

Civilian Police Oversight Agency

Finding Letters of the CPOA

The CPOA Executive Director's findings in each case are listed below. The citizens were notified of the findings in February 2025. If applicable, these findings will become part of the officer's file.

February 2025:

100-24	159-24	214-24	228-24	262-24
275-24	278-24	280-24	282-24	284-24
285-24	294-24	295-24	299-24	300-24
319-24	006-25	013-25		

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



February 28, 2025

To File

Ms. Anonymous
Unknown Address
No email indicated

Re: CPC # 100-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

Ms. Anonymous submitted a complaint via telephone to the Civilian Police Oversight Agency (CPOA) staff regarding an incident that occurred on 1/8/2024. Ms. Anonymous stated she called 911, and while on the phone, a man was breaking down her door and yelling that he was going to beat her to death. Ms. Anonymous reported that when officers arrived at her apartment, they did not do their job by arresting a man who threatened to beat her to death. Ms. Anonymous felt neglected by the way the officers had treated her.

Note: Ms. Anonymous was not interviewed for this investigation. The phone number on the complaint did not work and no other means to contact Ms. Anonymous was provided.

www.cabq.gov

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 S

Other Materials: n/a

Date Investigation Completed: July 23, 2024

FINDINGS

Policies Reviewed: 1.1.5.A.4

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



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



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



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



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



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



Additional Comments:

The investigation determined that Officer S had not violated policy during his interaction with Ms. Anonymous. Reviewing Officer S' OBRD video corroborated what he said had happened in his interview and what happened on the scene. A review of the CAD log confirmed that the incident occurred two days before the complainant called police, which Ms. Anonymous had acknowledged. Officer S did explain to Ms. Anonymous, based on what she had told him about her neighbor banging on her door and threatening to beat her to death, that the situation did not meet the criteria under state law for an arrest-able offense. The neighbor never entered her apartment, there was no damage to her door, and no exigent circumstances existed. Ms. Anonymous did not want Officer S to interview her neighbor. There was insufficient evidence to proceed with a court summons. All of that was explained to Ms. Anonymous. An incident report was not required, as the incident did not fit the required report category in SOP 2.16.5.B.1. Officer S determined that a crime was not committed. Therefore, no incident report was needed. The incident was documented on the CAD log and explained to Ms. Anonymous, who understood and did not complain.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations 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. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. 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.

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, another not being appointed by City Council until some months later, and a high volume of reviews to process. Thank you for your patience and participation 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



February 18, 2025

Via Certified Mail

Re: CPC # 159-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Mr. I R submitted a complaint to the CPOA regarding an incident that occurred on 10/26/2023. He detailed a story about his encounter with Officer H, including how and why he was pulled over during a traffic stop, pursued, and ultimately arrested. Mr. I R believed the traffic stop was unlawful, did not follow APD procedures, and was unfairly treated. In addition, Mr. I R claimed that he had no drug paraphernalia, drugs, or pills in his car or his possession. Mr. I R felt targeted and profiled by APD. During his interview, Mr. I R repeated several aspects of his pursuit with Officer H and the stop described in his complaint. When stopped, Mr. I R said he was given conflicting reasons why he was stopped.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer H.

Other Materials: apd's pursuit policy and StarChase policy

Date Investigation Completed: September 19, 2024

FINDINGS

Policies Reviewed: 2.71.4.A.1

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



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



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



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



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



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



Additional Comments:

Officer H did not violate policy during his encounter with Mr. I R which included the initial traffic stop, an attempt to stop Mr. I R again when he fled for Officer H, and his eventual stop and arrest. Mr. I R was told why he was stopped, the reason for his arrest, fleeing from a law enforcement officer, and possession of a controlled substance. A non-arresting officer made an honest mistake by initially giving an inaccurate reason of a stolen vehicle due to that being the frequency in similar circumstances. Regarding Mr. I R allegation that the entire traffic stop incident did not follow APD procedure, Officer H noted that during his experience and training, people who flee from traffic stops are fleeing for a reason. They are often armed or attempting to hide or discard evidence of a crime. Because of a likely armed encounter, a high-risk traffic stop was ultimately conducted. On OBRD Mr. I R admitted to knowingly refusing to pull over and fleeing. He knew he was supposed to stop when an officer activated his emergency equipment and struggled with addiction. No APD vehicle bumped Mr. I R vehicle, but he may have heard/felt the StarChase dart, which does not deliver significant force. The CPOA cannot investigate why other agencies have stopped him in the previously.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations 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. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

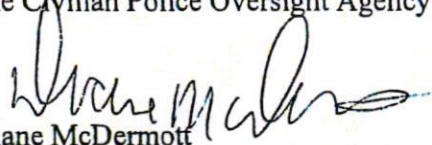
- 1) A policy was misapplied in the evaluation of the complaint;
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- 3) that the findings and recommendations were not consistent with the record evidence.

