

Civilian Police Oversight Agency

Finding Letters of the CPOA

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

March 2024:

135-23	268-23	270-23	272-23	276-23
277-23	280-23	305-23	308-23	311-23
314-23	030-24			

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



March 29, 2024

Via Email

Re: CPC # 135-23

PO Box 1293

COMPLAINT:

Mr. C reported that on 04/26/2023 at approximately 10:00 am, his neighbor (Officer B) called his cell phone and was disrespectful and unprofessional and threatened Mr. C. Mr. C reported that he wanted Officer B to mind his own business and to be cognizant of his duties as a police officer.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer B

Other Materials: Emails and Phone Call logs

Date Investigation Completed: March 1, 2024

FINDINGS

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

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

☐

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:

Mr. C advised CPOA Investigator Sotres that he wanted to withdraw the complaint against Officer B. CPOA Investigator Sotres asked if Mr. C was coerced or forced to withdraw his complaint; Mr. C stated no and confirmed he withdrew it of his own free will.

After a review of the call log provided by Officer B, as well as the documentation the CPOA Investigator received from APD Payroll, it was confirmed that Officer B was not on duty during the phone conversation in question.

This incident will be ADMINISTRATIVELY CLOSED via Mr. C requesting to withdraw the complaint, and the CPOA Investigator did not note any observable violations of SOPs based on the evidence presented.

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:**

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

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

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

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>. Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 4, 2024

Via Email

n

Re: CPC # 268-23

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. B reported that a Security Guard maced him and forced him to stay in his vehicle in a closed area. Mr. B reported that he called the police and explained what happened and wanted charges pressed against the Security Guard. Mr. B reported that the police made him leave the property with the mace still in Mr. B face. Mr. B reported that when he tried to leave the property, he still could not see. Mr. B reported that the officer did not help to provide water for Mr. B to wash his face. Mr. B reported that he called the officer to follow up if there were any charges made against the Security Guard, and the officer advised Mr. B that they went with what the Security Guard told the officer and justified the Security Guard spraying Mr. B with mace.

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 B

Other Materials: physical visit to location

Date Investigation Completed: February 22, 2024

FINDINGS

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

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

☐

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

☐

Policies Reviewed: General Order 1.1.5.A.4

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

☒

Policies Reviewed: Procedural Order 2.8.5.A

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

☒

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

☐

Additional Comments:

1.1.5.A.4- The OBRD Videos confirmed Mr. B was no longer in his car when officers arrived. Per the CAD, Mr. B was outside of his vehicle attempting to walk inside the gas station less than three minutes after he contacted law enforcement. A review of the OBRD Videos confirmed that Mr. B was advised more than once by officers that they were not forcing Mr. B to leave until he was good. Mr. B eventually told officers he was "good" before he got into his vehicle and drove off the property. A review of the OBRD Videos confirmed that Officers did call Rescue, who came and offered to assess Mr. B. A review of the OBRD Videos confirmed that Officer B spoke with both parties involved and did ask the Security Guard if there were cameras that would have recorded the incident. During the interview, Officer B advised the CPOA Investigator that he looked around and could not see any cameras in the area where the incident occurred. A physical visit identified only one camera not for the parking area. 2.8.5.A-The CPOA Investigator was unable to verify what occurred during the phone call between Officer B and Mr. B as the call was not recorded per policy. A written reprimand was recommended.

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.

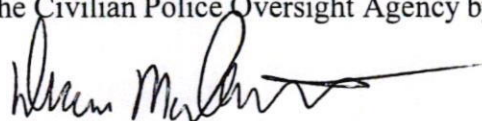
Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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

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

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 13, 2024

Via Email

Re: CPC # 270-23

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. C's partner was involved in an accident and contacted him to respond to the accident scene to pick up his belongings. Mr. C's partner had a warrant for a missed court appearance (cell phone ticket) and would be taken to jail. When Mr. C arrived, he wanted to know from the officers why his partner was arrested for a cell phone violation.

