times within the last week because he refused to give the officers his driver's license. Anonymous said the officers knew him because his cousin, M D, was an APD officer. Anonymous advised that the officers threatened to shoot him and had their guns drawn on him after handcuffing him. Anonymous felt like the officers were racist. Anonymous said he asked for a supervisor, and one of the officers "you're talking to him." Anonymous advised that the officer improperly identified himself. Anonymous said the APD shouldn't harass him because he was homeless.

PO Box 1293

Albuquerque

NM 87103

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EVIDENCE REVIEWED:

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: No

Witness(es) Interviewed: N/A

APD Employee Interviewed: N/A

APD Employee Involved: None identified

Other Materials: none

Date Investigation Completed: February 21, 2023

FINDINGS

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

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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.

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Additional Comments:

The investigator did not interview Anonymous regarding this investigation because Anonymous was not responsive to the investigator's request for contact. A search for cads, reports, and lapel videos was conducted with negative findings. The complainant alleged that the misconduct occurred several times between 05/01/2022 and 09/06/2022; however, without specific details and no communication with the complainant, the investigator could not locate the reported incidents.

It was determined that the investigation be administratively closed because the investigation could not be conducted due to a lack of information.

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

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

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

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

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

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

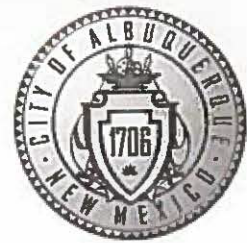
Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

July 10, 2023

Via Email

Re: CPC # 228-22

C

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

C submitted two complaint's that alleged her brother was pronounced deceased on 04/20/2022 at 0100 hours because of toxicity levels, but the medical examiner's autopsy report said he had two black eyes and a broken nose. Ms. C believed there may not have been a proper investigation as to if this was a homicide instead of an overdose and alleged that the responding officers failed to properly investigate the fact that her brother had no identification, wallet, or pants. Ms. C believed there was some evidence that would indicate foul play, additional suspects that were not interviewed, numerous items that were left behind at the incident location, and numerous inconsistencies.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: CSS U

Other Materials: OMI Report

Date Investigation Completed: January 6, 2023

FINDINGS

Policies Reviewed: 2.21.5.A.1.b (Apparent Natural Death)

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:

2.21.5.A.1.b: The investigation determined that CSS U responded to a call of a deceased individual. CSS U arrived on the scene, conducted a walk-through of the scene, took photographs, conducted her investigation, but observed nothing suspicious. An investigator with the Office of the Medical Investigator arrived on the scene and conducted their investigation.

The deceased had a laceration on his nose, and two black eyes, but nothing suspicious was observed. The deceased was at home, at night, wearing shorts and socks, and had originally been found slumped over the bed by the girlfriend, who was sleeping. The OMI indicated the injuries to the nose and eyes were consistent with a physical altercation the deceased had while incarcerated and was medically treated for. The OMI listed the cause of death as accidental and from the "Toxic effects of methamphetamine and fentanyl." CSS U followed the procedures outlined in the apparent natural death policy.

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

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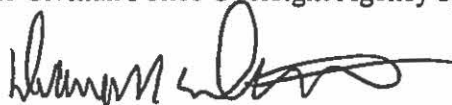
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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

July 10, 2023

Via Email

Re: CPC # 228-22

C

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

C submitted two complaint's that alleged her brother was pronounced deceased on 04/20/2022 at 0100 hours because of toxicity levels, but the medical examiner's autopsy report said he had two black eyes and a broken nose. Ms. C believed there may not have been a proper investigation as to if this was a homicide instead of an overdose and alleged that the responding officers failed to properly investigate the fact that her brother had no identification, wallet, or pants. Ms. C believed there was some evidence that would indicate foul play, additional suspects that were not interviewed, numerous items that were left behind at the incident location, and numerous inconsistencies.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer R

Other Materials: OMI Report

Date Investigation Completed: January 6, 2023

FINDINGS

Policies Reviewed: 2.21.5.A.1.b (Apparent Natural Death)

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:

2.21.5.A.1.b: The investigation determined that Officer R responded to a call of a deceased individual at the request of AFR. Officer R arrived on the scene as the primary officer and was advised by medical personnel that the individual had passed away due to an overdose. Officers collected statements and information from those on the scene, including the deceased live-in girlfriend, and conducted a walk-through of the scene. A crime scene specialist and an investigator with the Office of the Medical Investigator were requested and arrived on the scene. The CSS and the OMI investigator took photographs and conducted their investigation.

The deceased had a laceration on his nose, and two black eyes, but nothing suspicious was observed. The deceased was at home, at night, wearing shorts and socks, and had originally been found slumped over the bed by the girlfriend, who was sleeping. The OMI indicated the injuries to the nose and eyes were consistent with a physical altercation the deceased had while incarcerated and was medically treated for. The OMI listed the cause of death as accidental and from the "Toxic effects of methamphetamine and fentanyl." Officer R followed the procedures outlined in the apparent natural death policy.

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

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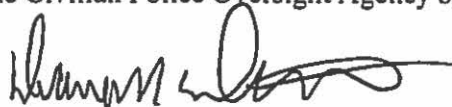
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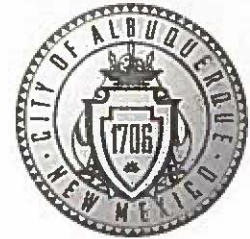
Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

July 14, 2023

Via Certified Mail

7009 3410 0000 2321 2453

Re: CPC # 234-22

M

PO Box 1293

COMPLAINT:

Albuquerque

NM 87103

M said he had called 242-COPS on 09/12/2022 to request a welfare check on his daughter, who had cerebral palsy and could not communicate for herself because he hadn't seen her since April or May 2022, and the mother, H, had not answered his calls. M got a voicemail from Officer S who said they did not want him calling 911 for a welfare check. M called the officer and was told that his daughter was okay even though the officer didn't see her physically and then told him not to call 911. M advised that he didn't have any other details and would also like a police report.

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer R

Other Materials: Operator Recording

Date Investigation Completed: July 8, 2023

FINDINGS

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

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



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



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Additional Comments:

1.1.5.A.4: It was determined that there was no Officer S and that Officer R attempted to conduct the welfare check and follow up with M as requested. No report was completed, but no report was required or requested. Officer R did not leave a voicemail for M or advise him not to call 911. Officer R responded to the call for service and acted upon it in a proper and judicious manner within the scope of his duties.

Investigator Note: An operator recording of the call from M to 242-COPS requesting a welfare check was reviewed; the call was not to 911, and at no time was M advised not to call 911. The phone number M provided as having left the voicemail was checked with Communications and did not come back as belonging to department personnel. M did not provide a copy of the voicemail for review.

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

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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

July 14, 2023

Via Certified Mail

7009 3410 0000 2321 2439

Re: CPC # 257-22

L

PO Box 1293

COMPLAINT:

L submitted a complaint that alleged he called 242-COPS to report a noise disturbance and requested that the responding officer contact him, but he was never contacted.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer V

Other Materials: APD Operator Recordings

Date Investigation Completed: February 24, 2023

FINDINGS

Policies Reviewed: 1.1.6.C.1 (Professional Conduct While On-and Off Duty)

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



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Additional Comments:

This complaint is unfounded as it was determined that Officer V attempted to call (contact) L as requested, including leaving a voicemail message for him during the attempt on 10/28/2022, which was verified via lapel video recording.

