

## Civilian Police Oversight Agency

### Finding Letters of the CPOA

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

#### October 2023:

146-22	226-22	016-23	056-23	059-23
060-23	063-23	096-23	099-23	102-23
105-23	120-23	124-23	143-23	149-23
157-23	214-23	244-23	253-23	

PO Box 1293

Albuquerque

NM 87103

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

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

October 31, 2023

Via Email

**Re: CPC # 146-22**

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Ms. H had called 911 as she arrived on the scene where her daughter and granddaughter were staying. Ms. H received a text from G who is the paternal grandmother to the child. There was an issue with the child custody exchange on this particular day as the father of the child was schedule to pick up at a certain time and the mother of the child was not answering her phone. Police arrived on the scene to check on the welfare of the child and to give the child to her father per the custody court order. Prior to police arrival, Ms. H reported that Ms. G had physically assaulted her by pushing her, threaten her and calling her names. Ms. H also had informed police that Ms. G might be intoxicated due to her behavior and why wasn't she arrested by police.

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer S

Other Materials: n/a

Date Investigation Completed: August 16, 2023

## **FINDINGS**

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

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

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

Policies Reviewed: 2.60.4.A.5 and 1.1.5.A.1

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

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

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

### **Additional Comments:**

1.1.5.A.1 Ms. H alleged Officer S yelled at her more than once. Officer S' response was that Ms. H concerns were considered and listened to, but Officer S did raise their voice when Ms. H continued to argue toward the end of the contact, but did not yell disrespectfully or emotionally. The lapel videos showed Officer S was professional with Ms. H and although the officer raised their voice it was to maintain command presence since Ms. H wished to argue and Officer S was not going to engage in an argument.

2.60.4.A.5 Ms. H expressed concerns about Ms. G being allowed to depart without being arrested and because of perceived impairment. Officers had contact with Ms. G and did not observe signs of impairment. Officers explained why Ms. G would not be subject to physical arrest, but would issued a summons instead. A supplemental report was not required from Officer S as Officer D was the primary and received any necessary investigative information from Officer S.

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

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

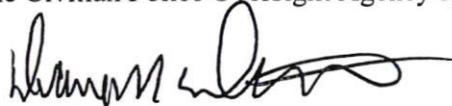
Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

October 30, 2023

Via Email

**Re: CPC # 226-22**

Mr. P

PO Box 1293

**COMPLAINT:**

Albuquerque

NM 87103

Mr. P submitted a complaint on 09/23/2022 regarding an incident that occurred on 09/23/2022 at 0900 hours. Mr. P reported, *"Reason he called 911 he got a phone from his mother, it was from his brother who had a mental illness. the brother had never used the mothers phone. and when requested to talk to he mother, the brother hung up the phone. The cops were called there last week. and he got arrested. When he called 911 she sounded condescending, and being disrespectful and treating him as he was stupid. He was trying to explain to the 911 dispatcher that the brother is not supposed to be there at the mothers house."*

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

**EVIDENCE REVIEWED:**

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: None Identified

Other Materials: Email Communications

Date Investigation Completed: August 15, 2023

## **FINDINGS**

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

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

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

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

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### **Additional Comments:**

This case should be **Administratively Closed** because the investigation was unable to determine if the incident reported had occurred and if any APD personnel were involved. The investigation determined that no calls were received by the APD on 09/23/2022 from telephone numbers 505 \_\_\_\_\_ ) or 505 \_\_\_\_\_. The employee interviewed was due to the man number matching, but there was no evidence to support the phone conversation that had occurred with that employee and the individual

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

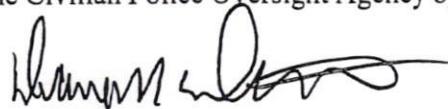
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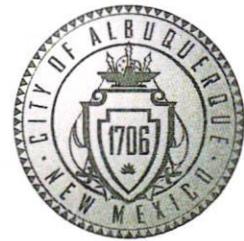
Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

October 30, 2023

Via Certified Mail

7014 2120 0004 7659 1261

**Re: CPC # 016-23**

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

Ms. C alleged that Officer J illegally detained and harassed her and her cousin, yet no crime had occurred. Officer J and his partners conducted an illegal search to harass them because Ms. C smelled like cannabis yet had a medical cannabis card. Ms. C informed the officers of her disability because they were causing her anxiety. Officers lied on a report regarding Ms. C leaving a facility, and Officer J wrote a stereotyped report. The officers informed Ms. C that a case worker would be in touch with her and walked her to an exit; Ms. C argued to stay but left to avoid being arrested. Officer J filed false charges against Ms. C resulting in her losing her employment. Ms. C alleged discrimination and illegal use of force.

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

### **EVIDENCE REVIEWED:**

Video(s): Yes                      APD Report(s): N/A                      CAD Report(s): Yes

Complainant Interviewed: Yes                      Witness(es) Interviewed: No

APD Employee Interviewed: No

APD Employee Involved: Officer J

Other Materials: Email Communications, NMSA, & Citizen Provided Documents.

