



## Civilian Police Oversight Agency

### Finding Letters of the CPOA

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

#### March 2025:

046-24	297-24	306-24	307-24	308-24
309-24	310-24	315-24	318-24	322-24

PO Box 1293

Albuquerque

NM 87103

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

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

March 7, 2025

Via Email

Re: CPC # 046-24

### **COMPLAINT:**

PO Box 1293

Mr. M (Kal) submitted a complaint on 02/22/2024 regarding an interaction he had with Officer O on 02/11/2024. Mr. M reported Officer O didn't seem to hear him, was unable to control her facial expressions and emotions, and had a distaste or a dislike for him. Mr. M also reported that Officer O told a photographer that a picture could be taken of a sword if wanted.

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:

APD Employee Interviewed: Yes

APD Employee Involved: Officer O

Other Materials: Email Communications

Date Investigation Completed: June 11, 2024

## FINDINGS

Policies Reviewed: 1.1.5.A.4 (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.

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

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

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

### **Additional Comments:**

1.1.5.A.4: It was determined, based on the content provided in the officer interviews and the corroboration of the reviewed OBRD recordings, that Officer O did not commit any of the allegations of misconduct reported by Kal. The investigation demonstrated inconsistencies by Kal and denied a direct attack occurred with a deadly weapon. There was no indication the complainant was treated dismissively or differently.

**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

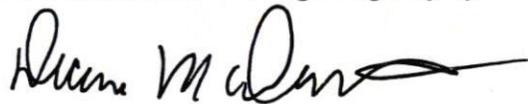
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

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

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

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>. There was a delay in the issuance of findings due to multiple staff changes including investigators and the Executive Director along with a high volume of investigations and reviews to process. Thank you for your patience and participation in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

March 12, 2025

Via Certified Mail

Re: CPC # 297-24

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

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

On 11/1/24, Mr. B filed a CPOA complaint about an incident at The Heights Club in Albuquerque on 8/21/24. He reported that off-duty Officer P whom he knew from previous employment, made threats about shooting him during an AA meeting. The threats allegedly began 6/28/24. B, 42, reported this to his probation officer and noted witnesses from AA meetings were present.

### **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: Unknown

Other Materials:

Date Investigation Completed: March 7, 2025

## FINDINGS

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

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

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

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

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

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

### Additional Comments:

Due to insufficient information to conduct the investigation, this case has been designated for Administrative Closure. A thorough investigation requires adequate documentation, verifiable contact information, and responsive communication from involved parties. Without these essential elements, the CPOA investigator was unable to properly evaluate the merits of the complaint or pursue the necessary lines of inquiry to reach a determination. Mr. B : was unresponsive to numerous attempts to reach him in order to obtain the required information.

**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

March 17, 2025

Via Email

Re: CPC # 306-24

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

On 11/22/2024, the CPOA received a complaint via IAPro BlueTeam on behalf of D S regarding an incident that occurred on 10/06/2024 at approximately 0216 hours. The complaint reported that D was summonsed to court on 11/20/2024 as a suspect in a domestic violence investigation and had no knowledge of the incident or the alleged victim. It was reported that D was autistic and had never been in a relationship. D was summonsed to court on 11/20/2024, where the charges were dismissed. D was seriously concerned that the allegation would permanently be part of his record and negatively impact his future.

[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: Yes

APD Employee Involved: Officer B

Other Materials: Email Communications & Court Documents.

Date Investigation Completed: March 7, 2025

## **FINDINGS**

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

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

**Additional Comments:**

1.1.6.A.1.c: Even though Officer B participated in the investigation, it was determined that Officer B was the backup officer and, therefore, not responsible for the investigation, report, or summons. Those tasks, along with selecting the correct individual in Mark 43, were the primary officer's responsibility.

**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

March 17, 2025

Via Email

**Re: CPC # 306-24**

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

On 11/22/2024, the CPOA received a complaint via IAPro BlueTeam on behalf of D S regarding an incident that occurred on 10/06/2024 at approximately 0216 hours. The complaint reported that D was summonsed to court on 11/20/2024 as a suspect in a domestic violence investigation and had no knowledge of the incident or the alleged victim. It was reported that D was autistic and had never been in a relationship. D was summonsed to court on 11/20/2024, where the charges were dismissed. D was seriously concerned that the allegation would permanently be part of his record and negatively impact his future.