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

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



February 27, 2025

Via Email

Re: CPC # 214-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 08/09/2024, S submitted an online complaint to the CPOA regarding an incident that occurred on 08/06/2024 at 1315 hours. Mr. S reported that he called about an individual on drugs that was blocking access to his business. Officers responded and said that the individual needed medical attention because their intestines were hanging out due to a stabbing. The individual refused medical assistance, and the officers departed, leaving him in front of the business.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer J

Other Materials: Email Communications, multiple other APD witness personnel interviews

Date Investigation Completed: November 27, 2024

FINDINGS

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

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



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



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



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



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



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



Additional Comments:

2.60.4.C.1.e: It was determined that law enforcement and medical services responded to the call for service in a timely manner, within about ten minutes. The individual refused medical assistance and transportation for his self-removed colonoscopy bag. The individual had not been stabbed as was first thought given his medical condition. AFR encouraged medical treatment, but could not force transport. The individual left the property as directed by the officers at Mr. Spaeth's request, but once he was on the sidewalk the officers had limited options of authority. A criminal trespass was not requested for the business itself.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations 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. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

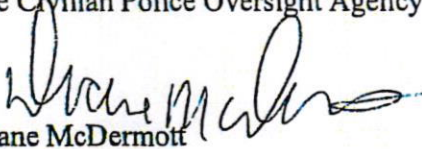
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

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.

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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

February 28, 2025

Via Certified Mail

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Re: CPC # 228-24

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. [REDACTED] M [REDACTED] submitted a complaint via telephone to the Civilian Police Oversight Agency (CPOA) staff regarding an incident that occurred on 8/21/2024 at 1615 hours. He reported that it took an officer five hours to arrive because they (the department) did not want him to retrieve his belongings from his ex-girlfriend's home. While parked, waiting to get his belongings out of his ex-girlfriend's home, the officer approached him and began to harass him. The officer asked to see his phone log. The officer threatened him with aggravated stalking.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed:

APD Employee Interviewed: Yes

APD Employee Involved: Officer F.

Other Materials: n/a

Date Investigation Completed: December 17, 2024

Albuquerque - Making History 1706-2006

FINDINGS

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

☐

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

☐

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

☐

Policies Reviewed: 1.1.5.A.4

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

☒

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

☐

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

☐

Additional Comments:

A review of Ofc F's OBRD video corroborated what the officer said happened on the scene. Mr. M's call for a police escort was a priority 4, which was a low priority call. The call had been holding for 180 minutes. There was no evidence presented by Mr. M that the department or Ofc F intentionally delayed the response time to Mr. M or did not want him to retrieve his property, as alleged in his complaint. It was determined that Ofc F's response to Mr. M twenty minutes after Ms. J left her home was coincidental and he was not in "cahoots" as alleged. Ofc F did not harass Mr. M as alleged. He had a legitimate reason to interact with him, as Mr. M had called the police for an escort to retrieve his property. There was reasonable suspicion that Mr. M had called Ms. J multiple times, blocking his number based on their history that he knew because has been on more than one call with these individuals. There was no violation of policy when Ofc F asked to see Mr. M's phone call log for verification as he did not force Mr. M to turn his phone over to him. Ofc F ordered Mr. M to leave the area or face arrest for aggravated stalking, which was not a threat, it was an advisement of possible consequences. There was an active protection order against Mr. M

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations 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. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. 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

February 4, 2025

Via Email

Re: CPC # 262-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

The complainant reported that Officer O was the officer in charge of preparing the police report, but he prepared the report without proper investigation of the scene and due diligence on the position of the car or performing a DUI test. He prepared the report solely based on his discussion with Officer T, who was the father of the other party involved in the accident. The complainant reported that additionally, Officer O had a very aggressive and dismissive tone when talking to him, which he found unjustified and unacceptable. The complainant reported that he had prepared an amendment to the police report providing ample evidence refuting the original police report, but so far, his numerous attempts to contact Sergeant G, Officer O's supervisor, to deposit the amendment have failed.