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

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Sincerely,
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Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



AGENCIA CIVIL DE SUPERVISIÓN POLICIAL

17/7/2023

A través de correo certificado

7009 3410 0000 2321 2156

Asunto: CPC # 268-22

Z

QUEJA:

La Sra. Z informo que el 13/11/2022 a las 18:00 horas, estaban esperando detrás de un vehículo en un semáforo y esperando la luz verde para continuar. El vehículo delante de ellos avanzó cuando la luz y la flecha cambiaron a verde, y ellos siguieron. Mientras giraban, fueron golpeados y vieron el semáforo en rojo que el otro vehículo había ignorado porque se acercaba muy rápido.

No constaba ninguna denuncia contra el personal de la APD

No se entrevistó a la Sra. Z porque no respondió a las preguntas formuladas por correo electrónico o teléfono.

EVIDENCIA EXAMINADA:

Video(s): Sí Informe(s) de APD: Sí Informe(s) de CAD: Sí

Denunciante entrevistado: No Testigo(s) entrevistado(s): No corresponde

Empleado de APD entrevistado: No corresponde

Empleado de APD implicado: No corresponde

Otros materiales: Correo electrónico y formulario traducido de queja o reconocimiento de APD

Fecha de finalización de la investigación: 1/2/2023

CONCLUSIONES

1. Infundada. Clasificación de la investigación cuando el investigador o los investigadores determinan, mediante pruebas claras y convincentes, que la supuesta conducta indebida no se produjo o no implicó al agente en cuestión.

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2. Confirmada. Clasificación de la investigación cuando el investigador o los investigadores determinan, mediante una preponderancia de las pruebas, que el agente en cuestión cometió la supuesta falta.

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3. No Confirmada. Clasificación de la investigación cuando el investigador no puede determinar, mediante una preponderancia de las pruebas, si la presunta conducta indebida se produjo o no.

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4. Exonerado. Clasificación de la investigación cuando el investigador o investigadores determinan, por preponderancia de las pruebas, que la conducta alegada en la denuncia subyacente ocurrió, pero no infringió las políticas, procedimientos o formación de la APD.

☐

5. Infracción Confirmada No Basada en la Denuncia Original. Clasificación de la investigación en la que el investigador o investigadores determinan, por preponderancia de las pruebas, que se produjo una conducta indebida que no se alegaba en la denuncia original (ya sea CPC o denuncia interna) pero que se descubrió durante la investigación, y por preponderancia de las pruebas, se confirma su ocurrencia.

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6. Administrativamente Cerrada. Clasificación de la investigación en la que quien investiga determina: Las infracciones de la política son de naturaleza menor y no constituyen un patrón de mala conducta (es decir, una infracción sujeta a una sanción de clase 7, -las alegaciones están duplicadas; -las alegaciones, incluso si son ciertas, no constituyen mala conducta; o -la investigación no puede llevarse a cabo debido a la falta de información en la queja, y seguir investigando sería en vano.

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Comentarios adicionales:

Esta investigación se cerró administrativamente porque no se pudo determinar qué alegaba
Z o si presentaba una denuncia o un acuse de recibo, y porque no se descubrió ninguna prueba de infracción durante la revisión de las pruebas disponibles.

Tiene derecho a apelar esta decisión. Si no está satisfecho con las conclusiones del Director Ejecutivo de la CPOA en un plazo de 30 días calendario (incluidos días festivos y fines de semana) a partir de la recepción de esta carta, comuníquese su deseo de tener una audiencia de apelación ante el Junta Asesora de la CPOA mediante un escrito firmado dirigido al Director de la CPOA. Por favor, envíe su solicitud a P.O. Box 1293, Albuquerque, NM 87103 o por correo electrónico a CPOA@cabq.gov. Incluya su número de CPC. **Tenga en cuenta que en este momento la Junta Asesora se está reconfigurando, por lo que no habrá audiencias hasta que se celebren las reuniones programadas regularmente.** Si su solicitud de apelación se presenta a tiempo, se le notificará cuándo se programará su apelación y se le proporcionará más información. Una vez que se reanuden los procedimientos normales, las audiencias de apelación procederán según lo especificado en la Ordenanza de Supervisión 9-4-1-10. Para que la Junta Asesora modifique las conclusiones del Director, su recurso debe demostrar uno o más de los siguientes aspectos:

- A) Las conclusiones del Director no tenían ninguna explicación que llevara a la conclusión alcanzada; o,
- B) Las conclusiones del Director no estaban respaldadas por pruebas disponibles en el momento de la investigación; o,
- C) La política o políticas de la APD que fueron consideradas por el Director eran políticas erróneas o se utilizaron de manera equivocada; o,
- D) La política o políticas de la APD consideradas por el Director fueron elegidas al azar o no abordan los problemas de su queja.

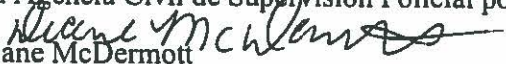
Las quejas cerradas administrativamente pueden reabrirse si se dispone de información adicional. Proporcione su información adicional por escrito al Director de la CPOA como se indica arriba.

Si no está satisfecho con la decisión disciplinaria final del Jefe de Policía o con cualquier asunto relacionado con el manejo de la queja por parte del Jefe, puede solicitar una revisión de la queja por parte del Director Administrativo de la Ciudad. Su solicitud deberá realizarse por escrito y en un plazo de 30 días calendario (incluidos días festivos y fines de semana) a partir de la recepción de esta carta. Incluya su número de CPC.

La revisión por parte del Oficial Administrativo Jefe no sufrirá retrasos, ya que no depende de la Junta Asesora.

Si dispone de una computadora, le agradeceríamos que completara nuestro formulario de encuesta a los clientes en <http://www.cabq.gov/cpoa/survey>.

Gracias por participar en el proceso de supervisión civil de la policía, garantizar que los agentes y el personal de la APD rindan cuentas y mejorar el proceso.

Sinceramente,
La Agencia Civil de Supervisión Policial por

Diane McDermott
Directora Ejecutiva Interina
(505) 924-3770

cc: Jefe de Policía del Departamento de Policía de Albuquerque

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



July 17, 2023

Via Certified Mail

7009 3410 0000 2321 2156

Re: CPC # 268-22

Z

PO Box 1293

COMPLAINT:

Albuquerque

Ms. Z advised that on 11/13/2022 at 1800 hours, they were waiting behind a vehicle at a traffic light and waiting for a green light to proceed. The vehicle in front of them proceeded when the light and arrow turned green, and they followed. While turning, they were struck and saw the red light the other vehicle had ignored because it was approaching very fast.

NM 87103

There was no listed complaint against APD personnel

Ms. Z was not interviewed because she did not respond to made via email or telephone.

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: N/A

APD Employee Interviewed: N/A

APD Employee Involved: not applicable

Other Materials: Email & Translated APD Complaint or Acknowledgment Form

Date Investigation Completed: February 1, 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 investigation was Administratively Closed because it could not be determined what Z was alleging or if she was submitting a complaint or an acknowledgment and because no evidence of a violation was discovered during a review of the available evidence.

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

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

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by

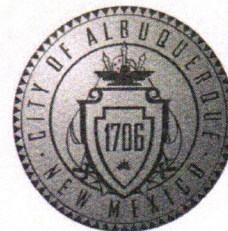


Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



7.10.2023

Via Certified Mail

7009 3410 0000 2321 2477

Re: CPC # 269-22

Ms. G :

COMPLAINT:

"The officer wrote whatever he wanted in this report, and he told me I was a liar. It was a green light with a green arrow, and the officer did not articulate those facts in his report. The officer said in his report that there was a video, and when I asked him why did he write that, he said he writes whatever he wants. When I asked the officer for my insurance card, he said he'll give it when he was ready. This officer was yelling at me like he was my mother and father. The officer stated in his report that my leg was hurting, and I never told him that; I told him my neck and lower back were hurting. I am seeking to make this report correct. I have to pay for a 500 deductible for something I didn't do."

