



## Civilian Police Oversight Agency

### Finding Letters of the CPOA

The CPOA Executive Director's findings in each case are listed below. The following notifications of the findings were provided to the citizen(s) during April 2024. The findings become part of the officer's file, if applicable.

#### April 2024:

003-23	242-23	275-23	278-23	282-23
284-23	289-23	290-23	293-23	299-23
301-23	316-23	320-23	005-24	072-24

PO Box 1293

Albuquerque

NM 87103

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

# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



April 23, 2024

Via Email

Re: CPC # 003-23

### **COMPLAINT:**

PO Box 1293

On 01/11/2023 at 1400 hours, K [redacted] F [redacted] submitted a complaint online regarding an incident that occurred on 01/11/2023 at 1415 hours at an unreported location. Mr. F reported that the police threatened to shoot him and told him that "he" was going to shoot him if he didn't put his hands on the steering wheel. The sergeant told Mr. F that was how "they" were trained.

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NM 87103

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### **EVIDENCE REVIEWED:**

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

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

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant W

Other Materials: Email Communications

Date Investigation Completed: October 24, 2023

## **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 that that Sergeant W never told Mr. F ; the allegations he made were how officers were trained.

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

- 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.

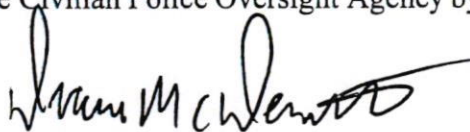
Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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. The review by the Chief Administrative Officer will not be delayed as it is not dependent upon the Advisory Board.

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

April 23, 2024

Via Email

Re: CPC # 003-23

### **COMPLAINT:**

PO Box 1293

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Albuquerque

NM 87103

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

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer T

Other Materials: Email Communications

Date Investigation Completed: October 24, 2023

## FINDINGS

Policies Reviewed: 1.1.5.C.2 (Conduct) & 2.52.4.F.1.e (Use of Force)

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



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



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



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### Additional Comments:

1.1.5.C.2: It was determined that Officer T was not found to have used any profanity or any derogatory, contemptuous, or disrespectful language during the incident.

2.52.4.F.1.e: It was determined that Officer T had a perceived lawful reason to conduct a traffic stop. Officer T deployed his firearm in the low-ready position in response to a perceived threat and did not point it or any other weapon at Mr. F . Officer T warned but did not threaten Mr. F ; that he would shoot him if he pulled something out on him.

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

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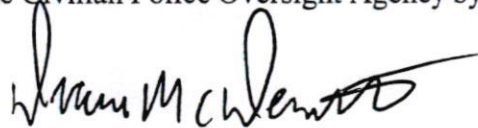
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



April 23, 2024

Via Email

Re: CPC # 003-23

### **COMPLAINT:**

PO Box 1293

On 01/11/2023 at 1400 hours, K [redacted] F [redacted] ; submitted a complaint online regarding an incident that occurred on 01/11/2023 at 1415 hours at an unreported location. Mr. F [redacted] reported that another officer forced Mr. F [redacted] ' hands on top of his head when Mr. F [redacted] ; told him he had a shoulder injury, resulting in Mr. F [redacted] ; having to go back to physical therapy to recorrect his shoulder.

Albuquerque

NM 87103

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

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer D

Other Materials: Email Communications

Date Investigation Completed: October 24, 2023



**FINDINGS**

Policies Reviewed: 2.52.4.F.1.a (Use of Force)

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

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

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**Additional Comments:**

2.52.4.F.1.e: It was determined that Officer D did not force Mr. F hands or arms above his head. Mr. F appeared to have no issue with range of motion, placed his hands above his own head, did not advise of a shoulder injury, and did not request medical attention. Officer D did not take part in the pat down of Mr. F .

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

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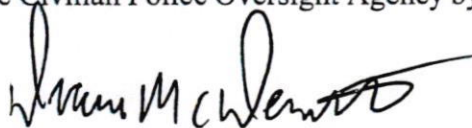
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

April 23, 2024

Via Email

Re: CPC # 003-23

### **COMPLAINT:**

PO Box 1293

On 01/11/2023 at 1400 hours, K F ; submitted a complaint online regarding an incident that occurred on 01/11/2023 at 1415 hours at an unreported location. Mr. F reported that another officer forced Mr. F hands on top of his head when Mr. F ; told him he had a shoulder injury, resulting in Mr. F ; having to go back to physical therapy to recorrect his shoulder.

Albuquerque

NM 87103

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

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer C-G

Other Materials: Email Communications

Date Investigation Completed: October 24, 2023

## FINDINGS

Policies Reviewed: 2.52.4.F.1.a (Use of Force)

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



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### Additional Comments:

2.52.4.F.1.e: It was determined that Officer C-G did not force Mr. F ' hands or arms above his head. Mr. F ; appeared to have no issue with range of motion, placed his hands above his own head, did not advise of a shoulder injury, and did not request medical attention.