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: APD Communications Audio Recording, payroll verification

Date Investigation Completed: January 24, 2025

FINDINGS

Policies Reviewed: General Order 1.1.5.C.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: General Order 1.1.5.A.4 and Procedural Order 2.16.5.B.4

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



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



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Additional Comments:

1.1.5.A.4-OBRD Video did confirm that during their interaction, Officer O did raise his voice toward the complainant, but did so when the complainant continued to talk over Officer O as Officer O was trying to explain the process and his observations. OBRD Video confirmed that there was nothing that Officer O did or said during the incident that violated the policy in question. A DUI investigation was not warranted as no one exhibited signs of intoxication based on Officer O's training. 1.1.5.C.2-OBRD Videos confirmed Officer O only asked Ms. T and the complainant questions about the accident not Officer T. The CAD confirmed that a call for service was set up through dispatch in regard to the accident. There was no evidence provided/located that Officer T directly reached out to Officer O prior to Officer O arriving at the scene.

2.16.5.B.4-A review of Officer O's incident report and OBRD Video confirmed minimal discrepancies noted on the report based on what was noted during the incident via OBRD Video review. During the interview with Officer O, he gave ample reasoning for the clerical mistakes and differences, and no evidence was located that would confirm that the mistakes were made intentionally or with ill intent.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations 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. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

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If you are not satisfied with the final disciplinary decision of the Office of Police Reform or any matter relating to the Office of Police Reform's handling of the complaint you may request a review of the complaint by the City's Chief Administrative Officer by sending a letter to the Office of the Mayor, P.O. Box 1293, Albuquerque, NM 87103. Your request must be in writing and within 30 calendar days (inclusive of holidays and weekends) of receipt of the Office of Police Reform letter. Include your CPC number. The review by the Chief Administrative Officer is independent of 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

February 4, 2025

Via Email

Re: CPC # 262-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

During the interview with the complainant, he stated that he did not know how Officer T contacted the police as Officer O came to the scene very quickly. The complainant stated maybe it was a good thing, but he had never seen anything like that. The complainant wanted to know how Officer T actually contacted the police as he did not think Officer O would have gotten there so quickly if Officer T had just called the dispatch. the complainant was not trying to say Officer T called Officer O directly but felt some nonstandard procedures happened there.

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 T

Other Materials: APD Communications Audio Recording, payroll verification

Date Investigation Completed: January 24, 2025

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.A.1.c

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

☒

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

☐

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

☐

Additional Comments:

1.1.6.A.1.c-There was no evidence provided or located to indicate that Officer T had any direct contact with Officer O prior to Officer O arriving on the scene. Officer T contacted dispatch to inquire about the length of anticipated wait time since it was his understanding the complainant had already called in the accident. The audio recording of Officer T and APD Communications confirmed Officer T did not make any special requests and was asking if they were busy and how long a wait would be since the complainant wanted an officer on scene.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations 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. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

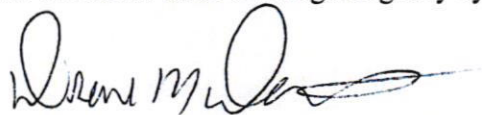
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

Administratively closed complaints maybe 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

February 18, 2025

Via Email

Re: CPC # 275-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 10/16/2024, H reported that an officer (Sergeant M) took pictures of her vehicle for no reason while at DK and when her boyfriend, T R, had given friends a ride to the location and ran into another friend. Tommy contacted Sergeant M for an explanation. Sergeant M informed him that he had witnessed a hand-to-hand transaction occur. reported that T was never "detained, pulled over, or asked for any information." reported being uncomfortable with the pictures being taken, T being discriminated against, and Sergeant M not stopping a suspected crime.

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 M

Other Materials: Email Communications.

Date Investigation Completed: January 29, 2025

FINDINGS

Policies Reviewed: 1.4.4.A.2.a (Bias-Based Policing)

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



Policies Reviewed: 1.1.5.A.1 (Conduct)

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



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



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



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



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



Additional Comments:

1.1.5.A.1: It was determined that T flipped Sergeant M off during their interaction, and in return, Sergeant M returned the gesture. The offensive gesture was not respectful, courteous, or professional and cast doubt on the integrity of Sergeant M and the Albuquerque Police Department.

1.4.4.A.2.a: It was determined that Sergeant M had taken pictures of two vehicles for investigative purposes while at DK. The vehicles were in a public setting with no expectation of privacy. Sergeant M observed what he believed to be a hand-to-hand narcotics transaction occur but took no immediate action to further his investigation due to a lack of resources.

T was not seized or detained in any manner and initiated the contact with Sergeant M. Sergeant M did not alter his level of police service or practice bias-based policing or racial profiling.