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer S

Other Materials: RTCC Email Communications

Date Investigation Completed: April 10, 2023

FINDINGS

Policies Reviewed: 1.1.5.A.4 & 2.60.4.A.5.c

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: 2.60.4.A.5.f

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



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



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



Additional Comments:

1.1.5.A.4: After the review of the OBRDs, police reports, and interviews, there was no evidence noted to suggest Ofc. S was unprofessional with G ; at any point during the service call on 10/25/2022.

2.60.4.A.5.c: After the review of the OBRDs, police reports, and interviews, it showed that Ofc. S gathered all information appropriately and that there was no video footage to collect.

2.60.4.A.5.f: After the review of the OBRDs and interviews, it showed that Ofc. S gathered all the information appropriately. G ; was afforded an opportunity to review it and find resolutions. OBRD showed that G ; was not receptive to Ofc. S' options; G ; got angry without provocation, and ultimately, she hung up the phone on Ofc. S. without stating whether she was content with the resolutions provided to her. Ofc. S reported what G ; originally stated regarding the green light. Ofc. S made a clerical error on the report regarding the camera by not more clearly documenting footage availability. The injuries reported were consistent with the OBRD.

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

July 10, 2023

Via Email

Re: CPC # 289-22

S

PO Box 1293

COMPLAINT:

Willobee S submitted a complaint that alleged Officer C arrived at an apartment complex, stayed in his patrol vehicle the whole time, and didn't get out of his patrol vehicle. Ms. S went to Officer C's patrol vehicle to speak with him; Officer C was very rude, very short, and had no interest in helping her or being at the location. Officer C didn't help Ms. S at all, and nothing was accomplished.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): N/A

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer C

Other Materials: Google Maps

Date Investigation Completed: January 20, 2023

FINDINGS

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

☐

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

☐

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

☐

Policies Reviewed: 1.1.5.A.4 (Public Welfare) & 2.8.5.A (Mandatory Recording)

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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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 C's response to S call for service did not violate policy, procedures, or training. Officer C and an assisting officer responded to the area of an apartment complex where a laptop that was in Ms. S stolen vehicle had pinged. Officer C and the assisting officer checked the area for approximately twenty minutes, but the stolen vehicle was not located. No apartment number was provided on the call for service, and GPS pings are not always exact and up to date. Notes on the call for service indicated that Ms. S did not want to be contacted. Approximately five minutes after clearing the call for service, Officer C was dispatched to another call for service, which he was on for approximately nine hours because it resulted in a use of force. Officer C received notifications to call Ms. S and did so while still on the other call for service. Ms. S never made in-person contact with Officer C, and no evidence was provided or located that Officer C spoke to Ms. S in an unprofessional manner during their telephone conversation. 2.8.5.A: The investigation found that Officer C did not record the telephone conversation with Ms. S but did not violate policy, procedures, or training because it was not a law enforcement encounter per the policy definition.

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

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

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

July 14, 2023

Via Email

Re: CPC # 299-22

D

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. D alleged she called 242-COPS on 12/05/2022, and no one responded. Another incident happened that night, and her friend called the police later that day. The primary officer talked to another involved individual but did not talk to Ms. D or get her statement. Ms. D reported that she was thrown to the lions and was the one who called initially, but the officers wasted her time and got everyone else's statements. Ms. D told the primary officer that he wasn't turning the situation around. Ms. D reported that the primary officer didn't do anything for her and was in the office the next morning, speaking to her manager again. The manager advised Ms. D that the officers would get her statement, but the officers never contacted her.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Ofc. K

Other Materials: Email Correspondence, CPC 283-22

Date Investigation Completed: April 19, 2023

FINDINGS

Policies Reviewed: 1.1.5.A.4

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



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



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



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



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



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



Additional Comments:

1.1.5.A.4: It was determined that Ms. D was inaccurate in her submitted complaint and interview, just as she and her witnesses were in the incident they reported to Ofc. K. The review of OBRD showed that Ms. D was interviewed for this incident. Ofc. K responded promptly when dispatched, was professional in his interactions, assisted in completing a thorough investigation, and the primary officer filed an accurate report.

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

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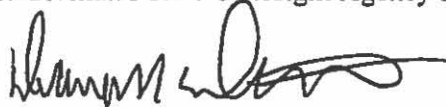
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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

July 14, 2023

Via Email



Re: CPC # 299-22

D :

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. D alleged she called 242-COPS on 12/05/2022, and no one responded. Another incident happened that night, and her friend called the police later that day. Ofc. G talked to another involved individual but did not talk to Ms. Drace or get her statement. Ms. D reported that she was thrown to the lions and was the one who called initially, but the officers wasted her time and got everyone else's statements. Ms. D told Ofc. G that he wasn't turning the situation around. Ms. D reported that Ofc. G didn't do anything for her and was in the office the next morning, speaking to her manager again. The manager advised Ms. D that the officers would get her statement, but the officers never contacted her.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Ofc. G

Other Materials: Email Correspondence, CPC 283-22

Date Investigation Completed: April 19, 2023

FINDINGS

Policies Reviewed: 1.1.5.A.4

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



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



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



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



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



Additional Comments:

1.1.5.A.4: It was determined that Ms. D was inaccurate in her submitted complaint and interview, just as she and her witnesses were in the incident they reported to Ofc. G. The review of OBRD showed that Ms. D was interviewed for this incident by a fellow officer. Ofc. G responded promptly when dispatched, was professional in his interactions, completed a thorough investigation, and filed an accurate report.

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

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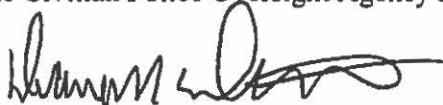
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If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>. There was a delay in the issuance of findings due to the resignation of the Executive Director and another not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

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

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

July 17, 2023

To File

Re: CPC # 305-22

Dear Last Name Unknown:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Several officers in civilian clothes pulled into the daycare parking lot (unannounced, unmarked/non-designated as police) and drew a gun. This caused a significant amount of panic and forced the children's academy to rush dozens of children into lockdown for the safety of the children and staff. Officer B later coordinated with (owner) M C to confirm that staff could exit lockdown. Names of the officers directly involved were not provided to academy staff. According to Officer B, the plain-clothes officers involved in the incident "wanted to show his friends his new gun". This behavior is completely irresponsible and unprofessional. This behavior is completely irresponsible and unprofessional.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Ofc. P

Other Materials: photographs, email correspondence, firearm statutes

Date Investigation Completed: May 29, 2023

FINDINGS

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

☐

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

☐

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

☐

Policies Reviewed: 1.1.6.A.1

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

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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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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 investigation included the review of SOP 2.3.4.A.2.a.b.c.d (four firearms safety rules). Ofc. P referenced these rules during his interview, and the primary officer investigating the incident did not identify any of these rules to be violated. NM Statue 30-7-1, 30-7-2-1, 30-7-4, and 31-18-16, were also reviewed. These statutes pertain to the negligent use of a deadly weapon, carrying a deadly weapon, and unlawful carry of a deadly weapon. Testimony supports that the firearm was never carried, negligently handled, brandished, or discharged. The incident did not occur at the school parking lot as alleged; OBRD shows that the incident occurred at the business parking lot west of Bright Minds. Though the examination of a firearm would preferably be done in private, state statute does not, except in specified circumstances, prohibit the display of a firearm in possible public view. Given societal issues, the concern experienced at the time is understandable, but the investigation revealed that none of these statutes nor SOP 1.1.6.A.1 were violated in this incident.

