

## Civilian Police Oversight Agency

### Finding Letters of the CPOA

The findings of the CPOA Executive Director in each case are listed below. The citizens were notified of the findings in August 2024. These findings will become part of the officer's file, if applicable.

#### August 2024:

040-24	106-24	109-24	111-24	113-24
114-24	118-24	123-24	127-24	134-24
141-24	155-24			

PO Box 1293

Albuquerque

NM 87103

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

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 29, 2024

Via Email

Re: CPC # 040-24

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

On 02/08/2024, D submitted a complaint online to the Civilian Police Oversight Agency (CPOA) regarding an incident that occurred on 02/01/2024 at 0830 hours on eastbound I40 near the Rio Grande Boulevard exit. Ms. D reported that she was involved in a crash on 02/01/2024 at approximately 0740 hours and that the report was wholly inaccurate, the opposite of what occurred, and poorly written. Ms. D listed a report number of 24-008910 and a computer-aided dispatch number of 240320328 on the submitted complaint.

[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: N/A

APD Employee Involved: not applicable

Other Materials: email communications

Date Investigation Completed: May 13, 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:**

Since reviewing the accident report, Ms. D said she was able to get an addendum added to the report that accurately reflected the information. This case was Administratively Closed as the complaint was withdrawn, and no evidence of a violation in reference to this complaint was discovered during a review of the available evidence.

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

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

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by

  
Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 27, 2024

Via Email

Re: CPC # 106-24

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

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

Ms. N reported that she had been made aware that an APD Officer in uniform was present during the recent District 9 monthly meeting on 03/21/2024. Ms. N reported that she wished to file a complaint even though she was not a witness to the incident. Ms. N reported that the officer spoke about a few issues and voiced his personal opinions regarding fences. Ms. N reported that while that officer was in uniform, he appeared to be presenting the department's position and was trying to quote CPTED policies but got it very wrong. Ms. N reported that they had a huge problem with developers, planners, the mayor, directors, etc., from CABQ saying false things in public forums, and they did not need uniformed police on duty or otherwise making public statements that were incorrect.

### **EVIDENCE REVIEWED:**

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: N/A

APD Employee Involved: none identified

Other Materials: City of Albuquerque website

Date Investigation Completed: July 30, 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.

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

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### Additional Comments:

On 04/17/2024, Ms. N sent an email to P. W requesting that Ms. W provide the CPOA Investigator with the names of the officers who attended the meeting in question if she knew them. It should be noted that Ms. W never reached out to the CPOA Investigator with any information regarding the officers in question.

On 04/26/2024, the CPOA Investigator emailed Dr. B and inquired if he had the minutes for the meeting in question or knew where the CPOA Investigator could locate them. The CPOA Investigator also asked if Dr. B had any concerns about what the officers said during the meeting in question and if he knew the officers' names. Dr. B responded to the email and noted that he did not have the minutes and also did not note anything about having concerns with the officers or knowing their names.

On 04/30/2024, the CPOA Investigator searched the City of Albuquerque website using the search icon "all boards and commissions meeting for this year," and there was no meeting located dated 03/21/2024. This Incident will be Administratively closed, due to the insufficient information provided; the officers in question could not be identified.

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

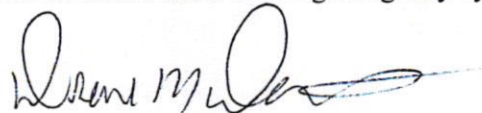
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 27, 2024

Via Certified Mail

7021 0950 0002 0443 5958

Re: CPC # 109-24

### **COMPLAINT:**

PO Box 1293

Mr. F ; called the Civilian Police Oversight Agency (CPOA) and alleged that on 4/4/2024, officers had their guns drawn toward him despite him not having a weapon and wanted the officers disciplined.

Albuquerque

Mr. F ; did not participate in the complaint investigation as he was called by telephone and sent a certified letter requesting an interview with the investigator. Mr. F ' number on the complaint did not work, and he did not return a call to the investigator after receiving the certified letter.