The CPOA recommends a written reprimand.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations 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. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. 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 maybe 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



February 27, 2025

Via Email

Re: CPC # 278-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

D S reported that he called the police multiple times on 10/19/2024 to report an ongoing noise issue with the neighbors, who were having a party at 2008 Edith Boulevard Southeast. The officers “decided to drag your feet and finally showed up” at the neighbor's residence in two patrol vehicles at 2:30 AM. The officers were “so scared” that they used the loudspeaker to interact with the neighbors and left without ever getting out of their patrol vehicles.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): N/A

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: February 7, 2025

FINDINGS

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

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



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



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



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



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



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Additional Comments:

It was determined that the officers were professional and prompt in their response and handled it within the scope of their duties. The officers responded when dispatched and arrived at approximately 8:44 PM. The officers exited their patrol vehicles, directly interacted with the individuals at the address in question, and cleared the call for service at approximately 8:54 PM. There was no indication that anyone, including any visible minors, was consuming anything while the officers were on the scene.

The officers could hear the music again while in the area for other calls for service at approximately 2:00 AM and advised the individuals via public address system to turn the music down as they drove by on the way to another call. The officers had cleared the call made by the complainant approximately five hours before, had not been called back to the residence, and were actively engaged in other calls for service.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations 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. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. 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



February 27, 2025

Via Email

Re: CPC # 278-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

D S reported that he called the police multiple times on 10/19/2024 to report an ongoing noise issue with the neighbors, who were having a party at . The officers “decided to drag your feet and finally showed up” at the neighbor’s residence in two patrol vehicles at 2:30 AM. The officers were “so scared” that they used the loudspeaker to interact with the neighbors and left without ever getting out of their patrol vehicles.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer M

Other Materials: Email Communications.

Date Investigation Completed: February 7, 2025

FINDINGS

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

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



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



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



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Additional Comments:

It was determined that the officers were professional and prompt in their response and handled it within the scope of their duties. The officers responded when dispatched and arrived at approximately 8:44 PM. The officers exited their patrol vehicles, directly interacted with the individuals at the address in question, and cleared the call for service at approximately 8:54 PM. There was no indication that anyone, including any visible minors, was consuming anything while the officers were on the scene.

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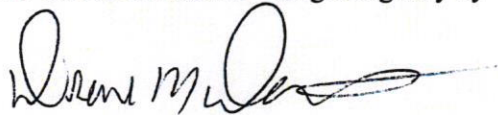
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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



February 28, 2025

Via Certified Mail

Re: CPC # 280-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

Ms. G reported that she had continually called 911 to report that her neighbors were using Meth and Marijuana. Ms. G reported that the chemicals were causing her skin rashes and health problems. Ms. G reported that during one of her encounters with a male Caucasian officer, Ms. G was threatened by the officer. Ms. G reported that the officer told her that if she ever called 911 again, she would be taken to court. Ms. G reported that she felt discriminated against by all of APD. Ms. G reported that she had a video recording of her interactions with the officers. Ms. G reported that APD was responsible for her inability to move apartments because there were no police reports

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 C

Other Materials: Video Recording provided by Ms. G

Date Investigation Completed: January 31, 2025

FINDINGS

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

☐

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

☐

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

☐

Policies Reviewed: General Order 1.1.5.A.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:

Although some of the alleged comments reported by Ms. G were made by Officer C, there was nothing Officer C said or did that violated the policy in question during his interaction with Ms. G on 10/18/2024. Officer C informed Ms. G of the consequences of her actions.

Investigator notes:

After a review of the OBRD Videos from 10/18/2024, it was confirmed that Ms. G did not request interpreter services from the officers on the scene.

The CPOA Investigator submitted a records request of incidents involving Ms. G and APD between 09/23/24 and 10/21/2024. APD Records provided the CPOA Investigator with approximately 7 different incident reports and approximately 12 different CADs in reference to Ms. G and her complaints against her neighbor in that time frame, refuting that it was a lack of documentation that affected her ability to move.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations 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. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. 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



February 28, 2025

Via Certified Mail

Re: CPC # 280-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

Ms. G reported that she had continually called 911 to report that her neighbors were using Meth and Marijuana. Ms. G reported that the chemicals were causing her skin rashes and health problems. Ms. G reported that during one of her encounters with a male Caucasian officer, Ms. G was threatened by the officer. Ms. G reported that the officer told her that if she ever called 911 again, she would be taken to court. Ms. G reported that she felt discriminated against by all of APD. Ms. G reported that she had a video recording of her interactions with the officers. Ms. G reported that APD was responsible for her inability to move apartments because there were no police reports

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 B

Other Materials: Video Recording provided by Ms. G

Date Investigation Completed: January 31, 2025

FINDINGS

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

☐

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

☐

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

☐

Policies Reviewed: General Order 1.1.5.A.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:

1.1.5.A.1-Although some of the alleged comments reported by Ms. G were made by Officer B, there was nothing Officer B said or did that violated the policy in question during his interaction with Ms. G on 10/18/2024. Officer B informed Ms. G the consequences of her actions.