[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: Yes

APD Employee Involved: Officer W

Other Materials: Email Communications & Court Documents.

Date Investigation Completed: March 7, 2025

**FINDINGS**

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

Policies Reviewed: 1.1.6.A.1.c (Conduct)
- 2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.
- 3. **Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.
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**Additional Comments:**

1.1.6.A.1.c: It was determined that Officer W was the primary officer and, therefore, responsible for the investigation, report, and summons. Officer W failed to ensure that a complete and thorough investigation was conducted by attempting to contact and interview all of the involved individuals and failed to document why the interviews weren't completed. Officer W failed to ensure that he identified and summoned the correct individual. In addition, the failure to ensure that a complete and thorough investigation was conducted greatly affected Officer W's ability to appropriately determine who the primary aggressor was and if there was probable cause to have a summons issued. Officer W selected the incorrect individual on the drop-down menu of individuals in Mark 43, resulting in a summons being issued to the wrong person, having a significant impact on the individual wrongfully summoned. The charges were dropped, but the complainant will likely require a legal process to rectify the situation fully. The CPOA recommends an 8 hour suspension.

**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

March 10, 2025

Via Certified Mail

Re: CPC # 307-24

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

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

Ms. L-S reported that her concern was that APD's Sergeant believed that writing a narrative with grammatical errors and "typos" was acceptable. Ms. L-S reported that if you read through the narrative, there was not a completely accurate depiction of her accident, which was what the insurance companies used to address who was at fault. Ms. L-S reported that clerical errors were substantive when they affected the narrative in that a complete grasp of the situation cannot be understood by an outside party. Ms. L-S reported that she was also told by a PSA that they would include the witnesses in her report. Ms. L-S reported that if the PSA would have contacted her witnesses, the narrative would have been more precise and would help insurance come to the most accurate decision.

### **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: Sergeant P

Other Materials: Emails with APD Payroll

Date Investigation Completed: February 21, 2025

## FINDINGS

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

Policies Reviewed: General Order 1.1.6.C.1

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

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

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

Policies Reviewed: Procedural Order 2.8.5.A

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

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### Additional Comments:

1.1.6.C.1-Sergeant P confirmed that driver two's information should have been on the report, and it was an oversight on his end by not catching the missing information and sending it back. Sergeant P also failed to review PSA B's report within three working days, which violates SOP 2-16, but overall violated the SOP in question as Sergeant P did not meet the roles and responsibilities as required by their position in order to maintain the Department's functions, objectives, and standards of efficiency referencing the concerns noted above.

2.8.5.A-Sergeant P initially admitted to talking to Ms. L-S at the scene and did not activate his OBRD, which violated the policy in question.

The CPOA recommends a written reprimand and an 8 hour suspension.

**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

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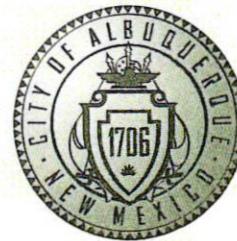
Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

March 10, 2025

Via Certified Mail

Re: CPC # 307-24

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

Ms. L-S reported that in the police narrative, the PSA wrote that the driver in the truck passed from lane three to lane one which is an illegal lane change and possibly careless driving. Ms. L-S reported that how did he not receive a citation for careless driving, failure to keep a proper lookout, or failure to yield. Ms. L-S reported that the other driver was dismissed without her knowledge by a PSA, and his information was never provided to her. Ms. L-S reported that that the PSA did not contact any of her witnesses and if her witnesses would have been contacted the narrative of the report would be more precise and help her insurance come to the most accurate decision.

[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: Yes

APD Employee Involved: PSA H-G

Other Materials: email communications

Date Investigation Completed: February 21, 2025

## FINDINGS

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

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: Procedural Order 2.8.5.A

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

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

### Additional Comments:

2.8.5.A- During the interview, PSA H-G confirmed that he normally did not activate his OBRD while talking to Tow Truck Drivers and also confirmed that he did not run his OBRD when he provided Ms. L-S with the tow sheet, therefore violating the policy in question. PSA H-G was not the primary assigned to investigate the accident or write the report. The CPOA recommends a written reprimand.

