



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 June 2023. The findings become part of the officer's file, if applicable.

June 2023:

233-22	249-22	277-22	278-22	291-22
296-22	297-22	061-23	076-23	

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

June 6, 2023

To File

Anonymous

Re: CPC #233-22

Dear Anonymous:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Anonymous reported driving home from therapy when an officer pulled him over. He said I was doing 52 mph in a 45mph. I tried to tell him I thought I was going 45 mph and maybe my speedometer had been wrong, but either way, I was sorry for speeding. Instead, he cut me off and said my speedometer was wrong, and he said he was glad I said that because that was still five over and thus speeding. He said it was all on camera and asked why I was giving him so much flack. He raised his voice at me and took a step closer to my car. I already felt intimidated, but this made me feel really unsafe. I burst into tears and was hyperventilating because of how terrified I was.

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 M

Other Materials: Not Applicable

Date Investigation Completed: January 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.

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

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

Policies Reviewed: 1.1.5.A.1 (Public Welfare)

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.1: It was determined that Officer M was stern and somewhat abrupt in response to Anonymous' comments regarding his denial of speed and his father being in law enforcement, but Officer M's demeanor and actions did not rise to a level considered unprofessional, discourteous, or disrespectful. Officer M did not intimidate or provoke Anonymous to the point of being stressed or upset because Anonymous was visibly upset and stressed when Officer M initially approached Anonymous' vehicle.

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.

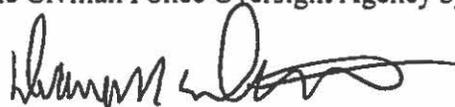
Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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

June 6, 2023

Via Certified Mail

7020 1810 0000 6296 6268

Re: CPC # 249-22

C

PO Box 1293

COMPLAINT:

C submitted a complaint on 10/10/2022 that alleged Sergeant N refused to do his job by having Officer H do his job.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): N/A

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant N

Other Materials: Email Communications, CPC 192-22

Date Investigation Completed: February 15, 2023

FINDINGS

Policies Reviewed: 3.14.4.A.1.b (Supervision)

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

Additional Comments:

3.14.4.A.1.b: It was determined that Sergeant N was not Officer H's supervisor when the incident occurred (05/15/2022). Officer H later transferred to a new unit, and only then did Sgt. N become his supervisor. Sgt. N responded (09/28/2022) to an email he received (09/28/2022) from G ... and advised her that her original complaint concerning Officer H was under investigation by the proper entity (CPOA) and that they (APD) could assist her with the appropriate administrative request when the investigation was concluded. The allegations against Officer H were investigated separately from this complaint as they were filed in a separate complaint (CPC 192-22).

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

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

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

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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

June 6, 2023

Via Email

Re: CPC # 277-22

S

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

S submitted a complaint that alleged officers responded to a domestic violence call at her residence on 11/27/2022 at 2215 hours. Ms. S alleged that the officers ran her name, found out who she was, and found out about a previous incident. Ms. S alleged the officers were rude, talked shit about another incident, said she deserved to be beaten and killed, that she should be in jail, and that she should die. Ms. S alleged that the officers turned off their lapel cameras, lied to a lieutenant, didn't arrest her abuser, filed a false report, and tried to make a witness file a false statement against her. Ms. S listed one witness and four officers on the submitted complaint.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: No

APD Employee Involved: Dispatcher L (Officer L)

Other Materials: Email Communications

Date Investigation Completed: January 20, 2023

FINDINGS

Policies Reviewed: 1.1.5.A.1, 1.1.6.A.3, 2.78.4.A.3.b, 2.78.4.A.3.f, & 2.8.5.A

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Additional Comments:

The investigation determined that all of the allegations against "Officer L" were unfounded because Officer L was not an officer and was not on the scene. Officer L was an APD telecommunications operator and listed on the computer-aided dispatch log because she logged 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:

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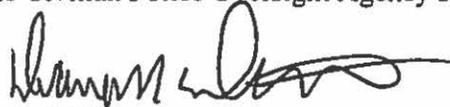
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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

June 6, 2023

Via Email

Re: CPC # 277-22

S

PO Box 1293

COMPLAINT:

Albuquerque

NM 87103

S submitted a complaint that alleged officers responded to a domestic violence call at her residence on 11/27/2022 at 2215 hours. Ms. S alleged that the officers ran her name, found out who she was, and found out about a previous incident. Ms. S alleged the officers were rude, talked shit about another incident, said she deserved to be beaten and killed, that she should be in jail, and that she should die. Ms. S alleged that the officers turned off their lapel cameras, lied to a lieutenant, didn't arrest her abuser, filed a false report, and tried to make a witness file a false statement against her. Ms. S listed one witness and four officers on the submitted complaint.