Investigator notes:

After a review of the OBRD Videos from 10/18/2024, it was confirmed that Ms. G did not request interpreter services from the officers on the scene.

The CPOA Investigator submitted a records request of incidents involving Ms. G and APD between 09/23/24 and 10/21/2024. APD Records provided the CPOA Investigator with approximately 7 different incident reports and approximately 12 different CADs in reference to Ms. G and her complaints against her neighbor in that time frame, refuting that it was a lack of documentation that affected her ability to move.

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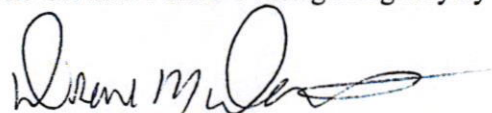
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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

February 3, 2025

Via Certified Mail

Re: CPC # 282-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

G reported that his neighbor had criminal damage to his vehicle and that he had witnessed an intoxicated female damage that vehicle. Joseph's neighbor, "Bob," had called APD to report the damage. When officers contacted them, they explained the situation. The "Mexican" officer told "Well, they are not drunk anymore," regarding a previous incident. reported that the responding officers told him they were only working on a task force and assessing the calls on hold for longer than an hour. The officer gave Bob his information via business card and told him to call APD the next day to make a report. reported that the officers did not do their jobs.

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: Officers M

Other Materials: Email Communications.

Date Investigation Completed: January 24, 2025

FINDINGS

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

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



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



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



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



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



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



Additional Comments:

1.1.5.A.4: It was determined that the officers did not say, "Well, they are not drunk anymore," that they were assessing the calls on hold for longer than an hour, or that they told Bob to call the APD the next day to make a report. The officers arrived on the scene, conducted their investigation, and reached a reasonable conclusion. The primary officer completed a report.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations 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. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. 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 maybe 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

February 3, 2025

Via Certified Mail

Re: CPC # 282-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

G reported that his neighbor had criminal damage to his vehicle and that he had witnessed an intoxicated female damage that vehicle. Joseph's neighbor, "E" had called APD to report the damage. When officers contacted them, they explained the situation. The "Mexican" officer told "Well, they are not drunk anymore," regarding a previous incident. reported that the responding officers told him they were only working on a task force and assessing the calls on hold for longer than an hour. The officer gave B his information via business card and told him to call APD the next day to make a report. reported that the officers did not do their jobs.

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: Officers T

Other Materials: Email Communications.

Date Investigation Completed: January 24, 2025

FINDINGS

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

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



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



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:

1.1.5.A.4: It was determined that the officers did not say, "Well, they are not drunk anymore," that they were assessing the calls on hold for longer than an hour, or that they told Bob to call the APD the next day to make a report. Officer T arrived on the scene, conducted his investigation, reached a reasonable conclusion, and completed a report.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations 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. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. 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



February 18, 2025

Via Email

Re: CPC # 284-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

S submitted a complaint on 10/28/2024, reporting his wife had been in an accident, and a police officer never showed up to check on her for over an hour after the initial call. Mr. S reported that his wife was told to move off the highway because it was dangerous and questioned why his wife was not checked by emergency personnel if it was that dangerous.

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 H

Other Materials: Email Communications.

Date Investigation Completed: February 13, 2025

FINDINGS

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

☐

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

☐

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

☐

Policies Reviewed: 1.1.6.A.1.c (Conduct)

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

☒

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

☐

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

☐

Additional Comments:

1.1.6.A.1.c: Based on the evidence, it was determined that Officer H did conduct a crash investigation that included meeting with Ms. S approximately seventy-four minutes after the initial call. There was no delay in the dispatch or officer's response to the scene. Officer H conducted his on-scene investigation and remained until the scene was cleared. Officer H then continued his investigation by contacting Ms. S at a safe location because she was not on the immediate scene, her vehicle was operable, and she was uninjured. Officer H did advise Ms. S that the report would be available in five to seven days, which was standard.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations 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. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. 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

February 3, 2025

To File

Re: CPC # 285-24

COMPLAINT:

PO Box 1293

Mr. O reported that Officer K drove past a potential jumper from a freeway pass and decided to tell the man to "just jump already," because the traffic was slow in order to save the mans life. Mr. O reported that he don't think Officer K is fit to be an officer if his schedule is more important than someone's life.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): No

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer K

Other Materials: Email Correspondence with APD Payroll

Date Investigation Completed: January 29, 2025

FINDINGS

Policies Reviewed: General Order 1.1.6.A.1.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.