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

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

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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

July 17, 2023

To File

Re: CPC # 305-22

Dear Last Name Unknown:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Several officers in civilian clothes pulled into the daycare parking lot (unannounced, unmarked/non-designated as police) and drew a gun. This caused a significant amount of panic and forced the children's academy to rush dozens of children into lockdown for the safety of the children and staff. Officer B later coordinated with (owner) M C to confirm that staff could exit lockdown. Names of the officers directly involved were not provided to academy staff. According to Officer B, the plain-clothes officers involved in the incident "wanted to show his friends his new gun". This behavior is completely irresponsible and unprofessional. This behavior is completely irresponsible and unprofessional.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Ofc. D

Other Materials: photographs, email correspondence, firearm statutes

Date Investigation Completed: May 29, 2023

FINDINGS

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

☐

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

☐

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

☐

Policies Reviewed: 1.1.6.A.1

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

☒

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

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☐

Additional Comments:

This investigation included the review of SOP 2.3.4.A.2.a.b.c.d (four firearms safety rules). Ofc. D referenced these rules during his interview, and the primary officer investigating the incident did not identify any of these rules to be violated. NM Statue 30-7-1, 30-7-2-1, 30-7-4, and 31-18-16, were also reviewed. These statutes pertain to the negligent use of a deadly weapon, carrying a deadly weapon, and unlawful carry of a deadly weapon. Testimony supports that the firearm was never carried, negligently handled, brandished, or discharged. The incident did not occur at the school parking lot as alleged; OBRD shows that the incident occurred at the business parking lot west of Bright Minds. Though the examination of a firearm would preferably be done in private, state statute does not, except in specified circumstances, prohibit the display of a firearm in possible public view. Given societal issues, the concern experienced at the time is understandable, but the investigation revealed that none of these statutes nor SOP 1.1.6.A.1 were violated in this incident.

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

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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

July 17, 2023

To File

Re: CPC # 305-22

Dear Last Name Unknown:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Several officers in civilian clothes pulled into the daycare parking lot (unannounced, unmarked/non-designated as police) and drew a gun. This caused a significant amount of panic and forced the children's academy to rush dozens of children into lockdown for the safety of the children and staff. Officer B later coordinated with (owner) M C to confirm that staff could exit lockdown. Names of the officers directly involved were not provided to academy staff. According to Officer B, the plain-clothes officers involved in the incident "wanted to show his friends his new gun". This behavior is completely irresponsible and unprofessional. This behavior is completely irresponsible and unprofessional.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Ofc. U

Other Materials: photographs, email correspondence, firearm statutes

Date Investigation Completed: May 29, 2023

FINDINGS

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

☐

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

☐

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

☐

Policies Reviewed: 1.1.6.A.1

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

☒

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

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☐

Additional Comments:

This investigation included the review of SOP 2.3.4.A.2.a.b.c.d (four firearms safety rules). Ofc. U referenced these rules during his interview, and the primary officer investigating the incident did not identify any of these rules to be violated. NM Statue 30-7-1, 30-7-2-1, 30-7-4, and 31-18-16, were also reviewed. These statutes pertain to the negligent use of a deadly weapon, carrying a deadly weapon, and unlawful carry of a deadly weapon. Testimony supports that the firearm was never carried, negligently handled, brandished, or discharged. The incident did not occur at the school parking lot as alleged; OBRD shows that the incident occurred at the business parking lot west of Bright Minds. Though the examination of a firearm would preferably be done in private, state statute does not, except in specified circumstances, prohibit the display of a firearm in possible public view. Given societal issues, the concern experienced at the time is understandable, but the investigation revealed that none of these statutes nor SOP 1.1.6.A.1 were violated in this incident.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

July 17, 2023

Via Certified Mail

7009 3410 0000 2321 2187

Re: CPC # 305-22

Dear C

COMPLAINT:

Today at approximately 1300 hours, several plain clothes officers in unmarked vehicles converged on the daycare my son attends (Bright Minds) and began pointing and brandishing their weapons. The owner of the daycare saw this and reacted appropriately by initiating lockdown protocols. The daycare owner called 911 and was told these were APD officers and that they were safe (extremely debatable considering the ignorant behavior of your officers), but the owner very wisely insisted that a uniformed officer clear the scene. I did not see the officers and the owner did not collect badge numbers. Nevertheless there should be some record that this occurred. I am seeking a public apology from APD, firing or reprimanding.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Ofc. P

Other Materials: photographs, email correspondence, firearm statutes

Date Investigation Completed: May 29, 2023

FINDINGS

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

☐

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☐

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☐

Policies Reviewed: 1.1.6.A.1

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

☒

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

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☐

Additional Comments:

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(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

July 17, 2023

Via Certified Mail

7009 3410 0000 2321 2187

Re: CPC # 305-22

Dear C

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

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EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): No

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Ofc. D

Other Materials: photographs, email correspondence, firearm statutes

Date Investigation Completed: May 29, 2023

FINDINGS

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

☐

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

☐

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☐

Policies Reviewed: 1.1.6.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.

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Additional Comments:

This investigation included the review of SOP 2.3.4.A.2.a.b.c.d (four firearms safety rules). Ofc. D referenced these rules during his interview, and the primary officer investigating the incident did not identify any of these rules to be violated. NM Statue 30-7-1, 30-7-2-1, 30-7-4, and 31-18-16, were also reviewed. These statutes pertain to the negligent use of a deadly weapon, carrying a deadly weapon, and unlawful carry of a deadly weapon. Testimony supports that the firearm was never carried, negligently handled, brandished, or discharged. The incident did not occur at the school parking lot as alleged; OBRD shows that the incident occurred at the business parking lot west of Bright Minds. Though the examination of a firearm would preferably be done in private, state statute does not, except in specified circumstances, prohibit the display of a firearm in possible public view. Given societal issues, the concern experienced at the time is understandable, but the investigation revealed that none of these statutes nor SOP 1.1.6.A.1 were violated in this incident.

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

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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

July 17, 2023

Via Certified Mail

7009 3410 0000 2321 2187

Re: CPC # 305-22

Dear C

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Today at approximately 1300 hours, several plain clothes officers in unmarked vehicles converged on the daycare my son attends (Bright Minds) and began pointing and brandishing their weapons. The owner of the daycare saw this and reacted appropriately by initiating lockdown protocols. The daycare owner called 911 and was told these were APD officers and that they were safe (extremely debatable considering the ignorant behavior of your officers), but the owner very wisely insisted that a uniformed officer clear the scene. I did not see the officers and the owner did not collect badge numbers. Nevertheless there should be some record that this occurred. I am seeking a public apology from APD, firing or reprimanding.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): No

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Ofc. U

Other Materials: photographs, email correspondence, firearm statutes

Date Investigation Completed: May 29, 2023

FINDINGS

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

☐

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

☐

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

☐

Policies Reviewed: 1.1.6.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:

This investigation included the review of SOP 2.3.4.A.2.a.b.c.d (four firearms safety rules). Ofc. U referenced these rules during his interview, and the primary officer investigating the incident did not identify any of these rules to be violated. NM Statue 30-7-1, 30-7-2-1, 30-7-4, and 31-18-16, were also reviewed. These statutes pertain to the negligent use of a deadly weapon, carrying a deadly weapon, and unlawful carry of a deadly weapon. Testimony supports that the firearm was never carried, negligently handled, brandished, or discharged. The incident did not occur at the school parking lot as alleged; OBRD shows that the incident occurred at the business parking lot west of Bright Minds. Though the examination of a firearm would preferably be done in private, state statute does not, except in specified circumstances, prohibit the display of a firearm in possible public view. Given societal issues, the concern experienced at the time is understandable, but the investigation revealed that none of these statutes nor SOP 1.1.6.A.1 were violated in this incident.