Mr. C alleged that Officer S immediately got aggressive and became verbally abusive. Mr. C added that Officer S yelled and was very demanding. Officer S, who said this was his scene, would tell him to do things opposite of what Officer J told him. Mr. C felt very nervous and scared for his safety.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer S

Other Materials: N/A

Date Investigation Completed: February 28, 2024

FINDINGS

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

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Policies Reviewed: 1.1.5.A.1

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

☒

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

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

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

☐

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:

After a review, the investigation determined, by a preponderance of the evidence, that Officer S violated policy during his interaction with Mr. C. A review of both officers' lapel video partly corroborated what Mr. C alleged in his complaint and during his interview. Officer J was the primary officer assigned to the accident scene, and Officer S had left and was asked to return for possible safety concerns. Officer J already had established rapport. Officer S' engagement with Mr. C was unnecessary as he was only there to stand by. Mr. C did not understand the arrest for a simple issue such as a cell phone ticket and questioned the situation. Officer S quickly reacted to what he perceived to be an attitude from Mr. C and did not utilize his training to de-escalate his interaction with Mr. C. Based on the available evidence, Officer S was not professional and was antagonistic with Mr. C; however, there was no indication or statement that Mr. C would be arrested, contrary to his assertion. 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
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



March 29, 2024

Via Certified Mail

7017 2680 0000 5951 9808

Re: CPC # 272-23

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. G : called the CPOA over the phone and alleged that Officer E approached him, grabbed him by his arm, pulled him over to the side, and told him to sit like he was a dog. Mr. G : added that Officer E asked for his name even though he did not believe he needed to give his name because he had not committed any crime. Mr. G : alleged that he could only leave once he provided his name to the officers, which he did.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer E

Other Materials: n/A

Date Investigation Completed: March 4, 2024

FINDINGS

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

☐

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

☐

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

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Policies Reviewed: 2.71.4.A.1

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

☒

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:

After review, the investigation had determined, by a preponderance of the evidence, that Officer E did not violate policy during her encounter with Mr. G . A review of Officer E's lapel video corroborated what happened on the scene and what she said occurred during her interview. Officer E was correct when she said she used "reasonable suspicion" as authorization to stop Mr. G , who was thought to be involved in criminal activity. She articulated that she observed Mr. G : strike or almost strike an unidentified male with his bicycle. She approached Mr. Gutierrez, stopped him to investigate further, and attempted to obtain his identity. After a while, Mr. G : agreed to make his identity known to another officer on the scene. In addition, Officer E de-escalated her encounter with Mr. G : when she stopped asking him to sit down and allowed another officer to talk to Mr. G : and gain his identity, which calmed Mr. G : down.

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
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

March 12, 2024

Via Certified Mail

7017 2680 0000 5951 9662

Re: CPC # 276-23

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

Ms. R | reported that Officer W was not interested in her issues with her neighbor.
Ms. R | reported that Officer W could not file a report for her because her issue was not illegal, and she felt like the Officer was taking her neighbor's side. Ms. R | reported she may have observed Officer W rolling his eyes while he was speaking with Ms. R. Ms. R | reported that every Officer who had ever gone to her house addressed her as Ms. R | and Officer W addressed her as Miss, and to her, that was not proper.

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 W

Other Materials: n/a

Date Investigation Completed: March 7, 2024

FINDINGS

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

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

☐

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

☐

Policies Reviewed: General Order 1.1.5.A.4

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

☒

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

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Additional Comments:

General Order 1.1.5.A.4-After a review of SOP 2-16 (Reports), it was confirmed that the incident in question did not meet the requirement to complete an incident report.

A review of the OBRD Video confirmed that Officer W did attempt to speak with Ms. Roybal's neighbor as he walked across the street, rang the doorbell two times, and knocked on the door.

A review of the OBRD Video confirmed that Officer W spent an ample amount of time speaking with Ms. R about her concerns.

A review of the OBRD Video confirmed that Officer W did advise Ms. R that the neighbor in question did not have any trees in their yard and the leaves in question were coming from Ms. Roybal's trees; however, nothing Officer W said or did during the incident violated the policy in question.

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email CPOA@cabq.gov. 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
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



March 19, 2024

Via Certified Mail

7017 2680 0000 5951 9761

Re: CPC # 277-23

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

P submitted a complaint on 11/15/2023 regarding an incident that occurred on 09/21/2023. Mr. P reported that Officer A responded and took report number 23-0076081 regarding his vehicle being stolen. Mr. P reported that Officer A "stated that she would send an email to my property manager so she could upload a video of the theft." Mr. P reported that he felt like Officer A "did not do her job and let my complaint fall through the cracks" because Officer A never sent the email, and the video was about to expire.

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer A

Other Materials: Email Communications and Evidence.com Log

Date Investigation Completed: March 5, 2024

FINDINGS

Policies Reviewed: 2.60.4.C.1.e (Preliminary Investigation)

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



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



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



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



Policies Reviewed: 2.16.5.C.1 (Reports)

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



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



Additional Comments:

2.16.5.C.1: It was determined that Officer A did not complete the report related to this incident within the mandated time frame.

2.60.4.C.1.e: It was determined that Officer A did send the Evidence.com link as advised and that the recipient overlooked it.