Date Investigation Completed: October 3, 2023

## FINDINGS

Policies Reviewed: 1.1.4.D.15, 1.1.4.D.19, 1.4.3.A.3, 2.92.3.B.3, & 3.13.3.B.3.b

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

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### Additional Comments:

It was determined that Ms. C ; version of events directly contradicted the available evidence. Officer J did not detain, harass, search, discriminate, or use force on Ms. C or her cousin. The reports could not be accessed regarding the incident because they had been sealed by the court and because Ms. C would not provide a copy. The issues Ms. C claimed were falsified were found not to be true. Officer J escorted Ms. C ; and her cousin to the lobby and advised her that she didn't have to wait but recommended that she wait for CYFD. Ms. C granted Officer J consent to speak with the children, and 32A-4-5 NMSA 1978 allows for an officer to conduct an interview with a child without the parent or guardians' consent.

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

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

October 30, 2023

Via Certified Mail

7014 2120 0004 7659 1261

**Re: CPC # 016-23**

PO Box 1293

### **COMPLAINT:**

Ms. C : reported numerous allegations in her submitted complaint, but when interviewed, she only alleged that Officer M unlawfully detained her by staying in the hall to ensure she and her cousin didn't leave.

Albuquerque

NM 87103

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

### **EVIDENCE REVIEWED:**

Video(s): Yes                      APD Report(s): N/A                      CAD Report(s): Yes

Complainant Interviewed: Yes                      Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer M

Other Materials: Email Communications, NMSA, & Citizen Provided Documents.

Date Investigation Completed: October 3, 2023

## **FINDINGS**

Policies Reviewed: 3.13.3.B.3.b

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

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**Additional Comments:**

It was determined that Ms. C ; version of events directly contradicted the available evidence. Officer M stood by in the hall while the primary officer conducted his investigation and made no attempt to detain or search anyone.

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

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

October 20, 2023

Via Email

**Re: CPC # 056-23**

C :

PO Box 1293

**COMPLAINT:**

C reported, "Police would love ke the innocent citizens to leave their home instead of arr sting the man who shot a bullet thru my Ji Chen window."

Albuquerque

"The police don't care. I'm a tax paying citizen who had a bullet shot thru kitchen window. Cops don't care. Did not even question the neighbors. Asked me to leave my home. While the shooter lives next door, intimidating me, ....I should hide?"

NM 87103

"Can't sleep since I had a bullet shot thru kitchen window. ABQ police don't even question the neighbor yet say bullet came from the he neighbor. Is there justice?"

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

**EVIDENCE REVIEWED:**

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

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

APD Employee Interviewed: No

APD Employee Involved: Not Applicable

Other Materials: Email Communications & Photographs

Date Investigation Completed: August 17, 2023

## **FINDINGS**

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

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

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### **Additional Comments:**

When interviewed, C [redacted] advised that she was upset at the time of the complaint, but after consulting with family, friends in law enforcement, and a judge, she understood the actions taken by officers and no longer wanted to report any of the APD personnel.

This complaint investigation was Administratively Closed because the complaint was withdrawn, and no evidence of a violation in reference to this complaint was discovered during a review of available evidence.

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The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

October 30, 2023

Via Email

m

Re: CPC # 059-23

Z

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

### **COMPLAINT:**

Mr. Z reported that at 03:30 am, he called APD to have a trespasser removed from the private property of their condo building. Mr. Z reported that Sergeant D arrived at the scene and began to speak with the trespasser, as Mr. Z could hear through the walls. Mr. Z reported that as Sergeant D walked back to his vehicle, Mr. Z called out from his balcony and asked, "Are you gonna remove him?" Sergeant D responded, "I am in the middle of a call." Mr. Z reported that the next morning, Mr. Z noticed that the trespasser had not been removed. Mr. Z reported that he wanted to understand why Sergeant D would not remove the trespasser and let the trespasser stay on their property.

### **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: Sergeant D

Other Materials: n/a

Date Investigation Completed: July 24, 2023

## FINDINGS

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

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

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

Policies Reviewed: General Order 1.1.6.C.1

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

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

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

### Additional Comments:

1.1.6.C.1-A review of the CAD confirmed that the caller (Mr. Z ) did not request contact from officers at the time of his call. Sergeant D was at the location for a shots fired call, which turned out to be something different. He did not know about Mr. Z call until later since there were several holding calls. He linked them after he had already left. Mr. Z confirmed that previously there were no "no trespassing" signs up on the property at the time of the incident. Sergeant D considered the resident (Mr. Z ) when he informed the individual he should move on, but did not see no trespassing signs to give him enforcement leverage. Although Sergeant D did not fulfill Mr. Z request to remove the trespasser, Sergeant D provided a valid response regarding the reason for his actions on the date of the incident, therefore not violating the SOP in question. Sergeant D wanted to convey that if the property in question had security or a manager who could put up "no trespassing" signs when someone was trespassing, they could call law enforcement. Sergeant D stated that would give law enforcement more leeway to actually enforce that.

