

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

January 31, 2025

Via Certified Mail

Re: CPC # 010-23

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On January 17, 2023, A [redacted] and N [redacted] D [redacted] submitted a complaint to the Civilian Police Oversight Agency (CPOA) regarding a death investigation that commenced on October 20, 2021 at 1819 Lead Avenue, SE, Albuquerque, New Mexico. The D [redacted] alleged that Lieutenant (now Commander) DG, Deputy Commander (now Commander) H, and Detective W failed to properly and thoroughly investigate the incident.

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: Deputy Commander (now Commander) H

Other Materials: multiple pieces of complainant provided information

Date Investigation Completed: November 20, 2024

FINDINGS

Policies Reviewed: 1.1.5.A.4

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

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

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

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

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

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

Additional Comments:

Commander H became involved to attempt to address the D concerns. He did not conduct any of the investigation personally. He could not answer about shell casings being collected, but knew from experience that the crime lab did not have the capability to pull fingerprints from fired casings as the firearm deposits residue that ruins any prints. The investigation was able to obtain information from the decedent's phone which contained compelling evidence, supporting the determination made. He had assigned Detective W to review the case as a check to see if anything changed from the initial investigation and to aid the grieving parents, but the investigation did not come up with a different result, which was supported by the OMI finding.

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

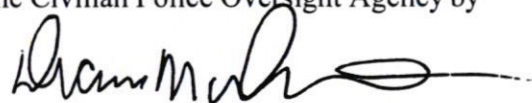
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

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

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

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>. There was a delay in the issuance of findings due to multiple staff changes including investigators and the 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.

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

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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: Lt. (now Commander) DG

Other Materials: multiple pieces of complainant provided information

Date Investigation Completed: November 20, 2024

FINDINGS

Policies Reviewed: 1.1.5.A.4

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Additional Comments:

Commander DG responded to the scene the night of the incident. After investigation it was determined it was a suicide. When Commander DG met with the family that night there was the "resounding sentiment" that Mr. V was not involved in the decedent's death. Commander DG spoke very generally about evidence to the D. Per Commander DG the cameras nearby were traffic cameras that typically did not record, but more importantly the evidence at the scene, supported by the OMI findings, was overwhelmingly identifying the situation as a suicide. Commander DG advised if he came across as uncaring it was not his intention, but the information he subsequently received did not provide sufficient evidence to change the outcome.

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Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: No

APD Employee Involved: Detective W

Other Materials: mult. pieces of complainant provided information, separation verification

Date Investigation Completed: November 20, 2024

FINDINGS

Policies Reviewed: 2.60.4.B.5 & 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. | <input checked="" type="checkbox"/> |
| 2. Sustained. 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. 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. | <input type="checkbox"/> |
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Additional Comments:

2.60.4.B.5 The evidence gathered at the time of the incident determined the situation to be a suicide, which was confirmed by the OMI autopsy. Detective W was assigned as a second look at the situation. Detective W obtained information from cell phones, except information from Mr. V ; phone as a warrant was not approved. Detective W conducted several interviews including with neighbors. After the investigation it was determined there was insufficient evidence to change the original finding.

1.1.5.A.4 The D ; felt Detective W was condescending and dismissed relevant information. He left for extended times without the case being reassigned. There was no evidence that demonstrated Detective W was unprofessional. Detectives are entitled to leave and cases typically are not reassigned due to manpower and case consistency but Commander H provided updates.

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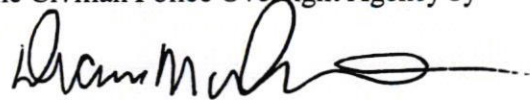
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