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

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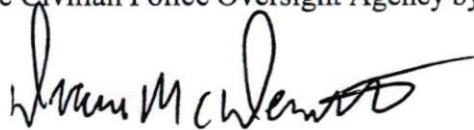
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

April 30, 2024

Via Certified Mail

7017 2680 0000 5951 9914

**Re: CPC # 242-23**

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

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

Mr. M called the CPOA office to file a complaint over the phone. He alleged that Detective G had been harassing him regarding a false accusation of a bomb threat and received a criminal complaint in the mail based on allegations that he called in a bomb threat at the Republican Party office of New Mexico. Mr. M accused Detective G of weaponizing the police against him based on his personal political opinions and lying to take away Mr. M's rights. Mr. M denied that he had called in a bomb threat but acknowledged calling the GOP office to exercise his right to free speech, as he had done many times before. Mr. M insisted that he did not break any laws and that his conversations with the persons he spoke with were misrepresented in the complaint.

### **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: Detective G

Other Materials: state statute, warrant

Date Investigation Completed: March 28, 2024

## FINDINGS

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

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

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

Policies Reviewed: 1.1.5.A.4

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

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

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### Additional Comments:

After reviewing this case, the investigation determined, by a preponderance of the evidence, that Detective G committed no policy violations during a bomb threat investigation against Mr. M. During a review of Detective G's lapel video interviews with the witnesses on 7/31/23 and 8/16/2023, they were calm & credible during their account of the called-in bomb threat on 7/28/2023. Mr. M was called on 7/31/2023 and became immediately defensive and dismissive while denying he had done anything wrong. He hung up the phone on Detective G before he could ask any questions. Detective G found that his witnesses were credible and had sufficient other evidence even though the conversation between the witness and Mr. M was not recorded. Detective G submitted his investigation to the District Attorney's Office, believing he had met the elements of the crime. Mr. M would have the opportunity to present his side and any evidence at court. There was no evidence Detective G's personal political opinion influenced his investigation.

**You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of 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. Please note that the Advisory Board is working towards completing older appeals filed when the Board was being reconfigured. If your appeal request is filed in a timely manner, you will be notified when your appeal will be scheduled, and more information will follow. Once normal procedures resume, the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

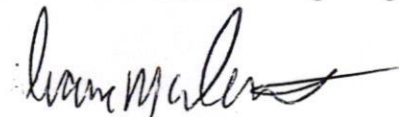
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The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

April 25, 2024

Via Certified Mail

7017 2680 0000 5951 9945

**Re: CPC # 275-23**

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

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

Mr. W reported that the PSA was in her vehicle and his wife was curious if there was possibly a burglary nearby, so his spouse remained in the driveway for approximately 10 minutes before his spouse finally left. Mr. W reported that their camera system noted that approximately 4 minutes after his spouse left, the PSA drove up to the driveway, exited her vehicle, and placed a parking citation on their jeep. Mr. W reported that the citation was for parking on a sidewalk in which the picture clearly showed the jeep was barely touching the sidewalk and not in any way blocking access on the sidewalk. Mr. W reported that the PSA had ample opportunity to contact his wife to correct the issue if she felt it was a hazard and personally hand her the citation.

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: PSA C

Other Materials: Photographs provided by Mr. W

Date Investigation Completed: March 6, 2024

## **FINDINGS**

Policies Reviewed:    General Order 1.78.6.C.5.a

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

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

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### **Additional Comments:**

1.78.6.C.5.a-Per the CAD, Mr. Walton's vehicle was cited via 8-5-1-1B (*"No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device, in any of the following places: (B) "On a sidewalk."*)

A review of the OBRD Videos, as well as the photographs provided by Mr. W , confirmed that the passenger tires on the vehicle in question were both parked on top of the sidewalk. During the interview with PSA C, she advised that at the time of the incident, nobody came to talk to her, nor did anyone try to wave her down to talk to her. A review of the photographs (containing the time stamps) provided by Mr. W confirmed that PSA C was not parked in front of Mr. W ; home until approximately 6 minutes after Mr. W spouse and her vehicle were no longer in the driveway. Referencing the photograph that showed Mr. W ; spouse in the driveway, the PSA's vehicle cannot be seen in that photograph. PSAs take parking enforcement actions when not on other duties and are not required to make contact with individuals prior to issuing citations.

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

- 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.

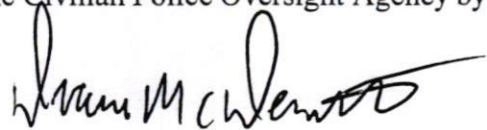
Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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. The review by the Chief Administrative Officer will not be delayed as it is not dependent upon the Advisory Board.