NM 87103

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

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: N/A

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer S.

Other Materials: use of force definitions

Date Investigation Completed: August 6, 2024



## FINDINGS

Policies Reviewed: 2.52.5.A.1

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

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

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### Additional Comments:

After reviewing the available evidence, the investigation determined that Officer S committed no policy violation during his encounter with Mr. F. Reviewing each officer's OBRD video corroborated what Officer S said about what had happened on the scene and during his interview. Officer S did not point his firearm at Mr. F but unholstered it and had his firearm at the low ready position with the muzzle pointed at the ground. No officer pointed their firearm at Mr. F. Although the complaint did not specifically say that officers pointed their guns at Mr. F it was inferred that was what he meant. Mr. F did not return the investigator's request for an interview for clarification.

According to APD policy, firearms at the "low ready" (muzzle of the weapon is not covering an individual) position is not a reportable show of force because the weapon is not pointed at the individual. Since Officer S and the other officers never pointed their firearms at Mr. F, no use of force or reportable use of force occurred.

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

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 14, 2024

Via Certified Mail

7021 0950 0002 0443 5866

Re: CPC # 111-24

### **COMPLAINT:**

On 04/09/2024, S submitted an online complaint to the CPOA regarding an incident that occurred on 07/12/2023 at 1915 hours. Mr. S reported that Sergeant B arrested him without probable cause.

PO Box 1293

Albuquerque

NM 87103

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

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant B

Other Materials: Email Communications

Date Investigation Completed: August 8, 2024



## FINDINGS

Policies Reviewed: 2.71.4.A.1 (Search & Seizure)

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

Policies Reviewed: 1.1.5.A.1 (Conduct)

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

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

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### Additional Comments:

1.1.5.A.1: It was determined that Sergeant B's interaction with Mr. S was escalatory, disparaging, and unprofessional. Sergeant B yelled at Mr. S, mocked him, and made sarcastic comments regarding Mr. S rubbing the hood of his patrol car, even though Sergeant B directed him to place his hands on the hood of his patrol vehicle. Sergeant B did tell Mr. S he was high however, there was no evidence that Sergeant B gave Mr. S a dirty look as he drove by, which in itself would not rise to the level of unprofessionalism.

2.71.4.A.1: It was determined that Sergeant B made a lawful traffic stop on Mr. S for a moving violation. He observed signs of impairment he described as cannabis absorption. Cannabis was located inside of Mr. S' vehicle. Sergeant B established probable cause to arrest Mr. S for being under the influence of an intoxicating substance.

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

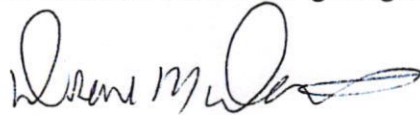
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If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>. Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel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

August 26, 2024

Via Email

Re: CPC # 113-24

### **COMPLAINT:**

PO Box 1293

On 04/08/2024, V submitted a complaint via telephone to the CPOA staff regarding an incident that occurred on 03/18/2024. Mr. V reported that he had been trying to obtain crash report 24-0022802 every day since 03/19/2024, but a supervisor had not approved it.

Albuquerque

NM 87103

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

### **EVIDENCE REVIEWED:**

Video(s): Yes                      APD Report(s): Yes                      CAD Report(s): Yes  
Complainant Interviewed: Yes                      Witness(es) Interviewed: N/A  
APD Employee Interviewed: Yes  
APD Employee Involved: Sergeant B  
Other Materials: Email Communications & TraCS Materials  
Date Investigation Completed: August 9, 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.A.1 (Report Procedures)

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

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

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

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**Additional Comments:**

It was determined that Sergeant B approved report 24-0022802 in a timely manner but without properly reviewing it before doing so. The report was repeatedly rejected, and the reasons provided for the rejections were clear on what needed to be corrected. Understandably, a supervisor could not check every detail of a report for accuracy, but after repeated rejections for the same reasons, a supervisor should check those specific details for accuracy before approving it again. In the end, the report was processed with the incorrect information, which would require future changes and additional delays for those utilizing the report for insurance or other purposes. The CPOA recommends a verbal reprimand.