**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

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- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

March 10, 2025

Via Certified Mail

Re: CPC # 307-24

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

Ms. L-S reported that in the police narrative, the PSA wrote that the driver in the truck passed from lane three to lane one which is an illegal lane change and possibly careless driving. Ms. L-S reported that how did he not receive a citation for careless driving, failure to keep a proper lookout, or failure to yield. Ms. L-S reported that the other driver was dismissed without her knowledge by a PSA, and his information was never provided to her. Ms. L-S reported that that the PSA did not contact any of her witnesses and if her witnesses would have been contacted the narrative of the report would be more precise and help her insurance come to the most accurate decision.

[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: Yes

APD Employee Involved: PSA B

Other Materials: email communications

Date Investigation Completed: February 21, 2025

## FINDINGS

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

Policies Reviewed: Procedural Order 2.60.4.C.1.b

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

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

Policies Reviewed: General Order 1.78.6.A.1.a.i

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

Policies Reviewed: Procedural Order 2.8.5.A

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

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

### Additional Comments:

1.78.6.A.1.a.i-A review of the OBRD Videos confirmed that by the time PSA B arrived at the scene, the accident had already occurred, and Ms. L-S was already being treated by AFR. OBRD Video confirmed that although some of the comments in Ms. L-S' complaint were told to PSA B at the scene, nothing that was told to PSA B at the scene arose to the level of criminal in nature, or PSA B summoning an officer to issue citations or take over investigative responsibilities. 2.60.4.C.1.b-A review of the OBRD Videos and the interviews confirmed that PSA B was made aware of additional witnesses of the incident and did not attempt to make contact with them or note the reason on his report why no attempted contact was made, per policy, violating the SOP in question. 2.8.5.A-PSA B admitted to talking to the Tow Truck Driver after deactivating his OBRD Video, which violated the policy in question. Additional Note : After a review of the OBRD Videos and PSA B's incident report, the CPOA Investigator did not find a substantial amount of errors or inaccuracies in PSA B's report in reference to the narrative which made the grasp of the situation hard to understand per the complaint. The CPOA recommends 2 written reprimands.

**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

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- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

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

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



March 18, 2025

Via Email

**Re: CPC # 308-24**

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

On 11/20/2024, M submitted a complaint via telephone to the CPOA staff regarding a traffic accident at "Coors/Bluewater." Mr. M reported that PSA B was the first on the scene and listed everything wrong on the report (240089849) regarding his vehicle except for the color. Mr. M advised that he had provided PSA B with the wrong vehicle information but that she should have confirmed the information. Mr. M reported that he was also concerned because the other involved driver was not issued a citation for not having insurance. PSA B informed Mr. M that only officers could issue citations and that they were too busy. Mr. M believed PSA B should have requested an officer.

[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: Yes

APD Employee Involved: PSA B

Other Materials: Email Communications

Date Investigation Completed: March 10, 2025

## FINDINGS

- |   |                                     |
|---|-------------------------------------|
| <b>1. Unfounded.</b> Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.  | <input type="checkbox"/>            |
| Policies Reviewed: 2.16.5.B.4 (Reports) & 2.40.5.A.3 (Enforcement)  |                                     |
| <b>2. Sustained.</b> Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.   | <input checked="" type="checkbox"/> |
| <b>3. Not Sustained.</b> Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.  | <input type="checkbox"/>            |
| <b>4. Exonerated.</b> Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.  | <input type="checkbox"/>            |
| Policies Reviewed: 2.8.5.B (OBRD)   |                                     |
| <b>5. Sustained Violation Not Based on Original Complaint.</b> Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.   | <input checked="" type="checkbox"/> |
| <b>6. Administratively Closed.</b> Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile. | <input type="checkbox"/>            |

**Additional Comments:**

2.8.5.B: It was determined that PSA B failed to activate her OBRD prior to an intended investigative encounter, which was a mandatory recording event. PSA B also failed to document the justifiable reason for her failure to capture the mandatory recording event in its entirety as required by 2.8.5.E.

2.16.5.B.4: It was determined that PSA B failed to confirm and accurately document Mr. M ' vehicle information. This required Mr. M ; to take additional steps to try to get the report corrected and complete his own supplemental report, which resulted in an undue delay in reporting the crash to insurance.

2.40.5.A.3: It was determined that PSA M failed to request the presence of sworn personnel regarding the uninsured motorist rather than make an assumption officers were too busy to respond.

The CPOA recommends an 8 hour suspension and a written reprimand.