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: No

APD Employee Involved: Operator F (Officer F)

Other Materials: Email Communications

Date Investigation Completed: January 20, 2023

FINDINGS

Policies Reviewed: 1.1.5.A.1, 1.1.6.A.3, 2.78.4.A.3.b, 2.78.4.A.3.f, & 2.8.5.A

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Additional Comments:

The investigation determined that all of the allegations against "Officer F" were unfounded because Officer F was not an officer and was not on the scene. Officer F was an APD telecommunications operator and listed as the dispatcher on the computer-aided dispatch log.

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

June 6, 2023

Via Email

Re: CPC # 277-22

S

PO Box 1293

COMPLAINT:

Albuquerque

NM 87103

S submitted a complaint that alleged officers responded to a domestic violence call at her residence on 11/27/2022 at 2215 hours. Ms. S alleged that the officers ran her name, found out who she was, and found out about a previous incident. Ms. S alleged the officers were rude, talked shit about another incident, said she deserved to be beaten and killed, that she should be in jail, and that she should die. Ms. S alleged that the officers turned off their lapel cameras, lied to a lieutenant, didn't arrest her abuser, filed a false report, and tried to make a witness file a false statement against her. Ms. S listed one witness and four officers on the submitted complaint.

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 O

Other Materials: Email Communications

Date Investigation Completed: January 20, 2023

FINDINGS

Policies Reviewed: 1.1.5.A.1, 1.1.6.A.3, 2.78.4.A.3.b, 2.78.4.A.3.f, & 2.8.5.A

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Additional Comments:

The investigation determined that Officer O was professional, never said anything about any other incidents, and never said that S deserved to be beaten and killed, that she should be in jail, or that she should die. The investigation determined that Officer O did not arrest the alleged abuser because she was not the investigating officer. It was determined that Officer O recorded the entire interaction with her department-issued OBRD. There was no mention of the use of recording devices during the incident. Officer O did not complete a report because she was not the investigating officer. Officer O did not lie to a lieutenant or any other supervisor because one was never on the scene or contacted during the incident.

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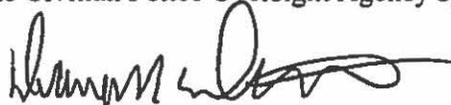
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cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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June 6, 2023

Via Email

Re: CPC # 277-22

S

PO Box 1293

COMPLAINT:

Albuquerque

NM 87103

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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: Email Communications

Date Investigation Completed: January 20, 2023

FINDINGS

Policies Reviewed: 1.1.5.A.1, 1.1.6.A.3, 2.78.4.A.3.b, 2.78.4.A.3.f, & 2.8.5.A

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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:

The investigation determined that Officer B was professional, never said anything about any other incidents, and never said that S deserved to be beaten and killed, that she should be in jail, or that she should die. The investigation determined that Officer B did not arrest the alleged abuser because he was not the investigating officer. It was determined that Officer B recorded the entire interaction with his department-issued OBRD. There was no mention of the use of recording devices during the incident. Officer B did not complete a report because he was not the investigating officer. Officer B did not lie to a lieutenant or any other supervisor because one was never on the scene or contacted during the incident.

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA 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.

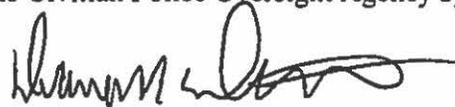
Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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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>. 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

June 6, 2023

Via Email

Re: CPC # 277-22

S

PO Box 1293

COMPLAINT:

Albuquerque

NM 87103

S submitted a complaint that alleged officers responded to a domestic violence call at her residence on 11/27/2022 at 2215 hours. Ms. S alleged that the officers ran her name, found out who she was, and found out about a previous incident. Ms. S alleged the officers were rude, talked shit about another incident, said she deserved to be beaten and killed, that she should be in jail, and that she should die. Ms. S alleged that the officers turned off their lapel cameras, lied to a lieutenant, didn't arrest her abuser, filed a false report, and tried to make a witness file a false statement against her. Ms. S listed one witness and four officers on the submitted complaint.

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: Email Communications

Date Investigation Completed: January 20, 2023

FINDINGS

Policies Reviewed: 1.1.5.A.1, 1.1.6.A.3, 2.78.4.A.3.f, & 2.8.5.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.