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

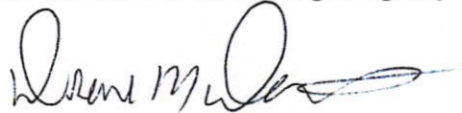
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 26, 2024

Via Email

Re: CPC # 113-24

### **COMPLAINT:**

PO Box 1293

On 04/08/2024, V submitted a complaint via telephone to the CPOA staff regarding an incident that occurred on 03/18/2024. Mr. V reported that he had been trying to obtain crash report 24-0022802 every day since 03/19/2024, but a supervisor had not approved it.

Albuquerque

NM 87103

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

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer K

Other Materials: Email Communications, TraCS Materials, & SOP 2.82

Date Investigation Completed: August 9, 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.

Policies Reviewed: 2.8.5.D, 2.42.4.A.1, 2.46.4.A.1, 2.71.4.A.1, 2.73.5.A.1

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

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**Additional Comments:**

2.8.5.D: It was determined that Officer K failed to record the incident entirely.

2.42.4.A.1: It was determined that Officer K failed to conduct a DWI investigation.

2.46.4.A.1: It was determined that Officer K failed to request EMS. Officer K also did not take appropriate enforcement action.

2.71.4.A.1: It was determined that Officer K conducted an improper search & seizure.

2.73.5.A.1: It was determined that Officer K misplaced items removed from an individual.

The CPOA recommends a 64 hour suspension and a written reprimand for the multiple policy infractions of the different categories.



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


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

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 26, 2024

Via Email

**Re: CPC # 113-24**

### **COMPLAINT:**

PO Box 1293

On 04/08/2024, [V] submitted a complaint via telephone to the CPOA staff regarding an incident that occurred on 03/18/2024. Mr. V reported that he had been trying to obtain crash report 24-0022802 every day since 03/19/2024, but a supervisor had not approved it.

Albuquerque

NM 87103

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

### **EVIDENCE REVIEWED:**

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

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

APD Employee Interviewed: Yes

APD Employee Involved: PSA M

Other Materials: Email Communications, TraCS Materials, & SOP 1-78.

Date Investigation Completed: August 9, 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.B.4 (Report Procedures)

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

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

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

Policies Reviewed: 2.48.4.B.1.c (Towing Procedures) & 2.60.4.C.1.e (Preliminary Investigations)

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

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

### Additional Comments:

2.16.5.B.4: It was determined that PSA M submitted report 24-0022802 in a timely manner but without accurate information. The report was repeatedly rejected, and the reasons provided for the rejections were clear on what needed to be corrected. PSA M had the correct information available to him in the CAD. In the end, the report was processed with the incorrect information, which would require future changes and additional delays for those utilizing the report for insurance or other purposes.

2.48.4.B.1.c: It was determined that PSA M did not conduct the required inventory search of the towed vehicles.

2.60.4.C.1.e: It was determined that PSA M did identify the evidence but did not ensure that it was secured. The recording reviewed by PSA M was not captured on his OBRD and the witness information and statement was not documented in the report.

The CPOA recommends two written reprimands for the different categories of policy infractions.

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

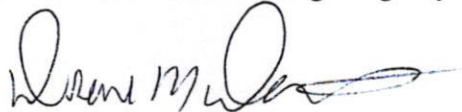
- 1) A policy was misapplied in the evaluation of the complaint;
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- 3) that the findings and recommendations were not consistent with the record evidence.