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 1.1.6.A.1.a- APD Payroll confirmed that Officer K was not on duty on 06/13/2024 (Reported date of the incident via complaint) and 06/14/2024 (actual date of incident verified through CADs and Incident Reports)

There was no evidence provided or located that would note that Officer K violated any policies related to the complaint in question. Officer K provided information that the complainant is his brother-in-law and filed the complaint due to a family matter.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations 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. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. 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



February 28, 2025

Via Email

Re: CPC # 294-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 10/30/24 J submitted an online complaint to the CPOA for an incident on this day at 0750 at 4-way stop intersection of De Anza Dr and 98th. Mr. J reported as he proceeded through the intersection a marked APD unit without lights or sirens activated ran the stop sign and nearly hit him. He followed the APD unit to get any identifying numbers and as he did the APD unit changed lanes trying to lose him. The APD unit pulled into a residential area and parked. He reported that he parked his vehicle and walked to the officers waiting outside the unit. He told the driver officer that he ran the stop sign and asked for the officers names and badge numbers. He reported that the driver officer told him to "get fucked," the officers jumped in the unit, sped off, and refused to identify themselves

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 K

Other Materials: Email Communications & Complainant Evidence.

Date Investigation Completed: February 21, 2025

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: 3.41.4.B.2.(Complaints)

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

☒

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

☐

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

☐

Policies Reviewed: 2.8.5.A (OBRD)

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:

2.8.5.A: It was determined that Officer K did not properly activate his OBRD during contact with Mr. J It was determined to be operator error, being on training

3.41.4.B.2: It was determined that Officer K did not assist Mr. J by not providing him with either his or Officer B's information as requested because he wished to report Officer B. Even though Officer K was following his FTO's lead, he recognized it was incorrect and should have provided assistance and the information.

The CPOA recommends two NDCAs for the policy infractions due to being on training as a mitigating factor.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations 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. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. 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



February 28, 2025

Via Email

Re: CPC # 294-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 10/30/24 J submitted an online complaint to the CPOA for an incident on this day at 0750 at 4-way stop intersection of De Anza Dr and 98th. Mr. J reported as he proceeded through the intersection a marked APD unit without lights or sirens activated ran the stop sign and nearly hit him. He followed the APD unit to get any identifying numbers and as he did the APD unit changed lanes trying to lose him. The APD unit pulled into a residential area and parked. He reported that he parked his vehicle and walked to the officers waiting outside the unit. He told the driver officer that he ran the stop sign and asked for the officers names and badge numbers. He reported that the driver officer told him to "get fucked," the officers jumped in the unit, sped off, and refused to identify themselves

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 B

Other Materials: Email Communications & Complainant Evidence.

Date Investigation Completed: February 21, 2025

FINDINGS

Policies Reviewed: 1.1.5.A.5 (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.



Policies Reviewed: 1.1.5.E.4 (Conduct) & 3.41.5.B.5.a.i (Complaints)

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



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



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Additional Comments:

1.1.5.A.5: It was determined that Officer B did not use profanity directed as an insult or any derogatory, contemptuous, or disrespectful language toward any person. It was in fact the complainant that used profanity.

1.1.5.E.4: It was unknown if the officer committed the original driving infraction, but it was determined that Officer B ran two stop signs after he left the scene, where he encountered Mr. J and did not obey all traffic laws in doing so without a justifiable reason.

3.41.5.B.5.a.i: It was determined that Officer B did not provide his first and last name and MAN number as required when Mr. J : requested his information because he wished to report Officer B.

The CPOA recommends two written reprimands for the policy infractions.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations 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. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. 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



February 24, 2025

Via Email

Re: CPC # 295-24

COMPLAINT:

PO Box 1293

M. submitted a complaint regarding the careless and imprudent operation of APD CSI vehicle CSI7 on 11/02/2024 on Coors Boulevard Northwest.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Crime Scene Specialist F

Other Materials: Email Communications, Unit History Reports, & Complainant Evidence.

Date Investigation Completed: February 12, 2025

FINDINGS

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

☐

Policies Reviewed: 1.1.5.E.4 (Department-Issued Property)

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

☒

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

☐

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

☐

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.E.4: It was determined that CSS F failed to operate her Department-issued vehicle carefully and prudently and in accordance with the law, Department SOP(s), and City rules, regulations, and policies.