**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

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

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

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

March 18, 2025

Via Email

Re: CPC # 308-24

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

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

On 11/20/2024, Mr. M ; submitted a complaint via telephone to the CPOA staff regarding a traffic accident at "Coors/Bluewater." Mr. M ; reported that PSA B was the first on the scene and listed everything wrong on the report (240089849) regarding his vehicle except for the color. Mr. M ; advised that he had provided PSA B with the wrong vehicle information but that she should have confirmed the information. Mr. M ; reported that he was also concerned because the other involved driver was not issued a citation for not having insurance. PSA B informed Mr. M ; that only officers could issue citations and that they were too busy. Mr. M ; believed PSA B should have requested an officer.

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: PSA M

Other Materials: Email Communications

Date Investigation Completed: March 10, 2025

## **FINDINGS**

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

Policies Reviewed: 2.40.5.A.3 (Enforcement)

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

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

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

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

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

### **Additional Comments:**

2.40.5.A.3: It was determined that PSA M failed to request the presence of sworn personnel regarding the uninsured motorist. Even though PSA M was not the primary personnel responsible for the investigation, Mr. M ; brought the issue to her attention multiple times while she assisted with the investigation. Additionally, the other driver ignored the PSA's caution about not driving without insurance, which an officer should have been advised to see if enforcement action would take place.

The CPOA recommends a verbal reprimand.

**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

March 28, 2025

Via Email

Re: CPC # 309-24

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

On 11/21/2024, J submitted a complaint via telephone to the CPOA staff regarding her daughter battering her. Ms. J reported that her daughter had battered her to the point that her face was busted up, her teeth were loose, she was bloody all over, and she had black eyes and knots all over her head. Ms. J reported that she was concerned because the officers did not arrest her daughter, even though the sight of her injuries should have been enough for them to do so. Ms. J reported feeling dismissed by the officers and wanting her daughter arrested.

A recorded interview was not conducted with Ms. J because she was unresponsive to the investigator's request for an interview.

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

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer H

Other Materials: Email Communications, CSS Photographs, & Citizen Provided Evidence.

Date Investigation Completed: March 12, 2025

## FINDINGS

Policies Reviewed: 2.78.4.A.2.b (Domestic Abuse Investigations)

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



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



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



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



Policies Reviewed: 2.16.5.C.1 (Reports)

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



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



### Additional Comments:

2.16.5.C.1: Based on the evidence, it was determined that Officer H failed to complete and submit the associated report by the end of her shift. Officer H did not inform a supervisor that she would be unable to complete and submit the report by the end of her shift. Officer H did not receive authorization from a supervisor to delay the completion and submission of the report beyond the end of her shift.

2.78.4.A.2.b: Based on the evidence, it was determined Officer H was the primary and reporting officer for the incident associated with the complaint investigation and, therefore, responsible for determining who would be arrested or charged. Officer H conducted a domestic violence abuse investigation and determined that Ms. J was the primary aggressor. It was determined that the officers acted professionally and were not dismissive of Ms. J

The CPOA recommends a verbal reprimand.

**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

March 28, 2025

Via Email

Re: CPC # 309-24

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

On 11/21/2024, J submitted a complaint via telephone to the CPOA staff regarding her daughter battering her. Ms. J reported that her daughter had battered her to the point that her face was busted up, her teeth were loose, she was bloody all over, and she had black eyes and knots all over her head. Ms. J reported that she was concerned because the officers did not arrest her daughter, even though the sight of her injuries should have been enough for them to do so. Ms. J reported feeling dismissed by the officers and wanting her daughter arrested.

A recorded interview was not conducted with Ms. J because she was unresponsive to the investigator's request for an interview.

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

### **EVIDENCE REVIEWED:**

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

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

APD Employee Interviewed: Yes

APD Employee Involved: Officer L

Other Materials: Email Communications, CSS Photographs, & Citizen Provided Evidence.

Date Investigation Completed: March 12, 2025

## FINDINGS

Policies Reviewed: 2.78.4.A.2.b (Domestic Abuse Investigations)

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

**Additional Comments:**

2.78.4.A.2.b: Based on the evidence, it was determined Officer L had assisted with the incident associated with the complaint investigation. Ms. J had been determined to be the primary aggressor, but Officer L was not the primary or reporting officer for the incident and, therefore, not responsible for determining who would be arrested or charged. It was determined that the officers acted professionally and were not dismissive of Ms. J

**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

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



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

March 31, 2025

Via Certified Mail

Re: CPC # 310-24

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

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

: Carrete filed a complaint with CPOA on 11/22/2024 regarding potential police bias during a traffic accident response that morning. C , who described himself as "urban-looking," reported officers treated him with suspicion while being lenient with the other driver (an elderly woman). Officers scrutinized his vehicle and documents but allowed the other driver to leave despite her expired insurance and broken headlight.