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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

July 17, 2023

Via Email

Re: CPC # 305-22

Dear W & C :

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Good evening, This afternoon (12/30/2022), at approximately 1 PM, three people pulled into the parking lot of Bright Minds daycare (brightmindsabq.com), and one then pulled out a gun. The staff accordingly rushed the babies, toddlers, and young children into the basement and had them shelter in place and called 911. 1PM is in the middle of many of the babies and toddlers' nap time. When uniformed officers arrived it was determined that the three people were plainclothes officers, and the one who had pulled out the gun purportedly "wanted to show his friends his new gun". The daycare staff provided case number P223640668 and Officer B as the case officer associated with the incident. Unfortunately we did not get the names or badge information of the three plainclothes officers.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): No

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Ofc. U

Other Materials: photographs, email correspondence, firearm statutes

Date Investigation Completed: May 29, 2023

FINDINGS

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

☐

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

☐

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

☐

Policies Reviewed: 1.1.6.A.1

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

☒

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☐

Additional Comments:

This investigation included the review of SOP 2.3.4.A.2.a.b.c.d (four firearms safety rules). Ofc. U referenced these rules during his interview, and the primary officer investigating the incident did not identify any of these rules to be violated. NM Statue 30-7-1, 30-7-2-1, 30-7-4, and 31-18-16, were also reviewed. These statutes pertain to the negligent use of a deadly weapon, carrying a deadly weapon, and unlawful carry of a deadly weapon. Testimony supports that the firearm was never carried, negligently handled, brandished, or discharged. The incident did not occur at the school parking lot as alleged; OBRD shows that the incident occurred at the business parking lot west of Bright Minds. Though the examination of a firearm would preferably be done in private, state statute does not, except in specified circumstances, prohibit the display of a firearm in possible public view. Given societal issues, the concern experienced at the time is understandable, but the investigation revealed that none of these statutes nor SOP 1.1.6.A.1 were violated in this incident.

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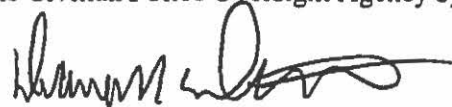
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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

July 17, 2023

Via Email

Re: CPC # 305-22

Dear W & C :

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Good evening, This afternoon (12/30/2022), at approximately 1 PM, three people pulled into the parking lot of Bright Minds daycare (brightmindsabq.com), and one then pulled out a gun. The staff accordingly rushed the babies, toddlers, and young children into the basement and had them shelter in place and called 911. 1PM is in the middle of many of the babies and toddlers' nap time. When uniformed officers arrived it was determined that the three people were plainclothes officers, and the one who had pulled out the gun purportedly "wanted to show his friends his new gun". The daycare staff provided case number P223640668 and Officer B as the case officer associated with the incident. Unfortunately we did not get the names or badge information of the three plainclothes officers.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Ofc. D

Other Materials: photographs, email correspondence, firearm statutes

Date Investigation Completed: May 29, 2023

FINDINGS

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

☐

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

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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: 1.1.6.A.1

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

☒

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☐

Additional Comments:

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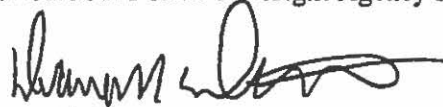
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The Civilian Police Oversight Agency by



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Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

July 17, 2023

Via Email

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PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

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EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): No

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Ofc. P

Other Materials: photographs, email correspondence, firearm statutes

Date Investigation Completed: May 29, 2023

FINDINGS

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☐

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☐

Policies Reviewed: 1.1.6.A.1

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☒

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☐

Additional Comments:

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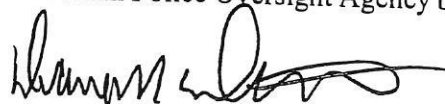
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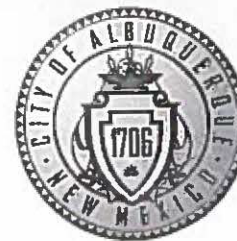
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Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

July 17, 2023

Via Email

Re: CPC # 305-22

Dear F

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

My child is a student at Bright Minds daycare facility and I was notified on Friday 12/31 that a plain clothes police officer drew a firearm in the parking lot resulting in a lockdown for the children and a frightening message for the parents. There was no police situation which required the drawing of a weapon. I am seeking apologies to the employees and parents of the facility who were impacted. The police officer in question should be reprimanded and receive proper training for the safe use of a firearm.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): No

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Ofc. U

Other Materials: photographs, email correspondence, firearm statutes

Date Investigation Completed: May 29, 2023

FINDINGS

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

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Policies Reviewed: 1.1.6.A.1

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

☐

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 investigation included the review of SOP 2.3.4.A.2.a.b.c.d (four firearms safety rules). Ofc. U referenced these rules during his interview, and the primary officer investigating the incident did not identify any of these rules to be violated. NM Statue 30-7-1, 30-7-2-1, 30-7-4, and 31-18-16, were also reviewed. These statutes pertain to the negligent use of a deadly weapon, carrying a deadly weapon, and unlawful carry of a deadly weapon. Testimony supports that the firearm was never carried, negligently handled, brandished, or discharged. The incident did not occur at the school parking lot as alleged; OBRD shows that the incident occurred at the business parking lot west of Bright Minds. Though the examination of a firearm would preferably be done in private, state statute does not, except in specified circumstances, prohibit the display of a firearm in possible public view. Given societal issues, the concern experienced at the time is understandable, but the investigation revealed that none of these statutes nor SOP 1.1.6.A.1 were violated in this incident.

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

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- 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.

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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

July 17, 2023

Via Email

Re: CPC # 305-22

Dear F

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

My child is a student at Bright Minds daycare facility and I was notified on Friday 12/31 that a plain clothes police officer drew a firearm in the parking lot resulting in a lockdown for the children and a frightening message for the parents. There was no police situation which required the drawing of a weapon. I am seeking apologies to the employees and parents of the facility who were impacted. The police officer in question should be reprimanded and receive proper training for the safe use of a firearm.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): No

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Ofc. D

Other Materials: photographs, email correspondence, firearm statutes

Date Investigation Completed: May 29, 2023

FINDINGS

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

☐

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

☐

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

☐

Policies Reviewed: 1.1.6.A.1

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

☒

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

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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 investigation included the review of SOP 2.3.4.A.2.a.b.c.d (four firearms safety rules). Ofc. D referenced these rules during his interview, and the primary officer investigating the incident did not identify any of these rules to be violated. NM Statue 30-7-1, 30-7-2-1, 30-7-4, and 31-18-16, were also reviewed. These statutes pertain to the negligent use of a deadly weapon, carrying a deadly weapon, and unlawful carry of a deadly weapon. Testimony supports that the firearm was never carried, negligently handled, brandished, or discharged. The incident did not occur at the school parking lot as alleged; OBRD shows that the incident occurred at the business parking lot west of Bright Minds. Though the examination of a firearm would preferably be done in private, state statute does not, except in specified circumstances, prohibit the display of a firearm in possible public view. Given societal issues, the concern experienced at the time is understandable, but the investigation revealed that none of these statutes nor SOP 1.1.6.A.1 were violated in this incident.