The CPOA recommends a written reprimand.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations 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. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

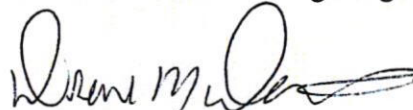
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

Administratively closed complaints maybe 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 Office of Police Reform or any matter relating to the Office of Police Reform's handling of the complaint you may request a review of the complaint by the City's Chief Administrative Officer by sending a letter to the Office of the Mayor, P.O. Box 1293, Albuquerque, NM 87103. Your request must be in writing and within 30 calendar days (inclusive of holidays and weekends) of receipt of the Office of Police Reform letter. Include your CPC number. The review by the Chief Administrative Officer is independent of 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



February 24, 2025

Via Email

Re: CPC # 299-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Mr. F reported that employees at a trucking company held him against his will behind locked gates. Mr. F reported that Sergeant S made comments to him related to the incident, stating that they let him go and that 5 minutes wasn't long enough. Mr. F reported that Sergeant S defended the other individuals before talking to them. Mr. F reported that Sergeant S told him that they (the persons who kept him against his will) thought he was trespassing and that Sergeant S told him he wasn't pressing charges but would forward it to the DA. Mr. F was concerned with Sergeant S' statements and that it should not matter if Mr. F was held against his will for only 5 minutes or if they mistakenly believed he was trespassing.

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 S

Other Materials: state statute, email correspondence

Date Investigation Completed: February 12, 2025

FINDINGS

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

☐

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

☐

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

☐

Policies Reviewed: General Order 1.1.5.A.4

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

☒

Policies Reviewed: Procedural Order 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:

1.1.5.A.4-A review of the OBRD Videos confirmed that Sergeant S made several of the reported comments to Mr. F at the time of the incident, however nothing Sergeant S said or did arose to the level of violating the policy in question. The one individual was acting in the capacity of security for the business and believed a potential crime was being committed. The officer looked at the totality of the situation, but still forwarded it to the DA for possible prosecution.

2.8.5.B- Due to the videos in question not being provided or located, the preponderance of evidence noted that Sergeant S violated the policy in question by not activating his OBRD Video during his reported attempts to contact Mr. S via phone calls.
The CPOA recommends a written reprimand.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations 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. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. 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 maybe 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

February 28, 2025

Via Email

Re: CPC # 300-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

J reported that he had issued Officer C a traffic citation. Mr. J reported he was upset about the conversation between himself and Sergeant W and that Sergeant W was unprofessional. Mr. J reported Sergeant W was unprofessional because it was not his place to try to get charges dismissed, work out a plea agreement, or use his influence with him to cut Officer C a break.

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: Sergeant W

Other Materials: Email Communications, Payroll Information, & Message Screenshots.

Date Investigation Completed: February 18, 2025

FINDINGS

Policies Reviewed: 1.1.6.A.1.b (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 Sergeant W was on duty but did not contact Mr. J in an official capacity and instead as a former co-worker and acquaintance. Sergeant W contacted Mr. J in an attempt to see if Mr. J would communicate with Officer C prior to court. The intention being to facilitate communication as was typical for officers to converse with defendants before appearing before a judge. The text evidence did not show Sergeant W requested a dismissal or a failure to appear to benefit the APD officer cited. The evidence showed that Sergeant W made a comment concerning the enforcement of OHV laws, which Mr. J appeared to take as dismissive. Since it was text communication, each had their interpretation of intention or tone. However, in analyzing the situation, the CPOA can only go by the written word; there was no outward request for favoritism or privilege. Sergeant W quickly disengaged from the conversation when it appeared ill received and did not send any additional messages.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations 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. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. 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 maybe 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

February 7, 2025

Via Email

1

Re: CPC # 319-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 12/04/2024 at approximately 0937 hours, [REDACTED] B [REDACTED] submitted a complaint via email to Commander P regarding an incident that occurred on 12/04/2024. E [REDACTED] reported that her court case was "thrown out" because Officer H and Officer K failed to appear, and the associated documents and evidence were not submitted to the court for prosecution. She reported that the court case was very important as it pertained to the vandalism of her property by a neighbor who she has had a problem with for almost three years. Police have been to her property multiple times, and this case was a criminal case where she was expecting officers to appear with reports, video evidence, interviews, and lapel camera recordings, but their failure to appear caused the case to be dismissed.

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: Officer K

Other Materials: Email Communications, Unit History, Evidence.com History, & Ect.

Date Investigation Completed: January 28, 2025

1

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: 2.76.4.F.1 (Court)

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

☒

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

☐

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

☐

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

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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:

2.76.4.F.1: It was determined that Officer K failed to appear on 12/04/2024 for a court hearings regarding T-4-CR-2024005503, which was dismissed because he failed to appear, Officer K failed to notify his supervisors and the Court Services Unit that he would be unable to attend the scheduled hearings.