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer T

Other Materials: CAD Audio

Date Investigation Completed: March 26, 2025

## FINDINGS

Policies Reviewed: 1.4.4.A.2.a

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



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



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



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



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



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 found Officer T complied with APD policy on professional conduct and treating individuals equitably. Evidence from OBRD footage, officer testimony, and dispatch logs showed no unprofessional behavior. Key findings disproved complainant's allegations: both vehicles were inspected, ID handling was proper, standing distance was standard, and the reported unmarked police unit was a civilian vehicle that was unrelated to the incident. Officer T followed department policy regarding crash reports and citations.

**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

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

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

March 31, 2025

Via Certified Mail

Re: CPC # 310-24

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

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

: Carrete filed a complaint with CPOA on 11/22/2024 regarding potential police bias during a traffic accident response that morning. C , who described himself as "urban-looking," reported officers treated him with suspicion while being lenient with the other driver (an elderly woman). Officers scrutinized his vehicle and documents but allowed the other driver to leave despite her expired insurance and broken headlight.

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer H

Other Materials: CAD Audio

Date Investigation Completed: March 26, 2025

## FINDINGS

Policies Reviewed: 1.4.4.A.2.a

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



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



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



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



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



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 Officer H complied with APD policy on professional conduct and treating individuals equitably. Evidence from OBRD footage, officer testimony, and dispatch logs showed no unprofessional behavior. Key findings disproved complainant's allegations: both vehicles were inspected, ID handling was proper, standing distance was standard, and the reported unmarked police unit was a civilian vehicle that was unrelated to the incident. Officer H followed department policy regarding crash reports and citations.

**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

March 31, 2025

Via Certified Mail

Re: CPC # 310-24

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

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

C filed a complaint with CPOA on 11/22/2024 regarding potential police bias during a traffic accident response that morning. C, who described himself as "urban-looking," reported officers treated him with suspicion while being lenient with the other driver (an elderly woman). Officers scrutinized his vehicle and documents but allowed the other driver to leave despite her expired insurance and broken headlight.

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: PSA E

Other Materials: CAD Audio

Date Investigation Completed: March 26, 2025

## FINDINGS

Policies Reviewed: 1.4.4.A.2.a

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



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



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Policies Reviewed: 2.16.5.C.1

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:

1.4.4.A.2.a

The investigation found PSA E complied with APD policy on professional conduct and treating both parties equally. Evidence showed she properly handled the private property crash: held IDs briefly for CAD entry, documented insurance verification, and correctly explained her lack of citation authority on private property. OBRD footage and dispatch logs showed no evidence of preferential treatment or unprofessional behavior.

2.16.5.C.1- It was determined by a preponderance of evidence that the report associated with this incident submitted by PSA E did not meet the timeliness criteria set forth in 2.16.5.C.1.

The CPOA recommends a verbal reprimand.

**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

March 31, 2025

Via Email

Re: CPC # 315-24

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

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

Mr. G -H : reported that during his interaction with Officer P on 04/15/2024, Officer P left out pertinent information in his report that Mr. G s-H : had provided to Officer P. Mr. G -H reported that Officer P was advised that A. M assaulted, battered, and used racial slurs toward Mr. G -H :. Mr. G -F z reported that he specifically told Officer P the following information that was not documented in the report: 1. Ms. M said to Mr. Gonzales-Hernandez that he was a disgusting Mexican and to go back to his country while pointing her finger in Mr. G -H s face. 2. Ms. M grabbed Mr. G -H : by his neck, leaving Mr. G -H hanging from his neck and threw him to the ground.

### **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: 4/10/24 original police report

Date Investigation Completed: March 6, 2025

## FINDINGS

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

Policies Reviewed: Procedural Order 2.60.4.A.2.f

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

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

Policies Reviewed: General Order 1.1.5.A.4

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

Policies Reviewed: Procedural Order 2.65.5.A.1.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.