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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

July 17, 2023

Via Email

Re: CPC # 305-22

Dear F

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

My child is a student at Bright Minds daycare facility and I was notified on Friday 12/31 that a plain clothes police officer drew a firearm in the parking lot resulting in a lockdown for the children and a frightening message for the parents. There was no police situation which required the drawing of a weapon. I am seeking apologies to the employees and parents of the facility who were impacted. The police officer in question should be reprimanded and receive proper training for the safe use of a firearm.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Ofc. P

Other Materials: photographs, email correspondence, firearm statutes

Date Investigation Completed: May 29, 2023

FINDINGS

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

☐

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

☐

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

☐

Policies Reviewed: 1.1.6.A.1

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

☒

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

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☐

Additional Comments:

This investigation included the review of SOP 2.3.4.A.2.a.b.c.d (four firearms safety rules). Ofc. P referenced these rules during his interview, and the primary officer investigating the incident did not identify any of these rules to be violated. NM Statue 30-7-1, 30-7-2-1, 30-7-4, and 31-18-16, were also reviewed. These statutes pertain to the negligent use of a deadly weapon, carrying a deadly weapon, and unlawful carry of a deadly weapon. Testimony supports that the firearm was never carried, negligently handled, brandished, or discharged. The incident did not occur at the school parking lot as alleged; OBRD shows that the incident occurred at the business parking lot west of Bright Minds. Though the examination of a firearm would preferably be done in private, state statute does not, except in specified circumstances, prohibit the display of a firearm in possible public view. Given societal issues, the concern experienced at the time is understandable, but the investigation revealed that none of these statutes nor SOP 1.1.6.A.1 were violated in this incident.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

July 17, 2023

Via Certified Mail

7009 3410 0000 2321 2194

Re: CPC # 305-22

Dear M C

PO Box 1293

Albuquerque

NM 87103

COMPLAINT:

M C reported that an incident took place outside of her Bright Minds Academy on 12/30/2022. She said that three plain-clothes officers "drew a gun" in her parking lot, and the school had to go into lockdown. When the uniformed police came, the officer said it was an officer showing his buddies his new gun. C questioned whether the officer was on duty at the time and if he'll be reprimanded for this unprofessional and dangerous behavior. C also mentioned that the 911 dispatcher informed her she could come out of lockdown, but she did not feel comfortable doing so.

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): No

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Ofc. U

Other Materials: photographs, email correspondence, firearm statutes

Date Investigation Completed: May 29, 2023

FINDINGS

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

☐

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

☐

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

☐

Policies Reviewed: 1.1.6.A.1

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

☒

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

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☐

Additional Comments:

This investigation included the review of SOP 2.3.4.A.2.a.b.c.d (four firearms safety rules). Ofc. U referenced these rules during his interview, and the primary officer investigating the incident did not identify any of these rules to be violated. NM Statue 30-7-1, 30-7-2-1, 30-7-4, and 31-18-16, were also reviewed. These statutes pertain to the negligent use of a deadly weapon, carrying a deadly weapon, and unlawful carry of a deadly weapon. Testimony supports that the firearm was never carried, negligently handled, brandished, or discharged. The incident did not occur at the school parking lot as alleged; OBRD shows that the incident occurred at the business parking lot west of Bright Minds. Though the examination of a firearm would preferably be done in private, state statute does not, except in specified circumstances, prohibit the display of a firearm in possible public view. Given societal issues, the concern experienced at the time is understandable, but the investigation revealed that none of these statutes nor SOP 1.1.6.A.1 were violated in this incident.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

July 17, 2023

Via Certified Mail

7009 3410 0000 2321 2194

Re: CPC # 305-22

Dear M C

PO Box 1293

COMPLAINT:

Albuquerque

NM 87103

M C reported that an incident took place outside of her Bright Minds Academy on 12/30/2022. She said that three plain-clothes officers "drew a gun" in her parking lot, and the school had to go into lockdown. When the uniformed police came, the officer said it was an officer showing his buddies his new gun. C questioned whether the officer was on duty at the time and if he'll be reprimanded for this unprofessional and dangerous behavior. C also mentioned that the 911 dispatcher informed her she could come out of lockdown, but she did not feel comfortable doing so.

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): No

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Ofc. D

Other Materials: photographs, email correspondence, firearm statutes

Date Investigation Completed: May 29, 2023

FINDINGS

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

☐

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

☐

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

☐

Policies Reviewed: 1.1.6.A.1

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

☒

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

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☐

Additional Comments:

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cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

July 17, 2023

Via Certified Mail

7009 3410 0000 2321 2194

Re: CPC # 305-22

Dear M C

COMPLAINT:

M C reported that an incident took place outside of her Bright Minds Academy on 12/30/2022. She said that three plain-clothes officers "drew a gun" in her parking lot, and the school had to go into lockdown. When the uniformed police came, the officer said it was an officer showing his buddies his new gun. C questioned whether the officer was on duty at the time and if he'll be reprimanded for this unprofessional and dangerous behavior. C also mentioned that the 911 dispatcher informed her she could come out of lockdown, but she did not feel comfortable doing so.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): No

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Ofc. P

Other Materials: photographs, email correspondence, firearm statutes

Date Investigation Completed: May 29, 2023

FINDINGS

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

☐

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

☐

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

☐

Policies Reviewed: 1.1.6.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.

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Additional Comments:

This investigation included the review of SOP 2.3.4.A.2.a.b.c.d (four firearms safety rules). Ofc. P referenced these rules during his interview, and the primary officer investigating the incident did not identify any of these rules to be violated. NM Statue 30-7-1, 30-7-2-1, 30-7-4, and 31-18-16, were also reviewed. These statutes pertain to the negligent use of a deadly weapon, carrying a deadly weapon, and unlawful carry of a deadly weapon. Testimony supports that the firearm was never carried, negligently handled, brandished, or discharged. The incident did not occur at the school parking lot as alleged; OBRD shows that the incident occurred at the business parking lot west of Bright Minds. Though the examination of a firearm would preferably be done in private, state statute does not, except in specified circumstances, prohibit the display of a firearm in possible public view. Given societal issues, the concern experienced at the time is understandable, but the investigation revealed that none of these statutes nor SOP 1.1.6.A.1 were violated in this incident.

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

July 14, 2023

Via Certified Mail

7009 3410 0000 2321 2446

Re: CPC # 007-23

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. B reported that he was wrongfully arrested. Mr. B reported that he showed up to work on his scheduled time, and his supervisors called the police for "criminal trespass." Mr. B reported that APD arrived at the scene, detained him, separated him from his things, and arrested him against his will. Mr. B reported that officers opened the contents of his bag and mishandled items, including his sensitive glasses.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer C

Other Materials: PTC Property Sheet and Evidence Property Case Jacket

Date Investigation Completed: May 11, 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.

☐

Policies Reviewed: Procedural Order 2.73.5.A.1

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

☒

Policies Reviewed: Procedural Order 2.71.4.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:

2.71.4.A.1-A review of OBRD videos confirmed that Mr. B returned to Golden Pride less than an hour after Officer C had issued him a criminal trespass notice for that property. Officer C advised Mr. B that he had been advised not to return back to the property and advised he was being arrested for trespassing. OBRD videos confirmed that Officers did search through Mr. B belongings, but that was not until he had been placed under arrest. CPOA Investigator did not observe Officers mishandling Mr. B items, per the complaint.