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

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

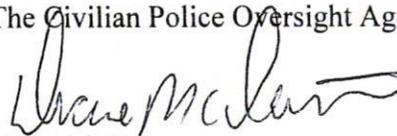
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If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>. There was a delay in the issuance of findings due to the interim status of the Executive Director. Your patience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

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

October 30, 2023

Via Certified Mail

7014 2120 0004 7659 1278

Re: CPC # 060-23

D :

### **COMPLAINT:**

Mr. D : reported that he received a ticket for expired tags on his company patrol vehicle and was interrogated by a rookie cop. Mr. D : reported that the APD Officer's actions were questionable if the officer had a motive for the incident or if he just lacked common sense pulling over a lead patrol officer and giving the patrol officer a ticket for expired tags. Mr. D reported that the officer told him he needed to sign the citation for not having registration or insurance, and when Mr. D : refused, the APD Officer said if Mr. D : did not sign it, then the officer would arrest Mr. D . Mr. D : reported that the officer took his handcuffs out and kept pulling on Mr. D 's door handle, telling Mr. D : that he was going to jail now.

### **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: New Mexico Uniform Citations

Date Investigation Completed: July 26, 2023

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

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

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

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

## FINDINGS

Policies Reviewed:    General Order 1.1.5.A.1    General Order 1.1.5.C.3

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

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

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:

1.1.5.C.3-After a review of the OBRD Video, it was confirmed that Officer M advised Mr. D : that he could go to jail if Mr. D : did not sign the citation (*which was corroborated by SOP 2-41.4.A.4.a*), but at no time did Officer M pull on Mr. D 's door handle, or take out his handcuffs. OBRD Video also confirmed that Officer M did ask Mr. D : questions and did shine the light into his vehicle, which Officer M advised was standard practice during a traffic stop. There was no evidence provided or located to confirm that Officer M singled Mr. D : out in any way or had any form of motive against Mr. D . A review of the OBRD Video confirmed that Mr. D : admitted to not having insurance, having expired tags, and having no proof of registration, which was what Officer M cited Mr. D : for.

1.1.5.A.1-After a review of the OBRD Video, the CPOA Investigator did not observe any unprofessional behaviors, or comments from Officer M toward Mr. D , per the complaint.

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

October 30, 2023

Via Certified Mail

7014 2120 0004 7659 1254

Re: CPC # 063-23

M

PO Box 1293

### **COMPLAINT:**

Ms. M submitted a complaint on 03/23/2023 and reported that officers illegally ran the plates of a vehicle, illegally pulled over, and illegally pursued L who died in the resulting crash. Ms. M reported that Officer T failed to contact her for approximately eighteen months.

Albuquerque

NM 87103

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

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: No

APD Employee Involved: Officer T

Other Materials: Email Communications, IA investigation,

Date Investigation Completed: July 27, 2023

## FINDINGS

Policies Reviewed: 1.1.4.D.1

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

Policy 1.1.4.D.1: It was determined that Officer T conducted a thorough investigation, had multiple communications with Ms. M : after the case was closed, and referred the case to the DA. Officer T had not been a member of the APD since September 2022.

The portion of the complaint regarding the running of license plate, the attempted traffic stop, and the pursuit was administratively closed because the allegations were duplicative in nature. APD Internal Affairs conducted a thorough investigation regarding the actions taken by officers in the incident and reached a logical outcome, I-78-20.

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

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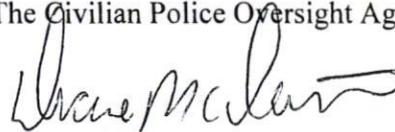
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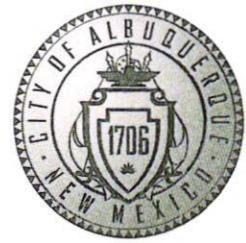
Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

October 30, 2023

Via Email

**Re: CPC # 096-23**

S

PO Box 1293

### **COMPLAINT:**

Albuquerque

S reported that Officer J was hostile during a traffic stop on 04/18/2023, and told her, "It would take as long as it needs to." Ms. S reported that she asked one of the officers (Officer J) about which license plate the officers were referencing and received no response.

NM 87103

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

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer J

Other Materials: Unit Detail Log, Uniform Citation, Email Communications, & PATC.

Date Investigation Completed: August 11, 2023

## **FINDINGS**

Policies Reviewed: 1.1.5.A.1 (Conduct)

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

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

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

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### **Additional Comments:**

A review of the evidence was completed, and it was determined that no officer, including Officer J, told Ms. S "It would take as long as it needs to." Officer J was not the primary officer and responded appropriately to Ms. S' repeated questions. Officer J had a professional demeanor, and no indicators were observed that would lead a reasonable individual to believe that Officer J was intimidating or anything less than professional.