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

April 25, 2024

Via Certified Mail

7017 2680 0000 5951 9945

Re: CPC # 275-23

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

Mr. W reported that he called the Southwest substation and was contacted by Sergeant A. Mr. W reported that Sergeant A advised Mr. W that the PSA did not work for Sergeant A and eventually said that the PSA worked for the Area Commander. Mr. W reported that he was a retired APD Lieutenant, and Mr. W knew that to be false and at some point, after calling this out, Sergeant A stated that the PSA did work for him. Mr. W reported that all Sergeant A told him was that times had changed. Mr. W reported that Sergeant A advised that the PSA responded there because neighbors had complained about the vehicle parked on the sidewalk. Mr. W reported that he believed that was false as well.

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

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant A

Other Materials: Photographs provided by Mr. W

Date Investigation Completed: March 6, 2024

## **FINDINGS**

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

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

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

Policies Reviewed:    General Order 1.1.5.A.4

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

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

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

### **Additional Comments:**

A review of the OBRD Video confirmed that when Mr. W        asked who the PSA worked for, Sergeant A stated the PSA worked for Sergeant A, then stated well, actually, more the Commander, but the PSA was in Sergeant A's squad.

A review of the OBRD Video confirmed that Sergeant A did tell Mr. W        that the PSA went out there as there were complaints from the neighborhood about vehicles being parked illegally. It was Sergeant A's belief that the Commander wanted an enhanced presence in the neighborhoods, although PSA C did not receive specific direction but was trying to remain productive. Sergeant A advised during the interview it was not his intent to misrepresent the information to Mr. W        because it was his impression from the Commander a couple of weeks prior to the incident.

A review of the OBRD Video confirmed that nothing Sergeant A said to Mr. W        violated the SOP in question.

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

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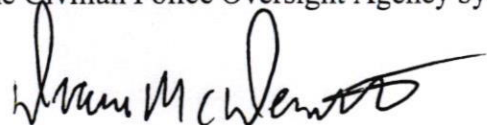
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If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>. There was a delay in the issuance of findings due to the interim status of the Executive Director. Your patience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

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

April 30, 2024

Via Certified Mail

7017 2680 0000 5951 9952

Re: CPC # 278-23

### **COMPLAINT:**

PO Box 1293

In his complaint, Mr. C alleged that the Albuquerque City Police had damaged his car. Because of the damage, Mr. C could not drive his car and had to walk home.

Albuquerque

During his interview, Mr. C added that Officer T spotlight on her vehicle allegedly damaged his vision when he was stopped during the traffic stop. Mr. C also added that the high-beam lights caused damage to his eyes, as well as physical damage to his car. The alleged damage occurred after driving away from the traffic stop. Mr. C wrecked his car and blamed disorientation from Officer T police car lights as the cause.

NM 87103

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

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer T.

Other Materials: n/a

Date Investigation Completed: March 15, 2024

## FINDINGS

Policies Reviewed: 2.7.4.B

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

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

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

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

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

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

### Additional Comments:

After review, the investigation determined that Officer T did not violate policy during her encounter with Mr. C. A review of Officer T's lapel video showed that she conducted a traffic stop, explained to Mr. C why she stopped him, returned to her vehicle, and wrote out two citations. There were no observed physical damages to Mr. C vehicle that Officer T caused. In addition, Mr. C did not complain to Officer T that her vehicle lights caused him eye discomfort or disorientation. Further, during his interview, Mr. C could not provide evidence that his eyes had been injured or that his car was damaged from a wreck or where the wreck allegedly occurred. Further, in his interview, Mr. C said that Officer T's spotlight had caused damage to his vision and later changed his story to her high-beam headlights as the cause. However, according to Officer T's lapel video, she did not, nor did her backup officer, have their spotlights or their high beam headlights on.



**You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of 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. Please note that the Advisory Board is working towards completing older appeals filed when the Board was being reconfigured. If your appeal request is filed in a timely manner, you will be notified when your appeal will be scheduled, and more information will follow. Once normal procedures resume, the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

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



April 26, 2024

Via Email

Re: CPC # 282-23

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

On 11/14/2013, A :P -E 1 submitted a complaint online regarding an incident that occurred on 11/05/2023 at 1315 hours. Ms. P -E 1 reported that Officer F arrived on the scene of an incident in which she and her family, including a baby, were maced from behind. Ms. P -E 1 told Officer F that she wanted to press charges of aggravated battery; Officer F rolled his eyes, sighed, and told her to "hold on." Officer F did not do his due diligence or take them seriously. Officer F allowed the assailant to leave and take her pepper spray with her. A witness came forward, and Officer F asked twice if they were related.