Policies Reviewed: 2.78.4.A.3.b

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

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

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

Additional Comments:

The investigation determined that Officer W was professional, never said anything about any other incidents, and never said that S deserved to be beaten and killed, that she should be in jail, or that she should die. The investigation determined that Officer W summonsed the alleged abuser for battery in lieu of custodial arrest because the alleged abuser was too intoxicated to be taken to jail and because it was not reasonably necessary to protect Ms. S because she had already physically removed the alleged abuser, he did not have access to the residence, and he left when requested to do so by Officer W. It was determined that Officer W recorded the entire interaction with his department-issued OBRD. There was no mention of the use of recording devices during the incident. Officer W completed a report with some clerical issues, but that aligned with the available evidence. Officer W did not lie to a lieutenant or any other supervisor because one was never on the scene or contacted during the incident.

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA 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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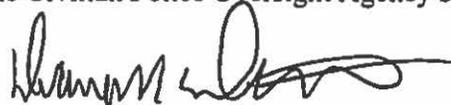
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If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>. There was a delay in the issuance of findings due to the resignation of the Executive Director and another not 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

June 6, 2023

To File

Anonymous

Re: **CPC # 278-22**

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

An Anonymous complainant reported that on 11/30/2022 at around 11:00 pm, a PSA Chevy Silverado pulled up to the complainant's neighbor's house, and the vehicle remained there for around an hour completely unoccupied as the PSA female driving the vehicle had gone inside the house. The complainant reported that the PSA remained inside the house for about an hour, and no police work was done. The complainant reported that they could not imagine why the PSA would have parked their vehicle at a random house and gone inside for around an hour. The complainant reported that the PSA was in full uniform, and the PSA's vehicle number was WPS2.

EVIDENCE REVIEWED:

Video(s): N/A

APD Report(s): N/A

CAD Report(s): No

Complainant Interviewed: No

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: PSA E

Other Materials: PSA E Unit Detail Sheet

Date Investigation Completed: April 4, 2023

FINDINGS

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

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

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

Policies Reviewed: General Order 1.1.6.C.1

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

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

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:

General Order 1.1.6.C.1- PSA E confirmed she did go to Mobile Intelligence Tech C's home to obtain printer paper as she had run out and was working on a report. During the interview, Mobile Intelligence Tech C's statement corroborated PSA E's statement regarding the reason PSA E went to his house and how long PSA E was inside Mobile Intelligence Tech C's home using the restroom. PSA E confirmed she stayed parked outside of Mobile Intelligence Tech C's house to finish a report. PSA E's Sergeant (Sergeant J) confirmed that PSA E was working City-Wide and with the DWI Unit at the time of the incident. Sergeant J noted that PSA E would have been able to obtain paper (printer paper) from any APD Personnel or the substation. Due to the complainant not providing any contact information, the CPOA Investigator was unable to reach out to the complainant to inquire if the complainant had any additional evidence to support their allegation.

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

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

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

June 6, 2023

Via Certified Mail

7020 1810 0000 6296 6343

Re: CPC # 291-22

J

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. J reported several complaints regarding APD Personnel hacking her computer, burglarizing her home, harrassing her her on social media, impersonating her online, in public, sharing her medical records, and defaming her publicly. Ms.

J reported that APD Personnel had currency to exploit her, black mail her into participating in bitcoin scams and defamed her at the baloon fiesta with KOAT 7. Ms.

J reported they posed as FBI and lied to her, when she tried to file an assault and harrasment in her home. Ms. J reported that the Chief, Deputy Chief L and the Governor took \$50,000 to physically hurt her, blackmail her, do flyovers to intimidate her, ruin her career, defame her and make her look like a low-life trailer trash whore.

EVIDENCE REVIEWED:

Video(s): N/A

APD Report(s): Yes

CAD Report(s): No

Complainant Interviewed: No

Witness(es) Interviewed: No

APD Employee Interviewed: No

APD Employee Involved: Several APD Employees

Other Materials: n/a

Date Investigation Completed: April 18, 2023

FINDINGS

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

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

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

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

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Additional Comments:

Due to Ms. J not participating in the interview process, the CPOA Investigator was unable to obtain specific details, clarification, and evidence from Ms. J regarding Ms. J several complaints against APD Personnel.

This Incident will be ADMINISTRATIVELY CLOSED via lack of information in the complaint

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA 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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If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>.

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

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

June 6, 2023

Via Email

Re: CPC # 296-22

J

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. J reported that an officer named "Tony" took naked pictures of her body on his cell phone and was the biggest assailant. "Tony" tried to help lift Ms. J from a chair in the hospital, causing bruising on her left arm. Ms. J reported that an officer named "Daniel" ripped all the sheets off her body in front of all the other officers. Ms. J said that "Katarina" or "Katrina" physically assaulted her and violently handcuffed. She told officers that she needed medical treatment because she was bleeding. Ms. J reported that she was transferred to Kaseman Hospital and was placed in restraints. That officers made fun of her. That she was bitten by a dog. Ms. J said if she seen there face she could identify them.