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:**

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

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

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

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>. Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



March 22, 2024

To File

& Via Hand Delivery

Re: CPC # 280-23

COMPLAINT:

PO Box 1293

On 11/16/2023, C submitted a signed handwritten complaint in person to CPOA staff regarding an incident that occurred on 10/24/2023. Ms. C reported that she had filed report 23-0085780 with Officer J on 10/24/2023, which had yet to be approved by a supervisor.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant G

Other Materials: Email Communications

Date Investigation Completed: March 15, 2024

FINDINGS

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

☐

Policies Reviewed: 2.16.5.C.1.b

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

☒

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

☐

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

☐

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

☐

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

☐

Additional Comments:

2.16.5.C.1.b: It was determined that Sergeant G did not complete the review and approval of the report related to this incident within the mandated time frame.

The CPOA recommends a verbal reprimand.

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email CPOA@cabq.gov. 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
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



March 29, 2024

Via Certified Mail

7017 2680 0000 5951 9839

Re: CPC # 305-23

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Ms. C submitted a complaint over the phone to the CPOA and alleged that the officers did not provide her with any information about the accident her son was involved in when she arrived on the scene. Ms. C also alleged that she asked for the officer's name, badge number, and report number, which was not provided to her, and was told that all that information would be on the report. During her interview, Ms. C reported that the officers were rude and disrespectful.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer S.

Other Materials: N/A

Date Investigation Completed: March 21, 2024

FINDINGS

Policies Reviewed: 1.1.6.A.2

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



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



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



Policies Reviewed: 1.1.5.A.4

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



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



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



Additional Comments:

After review, the investigation determined, that Ofc. S committed no policy violations during his interaction with Ms. C. A review of Ofc. S' lapel video corroborated what he said about what happened and what occurred on the scene while disproving her allegations against Ofc. S. Reviewing Ofc. S' lapel video when he spoke with Ms. C she asked for his name later during their interaction, and Ofc. S. gave it to her. She did not ask for his badge number. Ms. C during her conversations with Ofc. S, gave her son permission to drive her car and was fully aware that her son had caused the accident when he crashed into parked cars and was found to have been driving while intoxicated. Ms. C would later change her story about giving her son permission to drive her car. Ofc. S was never rude or disrespectful to Ms. C.

Ms. C ended her interview with the investigator abruptly as she objected to the questions concerning her allegations and concluded that the investigator did not believe her.

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

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

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



March 29, 2024

Via Certified Mail

7017 2680 0000 5951 9839

Re: CPC # 305-23

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Ms. C submitted a complaint over the phone to the CPOA and alleged that the officers did not provide her with any information about the accident her son was involved in when she arrived on the scene. Ms. C also alleged that she asked for the officer's name, badge number, and report number, which was not provided to her, and was told that all that information would be on the report. During her interview, Ms. C reported that the officers were rude and disrespectful.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer C-G.

Other Materials: N/A

Date Investigation Completed: March 21, 2024

FINDINGS

Policies Reviewed: 1.1.6.A.2

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



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



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



Policies Reviewed: 1.1.5.A.4

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



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



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



Additional Comments:

After review, the investigation determined, by a preponderance of the evidence, that Ofc. C-G committed no policy violations during his interaction with Ms. C. A review of Officer C-G's lapel video corroborated what he said about what happened and what occurred on the scene while disproving Ms. Cook's allegations against him. Reviewing Ofc. C-G's lapel video showed that Ms. C did not ask him for his badge name, badge number, or incident number as alleged in her complaint. During his initial interaction with Ms. C Ofc. C-G introduced himself, saying his name and disproving Ms. Cook's allegation that he did not provide his name when she asked him. Irritated and not wanting to wait any longer, Ms. C was denied entry into her car to collect personal and work items by Officer C-G. Increasingly irritated, Ms. C had to answer redundant questions and wait longer for the towing sheet to be printed. As she turned around and walked to the curb, Ms. C cursed at Ofc. C-G because he told her that she could not get anything from her car. Ofc. C-G remained professional, was never rude or disrespectful with Ms. 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
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



March 27, 2024

Via Certified Mail

7017 2680 0000 5951 9815

Re: CPC # 308-23

COMPLAINT:

PO Box 1293

On 12/20/2023, Jessica S submitted a complaint via telephone to CPOA staff regarding a traffic stop that occurred on 12/20/2023 at 1500 hours at "Española/Central." Ms. S reported that Sergeant D was rude and unprofessional.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant D

Other Materials: Uniform Citations & Email Communications

Date Investigation Completed: March 14, 2024

FINDINGS

Policies Reviewed: 1.1.5.A.1

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



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



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



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



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



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



Additional Comments:

It was determined that Sergeant D raised his voice momentarily in order to instruct Mrs. S not to speak for Mr. S and to just listen because she continually attempted to talk over him and Mr. S had to be aware of the information being provided and make a choice because refusing to sign the citations could result in his arrest. Sgt. D did not tell them there was nothing he could do about the citations *"because it was the officer's word against ours."* Sgt. D tried to explain that he didn't have the power to overrule the citation, that they weren't in court, and that both parties had their version of what had occurred. In general, Sgt. D maintained a professional, polite, and respectful tone of voice, even going so far as to lower or soften his voice at one point to deescalate Mr. and Mrs. S

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



March 27, 2024

Via Certified Mail

7017 2680 0000 5951 9815

Re: CPC # 308-23

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 12/20/2023, Jessica S submitted a complaint via telephone to CPOA staff regarding a traffic stop that occurred on 12/20/2023 at 1500 hours at "Espanola/Central." Ms. S reported that Officer P was rude to her husband, whom she did not wish to identify. Ms. S reported that Officer P waited four blocks before pulling them over and cited her husband for multiple infractions. Ms. S reported that her husband tried explaining that he wasn't on his cellular telephone. Ms. S reported that she requested to speak with a supervisor.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer P

Other Materials: Uniform Citations & Email Communications

Date Investigation Completed: March 14, 2024

FINDINGS

Policies Reviewed: 1.1.5.A.1, 1.4.4.B.1.a & 3.41.4.A.4.a

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



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



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.B

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



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



Additional Comments:

It was determined that Officer P never raised his voice, wasn't rude, unprofessional, and never threw a fit. Officer P maintained a professional, polite, and respectful tone of voice and demeanor, even when challenged and a supervisor requested. It was determined the traffic stop was based on a perceived traffic violation. As part of the Metro Traffic Division the officer's job was to conduct traffic enforcement. Mrs. S reported that she honestly and legitimately felt Officer P had stopped them because he was trying to meet a quota, yet Mr. S added in that he could have also been profiled because he was Hispanic with tattoos, just like Officer P. Due to the suspended license, things could have been taken further if in fact the officer was profiling or had a quota to meet. Officer P issued all of the citations at the same time, he did not add any when a supervisor was requested. It was determined that Officer P erred and did not utilize his OBRD to record the initial contact. However, the primary complaints were captured on OBRD and an assessment of the complainants' credibility with the allegations covered during the recorded portions, supported the officer's account of the stop. 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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- 3) that the findings and recommendations were not consistent with the record evidence.

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



March 29, 2024

Via Email

Re: CPC # 311-23

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 12/14/2023 at 1552 hours, R submitted a complaint online to the CPOA regarding an incident that occurred on 12/14/2023 at 0930 hours at Ms. R reported that she called 242-COPS and 911 to report that a six-year-old child had been left "unattended/neglected" by his mother. Ms. R reported that Officer H told her, "You are the property manager and your main focus should be the property, not the tenants." Ms. R stated another officer told her, "Yeah, I am the one who came to unit 8 or unit 9." Ms. R reported that she took the officer's comments as an implication to mind her own business and felt like she wasn't being heard.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer H-P

Other Materials: Email Communications

Date Investigation Completed: February 7, 2024

FINDINGS

Policies Reviewed: 1.1.5.A.4 (Misconduct)

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



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



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



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



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



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



Additional Comments:

It was determined that Officer H-P did not tell Ms. R that *"You are the property manager and your main focus should be the property, not the tenants."* Multiple statements made by Ms. R in her submitted complaint and during her recorded interview with the investigator were found to be inconsistent with the associated evidence. Ms. Romero's feelings about the comments were based on her perceptions, not facts.

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email CPOA@cabq.gov. 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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- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

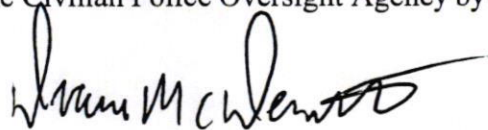
Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



March 29, 2024

Via Email

Re: CPC # 311-23

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 12/14/2023 at 1552 hours, R submitted a complaint online to the CPOA regarding an incident that occurred on 12/14/2023 at 0930 hours at . Ms. R reported that she called 242-COPS and 911 to report that a six-year-old child had been left "unattended/neglected" by his mother. Ms. R reported that Officer H told her, "You are the property manager and your main focus should be the property, not the tenants." Ms. R stated another officer told her, "Yeah, I am the one who came to unit 8 or unit 9." Ms. R reported that she took the officer's comments as an implication to mind her own business and felt like she wasn't being heard.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer P

Other Materials: Email Communications

Date Investigation Completed: February 7, 2024

FINDINGS

Policies Reviewed: 1.1.5.A.4 (Misconduct)

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



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



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



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



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



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



Additional Comments:

It was determined that Officer P had not "yelled, get back in your unit!" Officer P asked Ms. R about the previous tenants in unit #9 to confirm that they weren't the same tenants currently in unit #8. Multiple statements made by Ms. R in her submitted complaint and during her recorded interview with the investigator were found to be inconsistent with the associated evidence. Ms. Romero's feelings about the comments were based on her perceptions, not facts.