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

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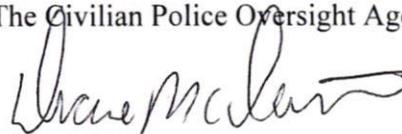
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



October 30, 2023

Via Email

1

Re: CPC # 096-23

S

### **COMPLAINT:**

S reported that Officer S wrongfully pulled her over on 04/18/2023, because he was only behind her for two seconds. Ms. S said she was giving a warning but questioned how Officer S knew she didn't have insurance and that it was suspended. Officer S called for assistance, and four patrol vehicles were behind her for a simple traffic stop, which made her feel uncomfortable because she was a small woman. Officer S was driving next to Ms. S before he got in behind her, leading her to believe that she was stopped for being an attractive woman.

PO Box 1293

Albuquerque

NM 87103

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

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer S

Other Materials: Unit Detail Log, Uniform Citation, Email Communications, & PATC.

Date Investigation Completed: August 11, 2023

1

## **FINDINGS**

Policies Reviewed: 1.1.5.A.4 (Conduct) & 1.4.4.B.1.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.

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### **Additional Comments:**

A review of the evidence was completed, and it was determined that Officer S conducted a lawful traffic stop based on the registration information received after completing a lawful, computerized records check of Ms. S' license plate while participating in a traffic detail. The registration information received showed the status of Ms. S' registration and insurance. Officer S requested an additional unit because Ms. S' escalated the situation by bringing her police chief father into the conversation, and there just happened to be multiple officers in the area participating in the traffic detail. There were no indicators observed that would lead a reasonable individual to believe that Officer S was anything less than professional or that Ms. S' was uncomfortable, nervous, or intimidated.

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

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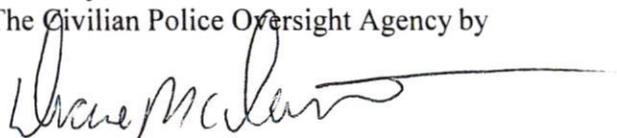
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

October 30, 2023

Via Email

Anonymous

# 099-23

Anonymous:

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

On 04/21/2023 at 0557 hours, Anonymous submitted a complaint online regarding an incident that occurred on 04/21/2023 at 2345 hours. Anonymous alleged that they met Officer J at the Dirty Bourbon and he was drinking a beer. Officer J said that he was on the SWAT team, always on call, and drove an unmarked Chevrolet Tahoe to the bar since he was on call.

### **EVIDENCE REVIEWED:**

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: No

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer J

Other Materials: Email & Text Communications

Date Investigation Completed: August 23, 2023

## FINDINGS

Policies Reviewed: 1.1.6.A.1 (Conduct)

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.
2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.
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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 there was no validity to the allegations made by Anonymous. Anonymous provided a future date and time, provided no supporting evidence, and was uncooperative in the investigative process. It was determined that Officer J was at the Dirty Bourbon the previous evening, 04/20/2023, but was not on duty. No evidence was provided, located, or reviewed that would substantiate any allegations made by Anonymous other than Officer J was at the Dirty Bourbon on 04/20/2023.

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

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

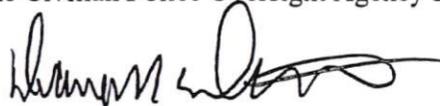
Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

October 31, 2023

Via Certified Mail

7014 2120 0004 7659 1346

Re: CPC # 102-23

C

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

On 04/14/2023, C submitted a complaint stating, "The officer in patrol car T17 has been harrassing me for my ex M. I have had to move several times because of her....she pings my car and phone letting my ex know where i live. She was out in los lunas 2 different times in January and had the roommate harrass me making it look like a bad living enviroment. You can call mike hornburg with CYFD and sheriff loyde in los lunas who I called on what they are doing to me in court."

Ms. C is seeking an outcome of, "I want her investagated for following me down town where i believe she was given the keys to me car that my ex stole from me. I believe she has been using her position to stalk me. I believe her name is ericka but not sure."

### **EVIDENCE REVIEWED:**

Video(s): N/A                      APD Report(s): N/A                      CAD Report(s): N/A

Complainant Interviewed: Yes                      Witness(es) Interviewed: No

APD Employee Interviewed: N/A

APD Employee Involved: None Identified

Other Materials: Complainant Photographs & Email Communications

Date Investigation Completed: September 18, 2023

## **FINDINGS**

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

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

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

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

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

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

**Additional Comments:**

This case is Administratively Closed because the investigation could not identify any APD personnel or misconduct with the information supplied by the complainant or located by the investigator.