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

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer F

Other Materials: Not Applicable

Date Investigation Completed: February 1, 2024

## FINDINGS

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

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

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

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

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

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

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### Additional Comments:

It was determined by a review of video and additional evidence that Officer F was professional, conducted a thorough investigation, and came to a reasonable conclusion based on the available evidence to the officer at the time. Officer F seized the alleged assailant's mace and determined that enough evidence did not exist to issue any of the individuals a criminal summons for the incident, which occurred outside his presence. Officer F never told Ms. P [redacted] to "hold on" or said, "What is the problem?" Officer F rolled his eyes due to radio issues, not at Ms. P [redacted]. No indicators were found that Officer F sighed at Ms. Pendley-Brown to indicate a dismissive attitude.

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

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- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
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Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

April 30, 2024

Via Certified Mail

7017 2680 0000 5951 9969



**Re: CPC # 284-23**

### **COMPLAINT:**

PO Box 1293

Ms. G alleged that she was asleep in her vehicle in a parking lot, as no hotel rooms were available during the balloon festival weekend. Officer E was inside her truck before she had awakened. Ms. G claimed that Officer E was upset because she did not get out of her vehicle, searched her vehicle without a warrant, and falsified her arrest with false statements.

Albuquerque

Ms. G was not interviewed after attempts to contact her by phone, email, and certified mail proved negative.

NM 87103

[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: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer E.

Other Materials: n/a

Date Investigation Completed: March 21, 2024

## FINDINGS

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

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

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

Policies Reviewed: 2.71.4.H.1.a

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

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

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### Additional Comments:

After review, the investigation determined, by a preponderance of the evidence, that Officer E did not violate policy during his encounter with Ms. G , which resulted in her arrest. A review of Officer E's lapel video corroborated what he described in his interview of what happened. When Officer E approached Ms. G vehicle, she and her passenger were unconscious and did not awaken after repeated knocking by Officer E. The passenger side window was down, and Officer E called out to Ms. M , knocked on the window, tapped on her, and escorted her back to his police car. At the same time, the driver, Ms. G remained unconscious. At the driver's side door, Officer E attempted to wake Ms. G several times and opened the vehicle's door, reached inside, turned off the engine, and called out to her several times. Eventually, Ms. G woke up but refused to exit the vehicle after being asked multiple times by Officer E. Officer E told Ms. G that he had observed in plain view drug paraphernalia, and they and they had been passed out in the parking lot. Eventually, Officer E had to arrest Ms. G when he saw the bag of fentanyl pills in plain view when she grabbed the bag of pills from her purse and she put a handful of pills in her mouth.

**You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of 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. Please note that the Advisory Board is working towards completing older appeals filed when the Board was being reconfigured. If your appeal request is filed in a timely manner, you will be notified when your appeal will be scheduled, and more information will follow. Once normal procedures resume, the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



April 30, 2024

Via Email

1

Re: CPC # 289-23

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

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

Ms. S P alleged that officers yelled at her, sided with her landlord, called her a “white educated bitch”, took her to the hospital, did not lock her apartment door, and dropped her off at the hospital, where she was never admitted. During her interview, Ms. P said she was taken to the hospital against her will and was never told why she needed to go to the hospital. They threatened to take her to jail if she did not go with them. While at the hospital, she was quickly released because the doctor told her there was nothing wrong with her.

### **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 S.

Other Materials: n/a

Date Investigation Completed: March 27, 2024

1



## **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.



Policies Reviewed: 2.19.10.A.3

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



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



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



### **Additional Comments:**

A review of video supported that Ms. Peterson's call was a civil issue being a landlord tenant dispute, which was explained to Ms. P and the landlord. However, when Officer S was allowed entrance by Ms. P inside her apartment, he noticed the apartment was smoke-filled, had exposed wiring, no electricity, and a homemade brick fire pit on the counter with ashes underneath it and a burnt ceramic plate used to cook with it. Ms. P claimed the fire pit was art and that the fire department had checked her apartment and found no issues. In addition, Officer S saw a generator outside the apartment, and neighbors complained about the fumes from the generator being operated inside the apartment. Officer S decided to transport Ms. P to Lovelace Hospital for a mental health evaluation based on her lighting fires inside her apartment, which could burn down the entire building. Her behavior was a danger to herself and the other tenants at her apartment complex, which was explained to Ms. P directly opposite what she said in her complaint and during her interview. In addition, Ms. P was not called a name as alleged in the complaint and was treated fairly and professionally. The officer attempted to secure the apartment, which did not have a sound locking system.

**You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of 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. Please note that the Advisory Board is working towards completing older appeals filed when the Board was being reconfigured. If your appeal request is filed in a timely manner, you will be notified when your appeal will be scheduled, and more information will follow. Once normal procedures resume, the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

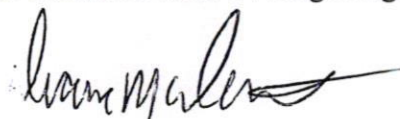
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- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

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. The review by the Chief Administrative Officer will not be delayed as it is not dependent upon the Advisory Board.