Note: The Court Services Unit provided the requested discovery to the Law Office of the Public Defender (LOPD) on 10/22/2024 and 10/23/2024.

The nature of the complaint did not require the review of reports, CADs or OBRD since it was not about the incident itself. There was no evidence supplied or able to be obtained showing that the officer received information or instruction from a superior about attending court.

The CPOA recommends a written reprimand.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations 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. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. 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 maybe 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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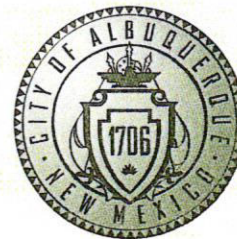
Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

February 7, 2025

Via Email

Re: CPC # 319-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 12/04/2024 at approximately 0937 hours, [REDACTED] B [REDACTED] submitted a complaint via email to Commander P regarding an incident that occurred on 12/04/2024. [REDACTED] reported that her court case was "thrown out" because Officer H and Officer K failed to appear, and the associated documents and evidence were not submitted to the court for prosecution. She reported that the court case was very important as it pertained to the vandalism of her property by a neighbor who she has had a problem with for almost three years. Police have been to her property multiple times, and this case was a criminal case where she was expecting officers to appear with reports, video evidence, interviews, and lapel camera recordings, but their failure to appear caused the case to be dismissed.

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: Officer H

Other Materials: Email Communications, Unit History, Evidence.com History, & Ect.

Date Investigation Completed: January 28, 2025

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: 2.76.4.F.1 (Court)

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:

2.76.4.F.1: It was determined that Officer H failed to appear on 12/04/2024 for court hearings regarding T-4-CR-2024005503, which was dismissed because he failed to appear, and T-4-CR-2024006341, which was reset. Officer H failed to notify his supervisors and the Court Services Unit that he would be unable to attend the scheduled hearings.

Note: The Court Services Unit provided the requested discovery to the Law Office of the Public Defender (LOPD) on 10/22/2024 and 10/23/2024.

The nature of the complaint did not require the review of reports, CADs or OBRD since it was not about the incident itself. There was no evidence supplied or able to be obtained showing that the officer received information or instruction from a superior about attending court.

The CPOA recommends a written reprimand.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations 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. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

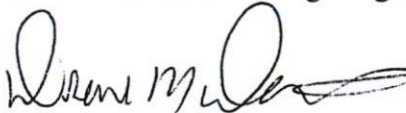
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- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

February 5, 2025

Via Email

Re: CPC # 006-25

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 01/06/2025, G submitted a complaint online to the Civilian Police Oversight Agency regarding an incident that occurred on 12/14/2024 at approximately 1200 hours. reported that on this date, an unidentified APD officer arrived at her home and spoke with her via the doorbell camera. The officer advised her that the Bernalillo County Police Department had requested a welfare check about her two minor children. was concerned because she had later received conflicting information from Officer G 253 and Officer M 256. provided a CAD of SO24121400731800.

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: N/A

APD Employee Involved: Not Applicable

Other Materials: Email Communications and ECC Recordings.

Date Investigation Completed: January 13, 2025

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:

It was determined that this case should be Administratively Closed as the complaint was withdrawn, and no evidence of a violation in reference to this complaint was discovered during a review of the available evidence.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations 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. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. 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

February 10, 2025

Via Certified Mail

Re: CPC # 013-25

COMPLAINT:

PO Box 1293

i reported that two unknown male officers responded to their apartment and told them they would write a report. later discovered that no report had been generated regarding the incident. advised that they told the officers about previously reported incidents, and they told her they would investigate the matter.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: No

Witness(es) Interviewed: N/A

APD Employee Interviewed: N/A

APD Employee Involved: n/a

Other Materials: search through multiple sources

Date Investigation Completed: January 13, 2025

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.

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

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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.

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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.

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Additional Comments:

There were no incidents located on 1/2/25. There were several different police contacts located, but none that matched the fact pattern as provided. Since the incident could not be located, possible involved employees could not be identified and no investigation could occur.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations 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. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

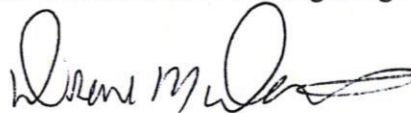
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

Administratively closed complaints maybe 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 Office of Police Reform or any matter relating to the Office of Police Reform's handling of the complaint you may request a review of the complaint by the City's Chief Administrative Officer by sending a letter to the Office of the Mayor, P.O. Box 1293, Albuquerque, NM 87103. Your request must be in writing and within 30 calendar days (inclusive of holidays and weekends) of receipt of the Office of Police Reform letter. Include your CPC number. The review by the Chief Administrative Officer is independent of 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