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

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

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

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 30, 2023

Via Email

Anonymous

**Re: CPC # 105-23**

Anonymous:

PO Box 1293

**COMPLAINT:**

Albuquerque

On 04/25/2023, an anonymous complaint was submitted online alleging that someone was killed in his neighborhood last night, 04/25/2023, and his entire block was blocked off. Anonymous said when his son's mother came to his apartment to drop him off, he went outside to meet them. Anonymous advised that a rude female officer walked up to him and pointed her finger at him, telling him that he was not allowed to be outside even though she knew he was outside getting his son from his mother.

NM 87103

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

**EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): No

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: No

APD Employee Involved: Officer J

Other Materials: None

Date Investigation Completed: August 30, 2023

## **FINDINGS**

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

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

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**Additional Comments:**

This complaint should be **ADMINISTRATIVELY CLOSED** as the investigation is duplicative of the investigation conducted by another CPOA Investigator under CPC 143-23.

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

October 20, 2023

Via Certified Mail

7014 2120 0004 7659 1247

Re: CPC # 120-23

Ms. Elizabeth L

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Ms. L alleged in her complaint that Officer P came to her home, was rude, and treated her like shit when she called the police to report a homeless woman she had taken into her home. During her interview, Ms. L alleged she had known Officer P for twelve years before and after he became a police officer. When asked how Officer P was rude, Mr. L said Officer P complained about coming to her house for a homeless woman. She insinuated that Officer P hired the homeless to follow her. The last time Officer P came to her home, he held his head low because he did not want Ms. L to recognize him.

### **EVIDENCE REVIEWED:**

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

Complainant Interviewed: Yes                      Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer P.

Other Materials: N/A

Date Investigation Completed: September 7, 2023

## **FINDINGS**

Policies Reviewed: 1.1.5.A.1

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

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

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

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

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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:**

Ms. M, the woman and witness Ms. L brought into her home, was not interviewed and did not participate in the investigation after an attempt to contact her at the Westside Emergency Housing Center was not returned.

By clear and convincing evidence, this investigation determined that Officer P committed no policy violation during his encounter with Ms. L. A review of Officer P's lapel video corroborated what he said had occurred.

Ms. L alleged her knowledge of Officer P was due to his family being involved in witchcraft and encountering him off-duty. Ms. L accused the P family of buying properties with drug money. Ms. L did not provide any evidence of these activities or ongoing contact between her and Officer P's family. Officer P denied all such allegations and explained he has had to respond at times to Ms. L; apartment complex for calls for service.

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

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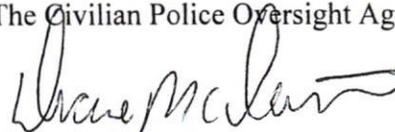
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If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>. There was a delay in the issuance of findings due to the interim status of the Executive Director. Your patience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

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

October 3, 2023

Via Certified Mail

7009 3410 0000 2321 2422

Re: CPC # 124-23

Mr. N -2

PO Box 1293

**COMPLAINT:**

Albuquerque

Mr. N -2, who had been issued a criminal trespass notification, alleged that during his second encounter with the police that day, a sergeant put his hand on his gun and threatened to arrest him if he did not immediately leave the JC Penny property.

NM 87103

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

**EVIDENCE REVIEWED:**

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

Complainant Interviewed: Yes                      Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant P

Other Materials: N/A

Date Investigation Completed: September 11, 2023

## FINDINGS

Policies Reviewed: 1.1.5.A.4

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

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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:

After review, the investigation determined by clear and convincing evidence that Sergeant P did not commit any policy violations during the second encounter with Mr. N [redacted], where he was accused of putting his hand on his gun and allegedly threatened Mr. N [redacted] if he did not leave immediately, he would be arrested. A review of Sergeant P's lapel video corroborated what he said in his interview had happened. During the second encounter with Mr. N [redacted] outside the JC Penny, Sergeant P told Mr. N [redacted] that he could call the JC Penny corporate officer away from the JC Penny. Mr. N [redacted] wanted to speak with another manager. If he remained on the property, Sergeant P, without any threatening words, told Mr. N [redacted] he could be subject to an arrest. Shortly after, Mr. N [redacted] left the area. Reviewing an Officer's lapel video, which offered a view behind Sergeant P, confirmed that he did not put his hand on his gun while speaking with Mr. N [redacted]. None of the three officers said Sergeant P put his hand on his gun.

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

October 3, 2023

Via Certified Mail

7009 3410 0000 2321 2422

**Re: CPC # 124-23**

Mr. [REDACTED] -Zamcho

PO Box 1293

**COMPLAINT:**

Albuquerque

Mr. [REDACTED] alleged his Fourth Amendment rights were violated when the police stopped and detained him outside the JC Penny for suspected shoplifting. Since Mr. [REDACTED] had no merchandise on him, the police had no reason or right to detain him, thereby violating his rights. Mr. [REDACTED] was issued a criminal trespass notification and barred from visiting the store.