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



April 5, 2024

Via Certified Mail

7017 2680 0000 5951 9884

Re: CPC # 290-23

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

A C reported that an individual had climbed over the wall into his property, masturbated in front of the surveillance camera, and attempted to gain entry into his residence. Mr. C reported that an unknown officer called him via telephone and advised him that it wasn't criminal trespassing unless witnessed by an officer and that nothing could be done about the individual masturbating because his intent was unknown. Mr. C reported that the officer did not request the video from him or provide him with a report number. Mr. C does not believe the officer took the incident seriously, the officer was not accurate in his actions, and that the officer gave a blind eye to the incident.

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

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer D

Other Materials: Statutes, Transcripts, Photographs, SOP 2.16, SOP 2.60, & Emails.

Date Investigation Completed: March 28, 2024

## **FINDINGS**

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

Policies Reviewed: 1.1.5.A.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.

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

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

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

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

### **Additional Comments:**

It was determined that Officer D failed to collect evidence, identify and coordinate interviews with witnesses and involved persons, provide Mr. C with a case number, complete a uniform incident report, and complete a criminal complaint. There was no direct evidence to indicate that Officer D didn't take the incident seriously or that he turned a blind eye to the incident. Still, the lack of investigative action would lead a reasonable individual to such a conclusion. It should be noted that the incident occurred on 11/18/2023 but was reported on or about 11/22/2023. Officer D had no control over the response time and called Mr. C in lieu of responding directly to his residence to ensure that Mr. C was contacted and the call for service wasn't delayed further. The CPOA recommends a written reprimand for the policy violation.

**You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of 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. Please note that the Advisory Board is working towards completing older appeals filed when the Board was being reconfigured. If your appeal request is filed in a timely manner, you will be notified when your appeal will be scheduled, and more information will follow. Once normal procedures resume, the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

- 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. The review by the Chief Administrative Officer will not be delayed as it is not dependent upon the Advisory Board.

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

April 5, 2024

Via Certified Mail

7017 2680 0000 5951 9891

Re: CPC # 293-23

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

On 11/29/2023, T A W submitted an online complaint to the Civilian Police Oversight Agency (CPOA) regarding an incident that occurred on 10/31/2023 at 0130 hours. Ms. Arrington-V y reported calling 242-COPS on 10/30/2023 at 1645 hours to report a protection order violation. Officer M arrived at her residence on 10/31/2023 at 0131 hours. Officer M advised Ms. A W r that he would complete a report and could possibly secure a warrant for aggravated stalking. Ms. A W r reported that the report (23-0087511) was needed for a court hearing on 11/30/2023.

[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 M

Other Materials: Email Communications.

Date Investigation Completed: April 2, 2024

## **FINDINGS**

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

Policies Reviewed: 2.16.5.C.1 (Reports)

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

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

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

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

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

**Additional Comments:**

It was determined that Officer M did not complete report 23-0087511 before the end of his shift as required and did not receive supervisor approval to hold the report beyond the end of her shift. Officer M did respond to the call for service without delay when dispatched. The CPOA recommends a verbal reprimand for the policy violation.

**You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of 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. Please note that the Advisory Board is working towards completing older appeals filed when the Board was being reconfigured. If your appeal request is filed in a timely manner, you will be notified when your appeal will be scheduled, and more information will follow. Once normal procedures resume, the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

- 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. The review by the Chief Administrative Officer will not be delayed as it is not dependent upon the Advisory Board.

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



April 22, 2024

Via Email

**Re: CPC # 299-23**

### **COMPLAINT:**

PO Box 1293

On 12/11/2023, K V submitted a complaint via telephone to CPOA staff, reporting that crash report 23-0094951 was taken on 11/25/2023 and had not been written. K indicated they filed the complaint on behalf of J B, who needed the report for insurance purposes.

Albuquerque

NM 87103

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

### **EVIDENCE REVIEWED:**

Video(s): N/A

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: PSA J

Other Materials: Email Communications

Date Investigation Completed: March 29, 2024

## **FINDINGS**

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

Policies Reviewed: 2.16.5.C.1

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

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

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

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

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

**Additional Comments:**

It was determined that PSA J did not complete crash report 23-0094951 (711111976) before the end of the shift as required, did not notify a supervisor that it wouldn't be completed before the end of the shift as required, and did not receive supervisor approval to hold the report beyond the end of the shift as required. The CPOA recommends a written reprimand.