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: Not Applicable

Other Materials: IAFD Investigative Report F2022-000617

Date Investigation Completed: April 26, 2023

FINDINGS

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

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

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

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 complaint was Administratively Closed as the investigation was duplicative of the investigation conducted by APD Internal Affairs Force Division (IAFD). The CPOA investigator reviewed the force investigation and found that the investigation was conducted thoroughly and determined that the investigation addressed the issues raised by the complainant. The allegations made By J were included in the IAFD investigation. The CPOA does not conduct duplicative investigations; instead reviews and confirms that the complainant's concerns were addressed. The outcome of the conducted Use of Force case may be obtained by submitting an Inspection of Public Records Request at <https://nextrequest.cabq.gov/>. Additional concerns involved hospital security staff who were not APD personnel.

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

June 6, 2023

Via Certified Mail

7020 1810 0000 6296 6275

Re: CPC # 297-22

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. S reported that she wanted the harassment to stop. Ms. S reported that on 12/15/2022, Ms. S was helping her husband get to the restroom, and there were five officers banging on her front Security door so loud and rough that she thought they were going to pull it apart. Ms. S reported that the officers knew her phone number, so there was no reason for such abuse. Ms. S reported that one of the officers went to the backyard and started knocking on windows while another was checking the sides of the house. Ms. S reported that Detective B continued with her demands and abuse that Ms. S come up with a plan and gave Ms. S a deadline or Detective B was going to the DA's Office regarding Ms. S removing herself from her home.

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: Detective B

Other Materials: n/a

Date Investigation Completed: April 26, 2023

FINDINGS

Policies Reviewed: General Order 1.1.4.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.

Policies Reviewed: General Order 1.1.5.C.3

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

General Order 1.1.5.C.3-After a review of the OBRD Videos, it was noted that Detective B was advising Ms. S what could happen to Ms. S if Ms. S did not come up with a plan regarding the criminal issue. OBRD Video confirmed that Detective B did advise Ms. S about a deadline however the CPOA Investigator did not observe Detective B or any of the other officers intimidating, abusing, harassing, or advising Ms. S she needed to give Ms. Webster money per the complaint.

After a review of OBRD Videos, it was confirmed that Detective B and some of the other APD Personnel were knocking on Ms. S security door and windows around the house but at no point did the CPOA Investigator observe any of the APD Personnel try to rip the security door off or knock on the door or windows excessively per the complaint.

General Order 1.1.4.A-After a review of OBRD Videos and completion of the interviews, there was no evidence located or provided noting that Detective B aided and abetted a crime on Ms. Webster's behalf per the complaint. At no time did Detective B advise Ms. S that Ms. S had to pay Ms. Webster, per the complaint.

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

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

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

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

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

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

June 6, 2023

Via Certified Mail

7020 1810 0000 6296 6374

Re: CPC # 061-23

M

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

On 03/20/2023, M submitted a complaint online regarding an incident that occurred at 3000 Glenwood Drive Northwest on 03/19/2023 at 1045 hours. Mr. M alleged that he had to pay \$300.00 for no reason because an officer towed his vehicle because the passenger door was ajar. Mr. M reported that he wanted his "money back or something" and that the vehicle was towed for no reason, was legally parked, and had current tags.

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: Not Applicable

Other Materials: Policy 2-48 Towing

Date Investigation Completed: May 18, 2023

FINDINGS

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

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

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

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

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

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

Additional Comments:

This complaint investigation was Administratively Closed because the complaint was withdrawn on 03/28/2023. Mr. M acknowledged he was unaware the door had been fully left open and that someone had reported the vehicle to police. The contact information available for the car was outdated. Additionally, there was no violation of standard operating procedures regarding this complaint 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:

- 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.

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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

June 22, 2023

Via Email

Re: CPC # 076-23

M

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

On 04/03/2023, M submitted a complaint online, via email, and by fax regarding an incident that occurred on 03/17/2023 at 0915 hours. Ms. M alleged that an accident occurred on 03/17/2023, and after ten business days, the report was unavailable for pickup because it had not been approved.

EVIDENCE REVIEWED:

Video(s): N/A

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: PSA J

Other Materials: Report Audit Trail

Date Investigation Completed: June 12, 2023

FINDINGS

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

Policies Reviewed: 2.16.5.C.1 (Reports)

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

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Additional Comments:

It was determined that PSA J did not complete crash report 23-0021498 (710975940) before the end of her shift as required and did not receive supervisor approval to hold the report beyond the end of her shift.

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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