NM 87103

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

**EVIDENCE REVIEWED:**

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

Complainant Interviewed: Yes                      Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer B

Other Materials: N/A

Date Investigation Completed: September 11, 2023

## FINDINGS

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

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

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

Policies Reviewed: 2.71.4.A.1

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

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

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### Additional Comments:

After review, Officer B did not commit any policy violations when Mr. N [redacted] was stopped, detained, and issued a criminal trespass notification. A review of Officer B's lapel video and the witness officers and sergeant corroborated what Officer B said had happened. Officer B was the primary officer who initially stopped, spoke with, and detained Mr. N [redacted]. Mr. N [redacted] was neither arrested nor searched that day. Mr. N [redacted] misused the term probable cause, as the police use probable cause to arrest someone for a crime, and then the police are allowed to search a person, incident to that arrest. Again, Mr. N [redacted] was never arrested, searched or charged with a crime. Officers knew before he was stopped that he did not have any stolen merchandise. The facts and circumstances of this investigation determined that Mr. N [redacted]; Fourth Amendment rights were not violated. Officer B followed policy. Mr. N [redacted] was detained, issued a criminal trespass notification, and identified for previous shoplifting.

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

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

October 30, 2023

Via Certified Mail

7014 2120 0004 7659 1285

**Re: CPC # 143-23**

Mr. M

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Mr. R M alleged that while naked and bathing with his three-year-old son, officers laughed at him as they pounded on his door. As he approached his front door, the officers shined their flashlights at him and continued to laugh while he was naked. An officer claimed she was there to do a welfare check about a disturbance concerning a woman being beaten inside his home. After Mr. M explained to the officer that he lived alone with his son, the officer continued interrogating him through his screen door and laughing at him and his son's naked bodies without letting him get dressed. He told the officer to leave, and she laughed at him again as he slammed his door. Due to the serious nature of the call, Mr. M wondered why the officers found it funny and laughed.

### **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 B

Other Materials: N/A

Date Investigation Completed: September 22, 2023

## **FINDINGS**

Policies Reviewed: 1.1.5.A.1

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

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

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

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

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

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

### **Additional Comments:**

After a review, this investigation determined by clear and convincing evidence that Officer B committed no policy violations when the officer encountered Mr. M. Reviewing Officer B's lapel video corroborated the officer's version of what happened. During the entire encounter, no laughing of any kind was observed or heard by either Officer B or their partner partner, Officer J. Outside of Mr. M's apartment, the bathroom was not accessible to Officer B or J.

Regarding Mr. M's allegation that the same officer harassed him in his apartment's parking lot a month prior, the investigation determined it was a different officer that encountered Mr. M in the apartment complex parking lot and not Officer B. A review of that officer's lapel video revealed no harassment.

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

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

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

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



October 30, 2023

Via Certified Mail

7014 2120 0004 7659 1285

**Re: CPC # 143-23**

Mr. M

**COMPLAINT:**

Mr. R M alleged that while naked and bathing with his three-year-old son, officers laughed at him as they pounded on his door. As he approached his front door, the officers shined their flashlights at him and continued to laugh while he was naked. An officer claimed she was there to do a welfare check about a disturbance concerning a woman being beaten inside his home. After Mr. M explained to the officer that he lived alone with his son, the officer continued interrogating him through his screen door and laughing at him and his son's naked bodies without letting him get dressed. He told the officer to leave, and she laughed at him again as he slammed his door. Due to the serious nature of the call, Mr. M wondered why the officers found it funny and laughed.

**EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer J

Other Materials: N/A

Date Investigation Completed: September 22, 2023

PO Box 1293

Albuquerque

NM 87103

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

## **FINDINGS**

Policies Reviewed: 1.1.5.A.1

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

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

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

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

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

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

### **Additional Comments:**

After a review, this investigation determined by clear and convincing evidence that Officer J committed no policy violation when the officer interacted with Mr. M. Reviewing Officer J's lapel video corroborated the officer's version of what happened. During the entire encounter, no laughing of any kind was observed or heard by either Officer J or Officer B. Outside of Mr. M's apartment, the bathroom was not accessible to Officer J or Officer B. Regarding Mr. M's allegation about a previous encounter with the same officer in his apartment complex parking who allegedly harassed him, the investigation determined that the officer was Officer J. A review of Officer J's lapel video determined there was no harassment or other policy violation. Officer J was in the parking lot and secured an area blocked by police line tape. Officer J and a woman with her young child approached the police line tape. The man wanted to cross the police line tape to his apartment but was told by Officer J that he could not due to a police incident. The child was exchanged across the police tape from the woman to the man. Once that was done, both parties left, and Officer J ended the recording.

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

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

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

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

October 27, 2023

Via Email

Re: CPC # 149-23

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Mr. B submitted a civilian complaint over the phone regarding a city council meeting he witnessed on YouTube, where he alleged some individuals' First and Fourth Amendment rights were violated. During his interview, Mr. B alleged that the individual's right to video record the public meeting was denied, and they were detained to provide their contact information. In addition, the officers tried to trespass the individuals illegally.

Mr. B acknowledged that he did not have first-hand knowledge of the incident as he obtained his information from watching a YouTube video.