**You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of 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. Please note that the Advisory Board is working towards completing older appeals filed when the Board was being reconfigured. If your appeal request is filed in a timely manner, you will be notified when your appeal will be scheduled, and more information will follow. Once normal procedures resume, the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

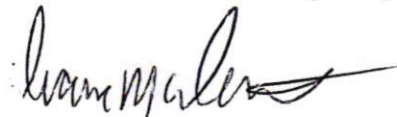
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

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. The review by the Chief Administrative Officer will not be delayed as it is not dependent upon the Advisory Board.

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

April 26, 2024

Via Email

1

**Re: CPC # 301-23**

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

Mr. M reported that on 12/07/2023 at 1200 hours, a female officer threatened him and told him that she would take him to jail if she ever saw him on the street again. Mr. M told the female officer to stop harassing him and packed his belongings; the female officer continued to harass and threaten him with incarceration. Mr. M reported that "the apd" had instructed employees to enter the apartment complex, remove his belongings, toss them in the dump truck, compress them, and transfer them to the dump. Mr. M reported that "the apd" stopped other residents from moving his belongings and threatened them with incarceration if they helped Mr. M. Mr. M was advised by a witness that the "officers" had "mentioned that the property belonged to that son of a bitch who talked back to them."

[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 C

Other Materials: Email & USPS Mail Communications

Date Investigation Completed: April 9, 2024

1

## **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.

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

### **Additional Comments:**

It was determined that Officer C (male) never had a conversation with Mr. M during the incident that occurred on the date and time reported. Items were located behind a vacant apartment owned by the city of Albuquerque. The items were removed but not by or at the request of any APD personnel. No APD personnel stopped other residents from moving the belongings or threatened them with incarceration if they helped Mr. M. No APD personnel "mentioned that the property belonged to that son of a bitch who talked back to them." Those comments were from other employees over whom the CPOA has no jurisdiction.

**You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of 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. Please note that the Advisory Board is working towards completing older appeals filed when the Board was being reconfigured. If your appeal request is filed in a timely manner, you will be notified when your appeal will be scheduled, and more information will follow. Once normal procedures resume, the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

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

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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



April 25, 2024

Via Email

Re: CPC # 301-23

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

Mr. M reported that on 12/07/2023 at 1200 hours, a female officer threatened him and told him that she would take him to jail if she ever saw him on the street again. Mr. M told the female officer to stop harassing him and packed his belongings; the female officer continued to harass and threaten him with incarceration. Mr. M reported that "the apd" had instructed employees to enter the apartment complex, remove his belongings, toss them in the dump truck, compress them, and transfer them to the dump. Mr. M reported that "the apd" stopped other residents from moving his belongings and threatened them with incarceration if they helped Mr. M. Mr. M was advised by a witness that the "officers" had "mentioned that the property belonged to that son of a bitch who talked back to them."

[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 B

Other Materials: Email & USPS Mail Communications

Date Investigation Completed: April 9, 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.

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### Additional Comments:

It was determined that Officer B (female) never had a conversation with Mr. M during the incident that occurred on the date and time reported. Items were located behind a vacant apartment owned by the city of Albuquerque. The items were removed but not by or at the request of any APD personnel. No APD personnel stopped other residents from moving the belongings or threatened them with incarceration if they helped Mr. M. No APD personnel "mentioned that the property belonged to that son of a bitch who talked back to them." Those comments were from other employees over whom the CPOA has no jurisdiction.



**You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of 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. Please note that the Advisory Board is working towards completing older appeals filed when the Board was being reconfigured. If your appeal request is filed in a timely manner, you will be notified when your appeal will be scheduled, and more information will follow. Once normal procedures resume, the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



April 25, 2024

Via Email

Re: CPC # 301-23

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

Mr. M reported that on 12/07/2023 at 1200 hours, a female officer threatened him and told him that she would take him to jail if she ever saw him on the street again. Mr. M told the female officer to stop harassing him and packed his belongings; the female officer continued to harass and threaten him with incarceration. Mr. M reported that "the apd" had instructed employees to enter the apartment complex, remove his belongings, toss them in the dump truck, compress them, and transfer them to the dump. Mr. M reported that "the apd" stopped other residents from moving his belongings and threatened them with incarceration if they helped Mr. M. Mr. M was advised by a witness that the "officers" had "mentioned that the property belonged to that son of a bitch who talked back to them."

[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 M

Other Materials: Email & USPS Mail Communications

Date Investigation Completed: April 9, 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.

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### **Additional Comments:**

It was determined that Officer M (male) never had a conversation with Mr. M during the incident that occurred on the date and time reported. Items were located behind a vacant apartment owned by the city of Albuquerque. The items were removed but not by or at the request of any APD personnel. No APD personnel stopped other residents from moving the belongings or threatened them with incarceration if they helped Mr. M. No APD personnel "mentioned that the property belonged to that son of a bitch who talked back to them." Those comments were from other employees over whom the CPOA has no jurisdiction.