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

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 12, 2024

Via Email

Re: CPC # 114-24

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

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

On 04/12/2024, [REDACTED] submitted a hand-delivered complaint to CPOA staff regarding an incident that occurred on 10/28/2023. He reported officers were dispatched to Party City regarding theft, and while creating trespass forms, Officer E asked an individual, "is this a fucking game?" "So if you guys don't want to go to jail tonight, cut the shit." "I'm not gonna have you sign it 'cause I don't want to deal with you guys anymore." Mr. [REDACTED] reported that the behavior and language were unprofessional and that the incident was associated with 23-0086910.

### **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 E

Other Materials: Email Communications

Date Investigation Completed: July 23, 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.C.2 (Conduct) & 2.103.4.A.1.c (Criminal Trespass Notifications)

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

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

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

Policies Reviewed: 2.16.5.C.1 (Reports)

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

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

### Additional Comments:

1.1.5.C.2: It was determined that Officer E had cursed and admonished a group of individuals, in particular, a female.

2.16.5.C.1: It was determined that Officer E did not submit the required report in the mandated time-frame.

2.103.4.A.1.c: It was determined that Officer E had signed 'Refused' on a criminal trespass notification in lieu of the involved individuals, which were not asked and did not refuse to sign the form.

The CPOA recommends a written reprimand and an 8 hour suspension for the various policy infractions due to different categories and progressive discipline.



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

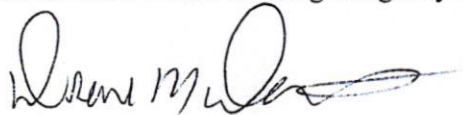
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- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 27, 2024

To File

No address or email provided

Re: CPC # 118-24

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

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

In her complaint, Ms. C described a bad experience with an officer on a traffic stop on 3/21/2024. She alleged that Officer T's first question was whether she was the owner of her vehicle. Next, Ms. C alleged that Officer T pulled her over because she was a black woman driving. Ms. C was issued a citation for not having insurance on her vehicle, and her vehicle was towed. When she retrieved her vehicle from the tow yard, she noticed that her tire was flat and accused Officer T of slashing her tire.

### **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 T.

Other Materials: APD Citation NMURTC 7387106

Date Investigation Completed: August 6, 2024



## FINDINGS

Policies Reviewed: 1.4.4.B.1.a (biased based) & 2.7.4.B (damage to property)

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 committed no policy violations during his interaction with Ms. C . Reviewing Officer T' OBRD video corroborated what he said, what happened, and what occurred during the traffic stop. No evidence suggested that Officer T pulled over Mr. C : because of her skin color. Mr. Chenault did not interview with the investigator to possibly provide the proof to support her allegations.

The lapel videos ended before the tow truck arrived for Ms. C vehicle. The tires were inflated and the vehicle operational at the conclusion. Since Ms. C : was unavailable for an interview, no evidence was provided from her or supplied in the complaint that suggested that Officer T slashed her tire. She did not offer any bill or statement indicating her tire had been intentionally damaged rather than flat from normal means if it was, in fact, flat. In assessing Ms. C credibility, it has been determined that an analysis of plausibility favors the officer's statement given the information stated above.

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

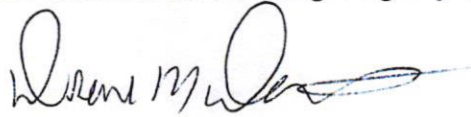
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 26, 2024

Via Certified Mail

7021 0950 0002 0443 5965

Re: CPC # 123-24

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

Ms. C submitted a complaint to the Civilian Police Oversight Agency on behalf of her daughter, Impala C. An APD officer had pulled her over during a traffic stop. After speaking with her daughter, Ms. C alleged there was no communication on why she got stopped, and she could not communicate with the officer due to her being deaf. The officer told her something was pending and on hold, then handed her a ticket and left. Impala C was scared and confused because she did not know why she was pulled over. Ms. C felt offended because the officer did not attempt to communicate with a deaf individual and wondered if the police knew how to communicate with deaf individuals.