### **EVIDENCE REVIEWED:**

Video(s): Yes                      APD Report(s): N/A                      CAD Report(s): N/A

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

APD Employee Interviewed: Yes

APD Employee Involved: Major C

Other Materials: council rules

Date Investigation Completed: October 9, 2023

## **FINDINGS**

Policies Reviewed: 1.1.5.A.4

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

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

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

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

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

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

### **Additional Comments:**

After a review of all available evidence, the investigation determined, by clear and convincing evidence, that Major C committed no policy violations during their encounter with the individuals at the city council meeting. The investigation determined that the city security officers initially contacted the individuals and removed them from the council meeting for not following the council's rule on video recording. Major C got involved because they were an APD officer, along with Deputy Chief G and B. Major C wanted to know what the disturbance was and discuss it in the lobby without further disruption to the meeting. The individual, known as C voluntarily went outside into the lobby and discussed the council rules he disagreed on with Deputy Chief G and B. A review of Major C's and Deputy Chief B's lapel videos corroborated what Major C said in their interview. C was free to leave and was never detained by APD personnel or forced to give contact information. Therefore, there was never a violation of constitutional rights. The root cause of the disturbance was determined to be between the city security officers, who controlled the building, and the individuals.

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

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

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

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

October 27, 2023

Via Email

**Re: CPC # 149-23**

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Mr. B submitted a civilian complaint over the phone regarding a city council meeting he witnessed on YouTube, where he alleged some individuals' First and Fourth Amendment rights were violated. During his interview, Mr. B alleged that the individual's right to video record the public meeting was denied, and they were detained to provide their contact information. In addition, the officers tried to trespass the individuals illegally.

Mr. B acknowledged that he did not have first-hand knowledge of the incident as he obtained his information from watching a YouTube video.

### **EVIDENCE REVIEWED:**

Video(s): Yes                      APD Report(s): N/A                      CAD Report(s): N/A

Complainant Interviewed: Yes                      Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: DC G

Other Materials: council rules

Date Investigation Completed: October 9, 2023

**FINDINGS**

Policies Reviewed: 1.1.5.A.4

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

Policies Reviewed: 1.1.5.D.3.a

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

**Additional Comments:**

After a review of the available evidence, the investigation determined that Deputy Chief G committed no violations during their encounter with the individuals at the city council meeting. City security officers initially contacted the individuals and removed them from the council meeting for not following the council's rule on video recording. Deputy Chief G got involved because they were an APD officer and wanted to know what the disturbance was and discuss it in the lobby without further disruption to the meeting. The individual, known as C voluntarily went outside into the lobby and discussed the council rules he disagreed on with Deputy Chief G and others. A review of Major C and Deputy Chief B's lapel video corroborated what Deputy Chief G said in their interview. C was free to leave and was never detained by APD personnel or forced to give contact information. Therefore, there was never a violation of constitutional rights. The root cause of the disturbance was determined to be between the city security officers, who controlled the building, and the individuals. However, DC G neglected to wear their OBRD and could not record the interaction as required by policy. A Written Reprimand was recommended.

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

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

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

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

October 27, 2023

Via Email

Re: CPC # 149-23

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Mr. B submitted a civilian complaint over the phone regarding a city council meeting he witnessed on YouTube, where he alleged some individuals' First and Fourth Amendment rights were violated. During his interview, Mr. B alleged that the individual's right to video record the public meeting was denied, and they were detained to provide their contact information. In addition, the officers tried to trespass the individuals illegally.

Mr. B acknowledged that he did not have first-hand knowledge of the incident as he obtained his information from watching a YouTube video.

### **EVIDENCE REVIEWED:**

Video(s): Yes                      APD Report(s): N/A                      CAD Report(s): N/A

Complainant Interviewed: Yes                      Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: DC B

Other Materials: council rules

Date Investigation Completed: October 9, 2023

## FINDINGS

Policies Reviewed: 1.1.5.A.4

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

### Additional Comments:

After a review of all available evidence, the investigation determined, by clear and convincing evidence, that Deputy Chief B committed no violations during their encounter with the individuals at the city council meeting. The investigation determined that the city security officers initially contacted the individuals and removed them from the council meeting for not following the council's rule on video recording. Deputy Chief B got involved because they were an APD officer and wanted to know about the disturbance without further disrupting the meeting. The individual, known as C voluntarily went outside into the lobby and discussed the council rules he disagreed on with Deputy Chief G and later with Deputy Chief B. A review of Major C and Deputy Chief B's lapel video corroborated what Deputy Chief B said in their interview. C was free to leave and was never detained by APD personnel or forced to give contact information. Therefore, there was never a violation of constitutional rights. The root cause of the disturbance was between the city security officers, who control the building, and the individuals.