2.73.5.A.1-After a review of the OBRD Videos, Officer C's Incident Report, and the PTC Inventory list for Mr. B property, there was no indication that anyone located the eyeglasses in question. CPOA Investigator spoke with Mr. B again on 05/03/2023, and he confirmed he had yet to pick up his items from evidence; therefore, he was still not sure what he was missing.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

July 14, 2023

Via Certified Mail

7009 3410 0000 2321 2446



Re: CPC # 007-23

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. B reported that he was wrongfully arrested. Mr. B reported that he showed up to work on his scheduled time, and his supervisors called the police for "criminal trespass." Mr. B reported that APD arrived at the scene, detained him, separated him from his things, and arrested him against his will. Mr. B reported that officers opened the contents of his bag and mishandled items, including his sensitive glasses.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer P.C

Other Materials: PTC Property Sheet and Evidence Property Case Jacket

Date Investigation Completed: May 11, 2023

FINDINGS

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

☐

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

☐

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

☐

Policies Reviewed: Procedural Order 2.71.4.A.1 and Procedural Order 2.82.4.C.3.a

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

☒

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

☐

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

☐

Additional Comments:

2.71.4.A.1-A review of OBRD Videos confirmed that officers gave Mr. B several chances to leave the property, and at one point, Mr. B stated that officers were going to have to arrest him because he was not going to leave. Officers did search through Mr. B belongings, but that was not until he had been placed under arrest. CPOA Investigator did not observe Officers mishandling Mr. B items, per the complaint. 2.82.4.C.3.a-A review of the OBRD Videos confirmed that Officer B.C and Mr. B arrived at Presbyterian; Officer B.C took a plastic bag and a black bag out of the car and placed them on a piece of cement outside of the hospital. Officer B.C took Mr. B out of handcuffs, pointed at his property, and advised Mr. B that his stuff was right there and not to go back to Golden Pride. A review of Officer C's incident report confirmed that Mr. B had his fanny pack with him during the second arrest. Mr. B had claimed that Officer B.C never returned the fanny pack along with other property to him after she dropped him off at the hospital, which was prior to his interaction with Officer C.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

July 6, 2023

Via Certified Mail

7009 3410 0000 2321



Re: CPC # 039-23

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. Z reported that he was on his way home from shopping when his vehicle stalled out at the intersection of Juan Tabo and Menaul. Mr. Z reported that as Mr. Z was waiting for AAA, Officer E approached Mr. Z and asked what was wrong. Mr. Z reported that he advised Officer E that his car had stalled out, and Officer E asked for Mr. Z license, insurance, and registration. Mr. Z reported that Officer E advised Mr. Z that Officer E was going to impound Mr. Z car. Mr. Z reported that he was relieved seeing Officer E, but Officer E did not offer any kind of help. Mr. Z reported that he was shocked, disgusted and utterly dismayed that the officer abused his authority with pure indifference with no care or compassion as to how it would fracture Mr. Z life.

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 E

Other Materials:

Date Investigation Completed: June 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.

☐

Policies Reviewed: Procedural Order 2.44.4.B.2.c

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

☒

Policies Reviewed: Procedural Order 2.48.4.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:

2.44.4.B.2.c-After a review of the OBRD Videos, it was confirmed that Officer E did allow Mr. Z a few chances to start his vehicle, and the vehicle would not start. Officer E advised Mr. Z of the reasoning that the vehicle had to be towed as it could not stay on the roadway. At no time did Officer E advise Mr. Z that Mr. Z vehicle would be impounded.

Per the City Ordinance, Officer E was within his rights as a municipal officer to have Mr. Z vehicle towed.

2.48.4.A.2-Per the SOP in question, an incident report shall be completed regarding the incident in question. Using the information provided by the complainant, and the three different CAD numbers provided, an incident report could not be located. The CPOA recommended a verbal reprimand, which was agreed upon by the Department.

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

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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

July 14, 2023

Via Certified Mail

7009 3410 0000 2321 2460



Re: CPC # 051-23

Dear Ms. M

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

M alleged that Ofc. M never followed up with her following her complaint about PSA Z and requested a call back from her supervisor. Ofc. M identified himself as PSA Z's supervisor. Ofc. M advised he spoke to M and told her he was investigating her complaint against PSA Z.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): No

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: OFC M

Other Materials: email correspondence, City Ordinances, citations, photos

Date Investigation Completed: June 23, 2023

FINDINGS

Policies Reviewed: 1.1.5.A.4

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



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



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.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 M alleged that Ofc. M said he would get back with her and never did. M also alleged she only received a voice message and did not speak with Ofc. M. Based on the available evidence, Ofc. M made contact with M 's son and performed an investigation into M initial 311 request for contact on 11/22/22. He performed his duties as required.

2.8.5.A: Ofc. M said he reviewed the complaint and made contact with M on 11/22/2022. Ofc. M said Ofc. M admitted he did not record the phone call because he did not think it was required by SOP. SOP does expect phone calls to be recorded. The CPOA recommends a Written Reprimand.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

July 14, 2023

Via Certified Mail

74009 3410 0000 2321 2460

Re: CPC # 051-23

Dear Ms. M

COMPLAINT:

Complaint M reported that she was harassed, threatened, and stalked on two incidents (11/11/2022 and 11/14/2022) by Police Service Aide (PSA) Z. On 11/11/2022, M had her driveway redone, so her RV was on the street. PSA Z came that night and spoke with M son about moving the RV, or she was going to tag it as abandoned. She stated that she'd come back every night if she had to. The RV was moved the next day. The second incident was on 11/14/2022: "PSA Z continued to keep coming and cited my truck and anyone that came over. A neighbor told me he saw her sitting across the street a couple of times like she was waiting for the opportunity to come back.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: PSA Z

Other Materials: email correspondence, City Ordinances, citations, photos

Date Investigation Completed: June 23, 2023

FINDINGS

Policies Reviewed: 1.1.5.C.3

- | | |
|---|--|
| 1. Unfounded. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. | <input checked="checked" type="checkbox"/> |
| 2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. | <input type="checkbox"/> |
| 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. | <input type="checkbox"/> |
| 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. | <input type="checkbox"/> |
| 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. | <input type="checkbox"/> |
| 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. | <input type="checkbox"/> |

Additional Comments:

1.1.5.C.3: Though PSA Z did show up at M home on two occasions, she never stalked, threatened, or harassed M as alleged. The initial contact was due to a call for service regarding the RV and subsequent follow up happened once, which at that time, violations were observed. OBRD (11/14/2022) shows that there are no violations by PSA Z, the tickets were warranted. OBRD (11/09/2022, the actual date of contact) review by supervisor Ofc. M also showed there were no violations by PSA Z. The complainant was given ample time to move the RV. The RV was not cited, however, the complainant's truck, her son's girlfriend's car, and her son's friend's truck were all appropriately cited for observed violations by PSA Z. The son agreed that the violations occurred and that the tickets were all paid for. As a result of this investigation, evidence supports that this SOP was not violated.