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### Additional Comments:

1.1.5.A.4-After a review of the incident report from 04/10/2024, and Officer P's incident report dated 04/15/2024 and the OBRD Video, although it may not have been not been noted verbatim in the reports it was noted that the majority of the information that was provided to Officer P on 04/15/2024 was documented on either the incident report from 04/10/2024 or 04/15/2024.

2.60.4.A.2.f- Officer P violated the policy in question by not identifying the video in question, as he did not review it, document it, or collect it as evidence. Officer P did not inquire enough if the video was new evidence or already documented.

2.65.5.A.1.a-Officer P violated the policy in question by using Mr. G H s partner (Mr. A) to interpret for Mr. G -H : instead of a qualified language interpreter during their interaction on 04/15/2024.

The CPOA recommends a 16 hour suspension.

**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

March 31, 2025

Via Email

Re: CPC # 318-24

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

On 11/27/2024, Mr. M submitted a complaint via telephone to the CPOA staff regarding an incident that "occurred sometime in August 2024." Mr. M reported that he was not contacted when his stolen 2001 Honda CRV was recovered. Mr. M was notified by the towing company on 11/27/2024 that his vehicle would be auctioned off on 11/28/2024. Mr. M reported that he called 242-COPS on 11/27/2024 at approximately 1319 hours and discovered that his vehicle had been recovered on 8/8/2024. Mr. M provided an unknown state license plate of LHM038 and a VIN of .

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 H

Other Materials: Email Communications, TNC Interview, MVD Records, & Special Order.

Date Investigation Completed: March 11, 2025

## FINDINGS

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

Policies Reviewed: 2.48.4.B.1.b.iii

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

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

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

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### Additional Comments:

2.48.4.B.1.b.iii: It was determined that Officer H did not complete the Towed Vehicle Notification as required once no one could be contacted via telephone to notify them that the vehicle had been located and was being towed. Per the documentation an attempt was made to reach Mr. M           . The issue was a lack of documentation as required after he was unable to be reached.

A relevant note is the investigation determined Mr. M            was aware that his vehicle was at the tow yard before being sold. He was advised how to recover the vehicle since he was not listed as the registered owner. However Mr. M            advised the tow yard he did not have the funds to pay the fees. The vehicle was still in the possession of the tow yard and not sold when Mr. M            was negotiating with them.

Based on the disciplinary matrix the CPOA recommends a verbal reprimand.

**You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

March 31, 2025

Via Certified Mail

**Re: CPC # 322-24**

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

Mr. E reported that he was headed Northbound on Juan Tabo Blvd Ne, just north of Copper Ave Ne. Mr. E reported that he was in the middle lane when a white Ford Fusion began to merge from the left lane into his lane, almost wrecking into Mr. E. Mr. E reported that Mr. E sped up to avoid the vehicle and the vehicle got behind Mr. E and initiated emergency lights as if he was attempting to conduct a traffic stop. Mr. E reported that he pulled over into a parking lot area and advised that the Ford Fusion did not stop and continued through the parking lot, turning off his lights. Mr. E reported that he was telling the other driver to pull over but the driver was laughing and throwing Mr. E the finger. Mr. E reported that they did a lot of illegal maneuvers in and out of traffic.

[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: Yes

APD Employee Involved: Detective N

Other Materials: Email Communications, Photographs, Video, and Google Maps.

Date Investigation Completed: March 13, 2025

## FINDINGS

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

Policies Reviewed: General Order 1.1.5.E.4

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

Policies Reviewed: General Order 1.1.5.A.1

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

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### Additional Comments:

1.1.5.E.4-During the interview with Detective N, he confirmed that he did use his emergency lights at the time of the incident, which violated the SOP in question as Detective N's vehicle at the time of the incident did not meet the criteria of an "authorized emergency vehicle" per NM State statute 66-7-6 based on Detective N's reasoning for using his lights at the time of the incident.

A review of the Video obtained from Pep Boys for the date of 12/03/2024 corroborated Mr. E's complaint based on the reported date, time, and location that the driver of the Ford Fusion (Detective N) conducted an illegal U-Turn across from Pep Boys' location on Juan Tabo. A review of the area in question noted that at the location where Detective N completed the U-Turn, there was a "no left turn" sign present, therefore Detective N violated the policy in question by completing an illegal U-Turn at the time of the incident per the complaint.

1.1.5.A.1-There was not enough evidence provided or noted to determine if the alleged conduct did or did not occur at the time of the incident.

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