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

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

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

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

October 31, 2023

Via Certified Mail

7014 2120 0004 7659 1339

**Re: CPC # 157-23**

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Ms. B alleged that she was racially profiled and pulled over during a traffic stop. The officer had no probable cause and cited her punitively with two citations for no registration and no insurance, even though the officer could have verified her insurance with her policy number.

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer M

Other Materials: N/A

Date Investigation Completed: October 23, 2023

## **FINDINGS**

Policies Reviewed: 1.1.5.A.2

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

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

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

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:**

By clear and convincing evidence, this investigation has determined that Officer M committed no policy violations during a traffic stop with Ms. B. A review of Officer M's lapel video corroborated the officer's version of what happened. Ms. B was pulled over because her license plate was suspended due to an insurance issue. The traffic stop was cordial, with no mention or suggestion of race, or different treatment toward Ms. B. Ms. B handed over an expired 2021 insurance card. Ms. B could not show proof of a valid, unexpired insurance card, and her registration had been suspended. As a result, Ms. B was issued two citations. Officer M offered that if Ms. B corrected her issues, then at court, the officer would dismiss the citations. In New Mexico, drivers must maintain a valid driver's license, registration, and insurance. The Motor Vehicle Division (MDV) is a public database with no expectation of privacy. As such, Officer M accessed that public database and ran Ms. B's license plate, which returned a violation during traffic enforcement along Central Avenue. No probable cause was required to initially run the plate. Her suspended tag then provided justification for the stop.

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

October 20, 2023

To File

Anonymous Anonymous

Re: CPC # 214-23

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

On 08/28/2023, Anonymous submitted a complaint regarding an incident that occurred on 08/28/2023 at 0845 hours at "Krim & Wyoming." Anonymous reported that they asked an officer to leave a sidewalk, and the officer laughed. Anonymous reported that they asked for the officer's name and badge number, and he failed to provide it.

Anonymous reported that video evidence was available. Anonymous listed no witnesses or contact information on the submitted complaint

### **EVIDENCE REVIEWED:**

Video(s): Yes                      APD Report(s): N/A                      CAD Report(s): N/A

Complainant Interviewed: No                      Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer B

Other Materials: NM Statutes, Albuquerque Ordinances, Photograph, & Emails.

Date Investigation Completed: October 10, 2023

## **FINDINGS**

Policies Reviewed: Policy: 1.1.6.A.2 (Conduct)

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

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

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

Policies Reviewed: Policy: 1.1.5.E.4 (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:**

1.1.5.E.4: Officer B was in uniform and seated on his marked department-issued motorcycle while parked next to the road on the sidewalk's edge. Officer B was utilizing a lidar to conduct speed enforcement at the location. Officer B positioned his motorcycle so that he was safe, not impeding the flow of the motoring traffic, and so pedestrian traffic could pass by him. New Mexico State Statute 66-7-6 allows the driver of an authorized emergency vehicle to park or stand, irrespective of the provisions of the Motor Vehicle Code.

1.1.6.A.2: Officer B repeatedly provided his name and/or MAN number when requested. The requester even repeated the MAN number back to Officer B.

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

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

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

October 20, 2023

Via Email

[Redacted]

**Re: CPC # 244-23**

PO Box 1293

**COMPLAINT:**

M : submitted a complaint regarding inaccurate, false, and biased information on police report 23-0062253.

Albuquerque

NM 87103

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

**EVIDENCE REVIEWED:**

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

Complainant Interviewed: Yes                      Witness(es) Interviewed: No

APD Employee Interviewed: No

APD Employee Involved: Not Applicable

Other Materials: OBRD Transcripts

Date Investigation Completed: October 11, 2023

## **FINDINGS**

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

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

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

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

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**Additional Comments:**

This complaint investigation was Administratively Closed because the complaint was withdrawn, and no evidence of a violation in reference to this complaint was discovered during a review of available evidence.

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The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



October 31, 2023

Via Email

**Re: CPC # 253-23**

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

On 10/16/2023, [REDACTED] C [REDACTED] submitted a complaint online regarding an incident that occurred on 10/16/2023 at 0115 hours. Mr. C [REDACTED] reported that Officer PS pulled him "over for a speeding ticket and he was scared of me or something cause he ask me to come and I ask why and he replied with to sign a speeding ticket. I said is that really necessary and he threatened me with arrest if I didn't come out so I came out cause I was scared was he was going to do to me . He proceeds to search me and he had me waiting outside when it's really cold outside and was taking forever to make a ticket and he also lied that I didn't have a car insurance and he lied about me not having a seatbelt . Just not a good experience it supposed to be a traffic stop but he treated me like a criminal. "

### **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: Not Applicable

Other Materials: Email Communications, Case Detail Sheet, & Uniform Citation.

Date Investigation Completed: October 20, 2023

## **FINDINGS**

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

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

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### **Additional Comments:**

This case was Administratively Closed because the investigation determined that SP is an officer with the New Mexico State Police, which is outside the CPOA investigative jurisdiction because he is not an Albuquerque Police Department employee.

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