**You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of 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. Please note that the Advisory Board is working towards completing older appeals filed when the Board was being reconfigured. If your appeal request is filed in a timely manner, you will be notified when your appeal will be scheduled, and more information will follow. Once normal procedures resume, the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

- 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. The review by the Chief Administrative Officer will not be delayed as it is not dependent upon the Advisory Board.

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

April 30, 2024

Via Certified Mail

7017 2680 0000 5951 9976

Re: CPC # 316-23

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

On 12/19/2023, D. G. submitted a written complaint in person to the Civilian Police Oversight Agency (CPOA). Mr. G. reported that he was falsely summoned and wrongfully charged for an incident on 12/15/2023. Mr. G. reported that Officer A charged and summoned him with a domestic violence violation when he had no relationship with the alleged victim. Mr. G. reported that the officer charged and summoned him without catching him in the act, questioning him, or arresting him. Mr. G. reported that the act was illegal and immoral.

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

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer A

Other Materials: Email Communications, Text Messages, Recordings, & Documents.

Date Investigation Completed: April 22, 2024

## FINDINGS

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

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

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

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

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

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

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

### Additional Comments:

It was determined that Officer A took the necessary and reasonable steps to investigate the incident. Officer A attempted to contact D G via telephone to collect his statement and listed the last known address for Mr. G in her report. Officer A utilized the appropriate charge for the incident and had no control over how the courts classified the case when assigning their own case number.

**You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of 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. Please note that the Advisory Board is working towards completing older appeals filed when the Board was being reconfigured. If your appeal request is filed in a timely manner, you will be notified when your appeal will be scheduled, and more information will follow. Once normal procedures resume, the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

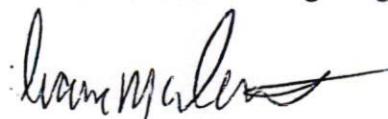
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

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. The review by the Chief Administrative Officer will not be delayed as it is not dependent upon the Advisory Board.

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

April 23, 2024

Via Email

Anonymous Concerned Citizen

**Re: CPC # 320-23**

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

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

On 12/31/2023, an Anonymous Concerned Citizen sent an email complaint to the CPOA regarding a posting on Facebook between what they believed to be a current and retired APD officer. The Facebook post, made on 12/21/23, referred to an armed robbery in progress. The post described unknown officers that were aware of the robbery but intentionally held themselves out of service on fake calls from responding to the robbery call because they were eating.

### **EVIDENCE REVIEWED:**

Video(s): No

APD Report(s): No

CAD Report(s): No

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: N/A

APD Employee Involved: Unknown

Other Materials: N/A

Date Investigation Completed: April 18, 2024



## **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:**

No APD officer(s) have been identified as a target of this investigation based on this complaint. The Concerned Citizen acknowledged no firsthand knowledge of the alleged incident of officers who supposedly took themselves out of service from responding to an alleged robbery -in-progress call. The Concerned Citizen was a third-party observer of the Facebook post comments. The Concerned Citizen identified one of the participants in the conversation as Officer M (retired), but did not know Officer M was retired at the time of the post and before the alleged incident occurred. Officer M was not interviewed due to not responding to a request for an interview. APD Records reported that there were no armed robberies for December 2023 for the locations listed. In addition, none of the CADs referenced a Donut Mart.

This case was administratively closed for lack of information to proceed further.

**You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of 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. Please note that the Advisory Board is working towards completing older appeals filed when the Board was being reconfigured. If your appeal request is filed in a timely manner, you will be notified when your appeal will be scheduled, and more information will follow. Once normal procedures resume, the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

April 30, 2024

Via Email

Re: CPC # 005-24

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

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

On 01/05/2024, H [redacted] G [redacted] submitted a complaint via telephone to CPOA staff regarding an incident that occurred on 01/02/2024 at 2300 hours. Ms. G [redacted] reported that she called 911 on 01/02/2024 to report a female trespassing in her front yard, and the officers arrived at approximately 0100 hours and knocked on her door. The officers stated, "Yeah, we didn't see anything," but didn't leave any documentation on her door.

Ms. G [redacted] reported that she called a second time because the female was harassing her and calling her a "bitch." An officer contacted Ms. G [redacted] but had no information about her previous calls. Ms. G [redacted] was concerned because it took her two days to report the same "crime" just to be told that the officers couldn't do anything.

### **EVIDENCE REVIEWED:**

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

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

APD Employee Interviewed: Yes

APD Employee Involved: Officer D

Other Materials: Email Communications

Date Investigation Completed: March 18, 2024

## **FINDINGS**

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

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

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

Policies Reviewed: 1.1.5.A.4 (Conduct)

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

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

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

### **Additional Comments:**

It was determined that Officer D was the primary officer for the initial call. The response time to the incident was approximately fifty-six minutes from the time of the initial call, not two and a half to three hours as indicated and reported. No documentation was left on the door because there was nothing to leave or requested to be left by Ms. G. Officer D observed a video shown to him by Ms. G. Officer D didn't check for damage to the door handle because Ms. G never asked Officer D to check the door handle or reported to him that the door handle was damaged. Officer D documented the incident on the event log but did not make a report because Ms. G did not request it. Ms. G simply requested that Officer D let an unknown female know not to return if she was located. Officer D conducted a foot patrol of the area but did not contact the unknown female.