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email CPOA@cabq.gov. 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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- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
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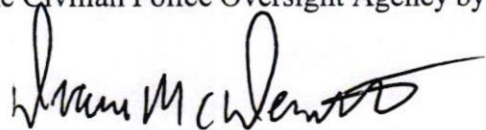
Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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 interim status of the Executive Director. Your patience is appreciated.

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

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



March 29, 2024

Via Certified Mail

7017 2680 0000 5951 9655

Re: CPC # 314-23

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

On 12/23/2023, Ms. S submitted an online complaint regarding an incident that occurred on 12/22/2023 at 1245 hours. Ms. S alleged that two Police Service Aide (PSA) members mistreated her at a traffic intersection on Gibson Blvd SE. Ms. S was lost due to a traffic accident that resulted in several street closures along Gibson Blvd SE. When she approached a male and female PSA member to ask for help and directions, she was immediately yelled at by the PSAs. They both screamed NO, NO, at her and did not get a chance to ask them for help.

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: N/A

APD Employee Involved: unidentified

Other Materials: n/a

Date Investigation Completed: March 21, 2024

FINDINGS

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

Additional Comments:

This case was administratively closed due to insufficient information to proceed further. Ms. S acknowledged that she could not identify the two PSAs by name, vehicle number, or location of the alleged incident. Mr. S provided no additional relevant information. In addition, during the date and time, several male and female PSAs worked a fatal traffic incident and were deployed at intersections to direct traffic away from the incident. The PSA lapel videos on evidence.com were downloaded and reviewed. Of the several videos of male and female PSAs that showed interaction with the public, all were cordial, professional, and respectful.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



March 29, 2024

Via Email

Re: CPC # 030-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Mr. A submitted a complaint on 02/04/2024 alleging that Chief M relied upon the ABQ City Finance Department Director as his designee to interfere (quash) - by utilizing a fraudulent APD Internal Affairs (IA) investigation - with a New Mexico Attorney General's criminal investigation in violation of, but not limited to, APD IA process policies, NM criminal law(s), and portions of the Federal Court Approved Settlement Agreement (CASA) related, but not limited, to APD IA investigation requirements.

EVIDENCE REVIEWED:

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Chief M

Other Materials: IPRA Supplied Information, News Article, & Email Communications

Date Investigation Completed: March 13, 2024

FINDINGS

Policies Reviewed: 1.1.4.D.14 (Conduct)

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

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

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Additional Comments:

The materials provided Mr. A by IPRA as the basis of his complaint were involving two different investigation requests. There was no email from the finance director to the AG to halt an investigation. There was no email from Chief M to the finance director instructing or directing any activity. There was no evidence Chief M halted an AG criminal investigation. The news story criticized the internal affairs investigation, which was an administrative investigation. When the news story was published (May 4) the AG referral from Chief M had occurred (April 2). The finance director's communication was to the State Auditor's office. There was no evidence provided or obtained that Chief M had a direct role in the IA investigation. It was determined that based on the information received within the investigation, the lack of additional details beyond the written complaint provided by Mr. A and the information he referenced, and the lack of evidence to demonstrate that Chief M had the Attorney General's Office criminal investigation referral 'quashed', Chief M did not commit a policy violation.

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. Include your CPC number. Please note that the Advisory Board is working towards completing older appeals filed when the Board was being reconfigured. If your appeal request is filed in a timely manner, you will be notified when your appeal will be scheduled, and more information will follow. Once normal procedures resume, the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

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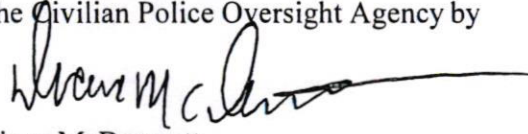
Administratively closed complaints may be re-opened if additional information becomes available.

Being that this case involves the Chief of Police, the Departmental review of the case is conducted by the City's Chief Administrative Officer. The City's Chief Administrative Officer is the final disciplinary authority in reference to the Chief of Police.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: City of Albuquerque Chief Administrative Officer