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

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- 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,
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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

July 14, 2023

Via Certified Mail

7009 3410 0000 2321 2460

Re: CPC # 051-23

Dear Ms. M

COMPLAINT:

Complaint M reported that she was harassed, threatened, and stalked on 02/15/2023 by PSA V. M said, "Another PSA deliberately drove up, walked straight to my truck, ticketed my truck, and left. Not one other vehicle was even looked at. I have the whole incident on my home security camera." M further stated, "At what point are they going to do their job and stop stalking my house? It is unnecessary to continuously keep ticketing me and my company in front of my personal residence. It seems like someone does not deserve to have the authority they have because this is abuse of their position. The citation was for an expired/missing plate which is hilarious because it is clearly there, and they wrote the plate number on the ticket, and it doesn't expire until October 2023."

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: PSA V

Other Materials: email correspondence, City Ordinances, citations, photos

Date Investigation Completed: June 23, 2023

FINDINGS

Policies Reviewed: 1.1.5.C.3

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



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



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



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



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



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



Additional Comments:

1.1.5.C.3: PSA V said the complainant's car caught her attention because it did not have a license plate. The complainant was cited because the plate was not displayed properly on her vehicle, as it was hanging from the inside. Based on City Ordinances obtained during this investigation, this is a clear and obvious violation. The complainant's son was also interviewed and agreed that the violation occurred and that the ticket was paid for.

Though PSA V did show up at M home, she never stalked, threatened, or harassed M as alleged. The citation was appropriate. As a result of this investigation, evidence supports that this SOP was not violated.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

July 26, 2023

Via Email

[REDACTED]

Re: CPC # 052-23

B

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

On 03/10/2023, B submitted a complaint online regarding an incident that initially occurred on 01/20/2023. Mr. B reported that he had attempted to contact Officer R and Sergeant H to no avail on several occasions because he had questions about report 23-0005384, completed by Officer R. Mr. B added that he was also attempting to locate the possessions of the decedent, which the OMI advised were released to the APD but that the APD advised were not in evidence.

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: N/A

APD Employee Involved: N/A

Other Materials: N/A

Date Investigation Completed: June 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:

When interviewed, Mr. B advised that the APD personnel hadn't done anything wrong but had concerns regarding the lack of information in the submitted reports and the lack of communication when requested. Mr. B advised that the issue regarding the possessions of the decedent had been corrected. Mr. B advised that the possessions had been received by the APD from the OMI but, at the time, had not been logged into evidence. Mr. B advised that he had no complaints of misconduct against any APD personnel and requested that the complaint be withdrawn. Mr. B submitted an email to the investigator outlining his concerns and suggestions regarding how APD communicates with those requesting contact (non-call for service) and policies regarding reports and investigations involving deceased individuals. Mr. B reiterated, "I acknowledge the officers did not violate any law or policy. The complaint was initiated to create a record of poor communication from APD members to the community."

This complaint investigation was Administratively Closed because the complaint was withdrawn, and no evidence of a violation in reference to this complaint was discovered during a review of 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. Include your CPC number. Please note, at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:

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

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

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

July 25, 2023

Via Certified Mail

7009 3410 0000 2321 2224

Re: CPC # 054-23

M

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. M reported that Ms. L's behavior was becoming intimidating and inappropriate in the few weeks that Ms. M had known Ms. L. Ms. M reported that Ms. L and her teenage son created a disruptive scene in front of Ms. M five small children, Ms. M husband, and various family members. Ms. M reported that Ms. L used the color of authority to demand Ms. M and the Tribal Police to produce documents regarding the custody agreement and refused to leave until she had viewed the hard copy. Ms. M reported that she feared these drastic, unnecessary measures would continue and that it was a blatant abuse of law enforcement. Ms. M reported that she did not appreciate Ms. L's commanding presence to intimidate Ms. M and her family.

EVIDENCE REVIEWED:

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer L

Other Materials: Isleta Pueblo Police Report

Date Investigation Completed: July 18, 2023

FINDINGS

Policies Reviewed: General Order 1.1.5.C.3

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



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 was unable to interview the Isleta Police Officer that was on the scene, however, per the report, there was nothing noted implying that Officer L was an Officer, or that Officer L caused any form of disturbance during the time of the incident. The Isleta Officer's incident report noted that the Isleta Officer was the one that requested the court order paperwork. APD Payroll verified that Officer L was not working on either of the dates (02/19/2023 and 02/21/2023) that Ms. M reported concerns against Officer L's conduct. There was no evidence located noting Officer L used her color of authority in any way against Ms. M during the reported incidents, as Officer L was not on duty or in uniform during the two specific dates and incidents that Ms. M provided via complaint. During the interview, Ms. M also confirmed that Officer L was not in uniform during either of the dates in question. Officer L due to her relationship with the father of the child would likely have inevitable interactions in a civilian capacity. As any other citizen may, called for a law enforcement standby to avoid a possible confrontation since the child's father could not come due to work. There was no trespass issue at that time due to Ms. M did not inform Officer L she should not return when she initially picked up the child.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

July 28, 2023

Via Email



Re: CPC # 055-23

B

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

During the interview with Mr. B he stated that he wanted to add to his complaint by reporting that there still have not been charges brought against the IPS employee as they were pussy footing around his case. Mr. B stated that APD advised him that they forwarded it to the Bernalillo County District Attorney's Office, and the Bernalillo County DA office is advising Mr. B that they did not have that case. Mr. B stated that his complaint was that they were not being diligent in filing the charges.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Detective J

Other Materials:

Date Investigation Completed: July 25, 2023

FINDINGS

Policies Reviewed: Procedural Order 2.60.6.B.6

- | | |
|---|--|
| 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. | <input checked="checked" type="checkbox"/> |
| 2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. | <input type="checkbox"/> |
| 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. | <input type="checkbox"/> |
| 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. | <input type="checkbox"/> |
| 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. | <input type="checkbox"/> |
| 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. | <input type="checkbox"/> |

Additional Comments:

Procedural Order 2.60.6.B.6-Detective J completed the follow-up investigation in a reasonable amount of time (less than two months from the date of the incident) and forwarded the case to the Shield Unit. CPOA Investigator obtained verification that the Shield Unit forwarded the case to the District Attorney's Office on 05/16/2023 in which an employee from the District Attorney's Office noted that she received the case on 05/17/2023.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

July 28, 2023

Via Email

[Redacted]

Re: CPC # 055-23

B

PO Box 1293

COMPLAINT:

Albuquerque

Mr. B reported that regarding the incident, Mr. B felt that Officer W was biased because he knew who Mr. B was. Mr. B reported that Mr. B was detained in restraints for more than 30 minutes while the other party involved was not detained.

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer W

Other Materials:

Date Investigation Completed: July 25, 2023

FINDINGS

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

☐

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

☐

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☐

Policies Reviewed: General Order 1.1.5.C.3 and Procedural Order 2.60.4.C.1.e

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

☒

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

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☐

Additional Comments:

1.1.5.C.3-After a review of the OBRD Video, it was confirmed that Officer W did advise Mr. B that he had dealt with him on multiple occasions; however, the CPOA Investigator did not observe Officer W treat Mr. B any differently than anyone else on the scene. OBRD also confirmed that Mr. B was already handcuffed in BCSO custody when APD arrived at the scene. OBRD Video also confirmed that IPS staff were laughing and joking while trying to converse with Officers; however, Officer W did not fully partake in their conversation as he kept most conversations about the incident in question.

2.60.4.C.1.e-A review of the OBRD Videos confirmed that Officer W talked to all parties involved at the scene and observed the evidence from both IPS and Mr. B

A review of Officer W's Incident Report confirmed that Officer W forwarded the Case to Central Impact Task Force for further review.

A review of Impact Detective J's supplementary report confirmed that the case was followed up on for further investigation.

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email CPOA@cabq.gov. 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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