**You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of 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. Please note that the Advisory Board is working towards completing older appeals filed when the Board was being reconfigured. If your appeal request is filed in a timely manner, you will be notified when your appeal will be scheduled, and more information will follow. Once normal procedures resume, the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

April 30, 2024

Via Email

Re: CPC # 005-24

### **COMPLAINT:**

PO Box 1293

On 01/05/2024, H [redacted] G [redacted] submitted a complaint via telephone to CPOA staff regarding an incident that occurred on 01/02/2024 at 2300 hours. Ms. G [redacted] reported that she called 911 on 01/02/2024 to report a female trespassing in her front yard, and the officers arrived at approximately 0100 hours and knocked on her door. The officers stated, "Yeah, we didn't see anything," but didn't leave any documentation on her door.

Albuquerque

NM 87103

Ms. G [redacted] reported that she called a second time because the female was harassing her and calling her a "bitch." An officer contacted Ms. G [redacted] but had no information about her previous calls. Ms. G [redacted] was concerned because it took her two days to report the same "crime" just to be told that the officers couldn't do anything.

www.cabq.gov

### **EVIDENCE REVIEWED:**

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

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

APD Employee Interviewed: Yes

APD Employee Involved: Officer A

Other Materials: Email Communications

Date Investigation Completed: March 18, 2024

## **FINDINGS**

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

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

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

Policies Reviewed: 1.1.5.A.4 (Conduct)

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

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### **Additional Comments:**

It was determined that Officer A was the primary officer for the second call. Officer A responded to the call for service when dispatched. This appeared to be a situation where there was a breakdown in communication between Ms. G : and Officer A, hindering Officer A's ability to understand what had occurred and what was occurring. The breakdown in communication was only fueled by Ms. G : unwillingness to speak with Officer A, resulting in him being unable to gather the facts to complete a report.

**You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of 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. Please note that the Advisory Board is working towards completing older appeals filed when the Board was being reconfigured. If your appeal request is filed in a timely manner, you will be notified when your appeal will be scheduled, and more information will follow. Once normal procedures resume, the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**


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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

April 30, 2024

Via Email

Re: CPC # 072-24

### **COMPLAINT:**

PO Box 1293

T [redacted] Urrutia submitted a complaint to the CPOA regarding an incident that occurred on 03/07/2024 at 1900 hours. Ms. U [redacted] reported that she had a citation on her vehicle, so she checked her cameras. Ms. Urrutia reported she saw Officer S drive up G [redacted] St., where her car was parked, hit the brakes, then circled back around five minutes later and reversed his car. Ms. U [redacted] reported that Officer S used his flashlight and looked at three of her cars through the windshield and then the license plates.

Albuquerque

NM 87103

Ms. U [redacted] reported that Officer S had cited one of her cars for an expired tag. She contacted APD and advised that no complaints had been received. Ms. U [redacted] reported it felt like profiling because the officer only looked at her car and didn't bother looking at any others.

www.cabq.gov

### **EVIDENCE REVIEWED:**

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

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

APD Employee Interviewed: No

APD Employee Involved: PSA S

Other Materials: Email Communications & Detailed Unit History.

Date Investigation Completed: April 24, 2024

## FINDINGS

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

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

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Policies Reviewed:

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

### Additional Comments:

Ms. U reported that no other vehicles were reviewed or cited in her review of her surveillance footage. She indicated in her interview an uncertainty if this action was due to profiling. However, an analysis of unit history showed PSA S cited vehicles for expired registration both before citing Ms. U vehicle and after. The OBRD showed several vehicles were observed on both sides of the street when the PSA approached and placed a citation on the vehicle. Ms. U had stated she had no previous interactions with police or a previous interaction with PSA S to indicate profiling. There is no history of similar complaints against PSA S. The vehicle registration expired by some months, per Ms. U. This case was Administratively Closed as the complainant provided no factual reason for the belief or evidence that misconduct had occurred, and the investigation determined that no evidence of a violation in reference to this complaint was discovered during a review of the available evidence.

**You have the right to appeal this decision. If you are not satisfied with the findings 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. Please note that the Advisory Board is working towards completing older appeals filed when the Board was being reconfigured. If your appeal request is filed in a timely manner, you will be notified when your appeal will be scheduled, and more information will follow. Once normal procedures resume, the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:**

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The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police