[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 R

Other Materials: Notepad notes

Date Investigation Completed: August 15, 2024

## FINDINGS

Policies Reviewed: 1.4.4.A.2.a

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

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

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

Policies Reviewed: 2.18.4.C.2

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

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

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

### Additional Comments:

The investigation determined that Ms. C [redacted] allegations were not supported by the video evidence during his traffic stop with Ms. Impala C [redacted]. Officer R conducted a traffic stop and when Ms. I C [redacted] gestured she was deaf, Officer R began a handwritten conversation with her. The notepad was passed back and forth with Ms. Impala's written replies. A summation of the notepad conversation was included in this investigation. Based on the written notes and facial expressions Ms. I C [redacted] understood what was being asked of her and the reason for the stop.

The policy regarding writing a report and tagging the written notes is not clear whether it applies to traffic stop situations rather than calls for service. A policy recommendation is being made to clarify if that level of documentation is needed for a traffic stop, but it is encouraged to better preserve the communication when the lapel videos do not have the usual auditory element.



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

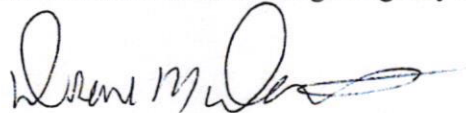
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 28, 2024

Via Certified Mail

7021 0950 0002 0443 5934

Re: CPC # 127-24

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

Ms. M ; reported that she was assaulted by her neighbor on the evening of 12/05/2023, where she incurred physical injury, including a detached retina in her left eye and a vision issue in her right eye. Ms. M ; reported that she called for assistance from APD and was told officers would be coming, but she could not get assistance from medical personnel until the scene was cleared. Ms. M reported that she had to call at least five times for officers to come to her home as they were also dispatched by the assailant, and the call was closed. Ms. M ; reported that her calls were ignored until she insisted on the responding officer to come to see her. Ms. M ; reported that she had left several messages for the officer and had only received one call back.

[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 P

Other Materials: email communications, evidence.com screenshot

Date Investigation Completed: August 9, 2024



**FINDINGS**

Policies Reviewed: General Order 1.1.6.D.2.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.

Policies Reviewed: General Order 1.1.6.C.1 & Procedural Order 2.8.4.G

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:**

1.1.6.C.1-A review of the CAD in question confirmed that there was ample documentation on the CAD referencing Ms. M request to talk to officers about the incident and also requesting medical attention before officers actually arrived in the vicinity to speak with Ms. N and while officers were in the vicinity speaking to Ms. N. The CAD also confirmed that AFR was waiting to be advised for the scene to be secured. Therefore, due to Officer P not reading the CAD in its entirety, Ms. M had to wait even longer to be assessed by AFR and speak to officers about the incident. 1.1.6.D.2.b-After a review of emails sent between Assistant District Attorney S and Officer P, it was confirmed that on 05/07/2024 ADA S noted that Officer P was free to extend that original plea officer with screening for counseling. ADA S noted that he informed Ms. M and while she was not in favor of the plea, her approval was not necessary. 2.8.4.G.A: A review of Evidence.com confirmed the videos under CAD 233391583(Officer P's interaction with Ms. N ) had been deleted as they were not categorized correctly. The CPOA recommends verbal and written reprimands for the various policy infractions based on their category.

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

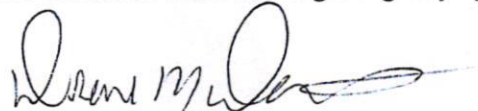
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 28, 2024

Via Certified Mail

Re: CPC # 127-24

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

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

During the interview with Ms. M she stated that she heard from someone through the courts that the reason the case may be pushed back was that the defense attorney was looking for the OBRD videos between the interaction of the officers and Ms. N and they had not located them. Ms. M confirmed she did have concerns that the OBRD Video of the officers talking to Ms. N was missing, as that was key evidence.

### **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 D

Other Materials: email communications, evidence.com screenshot

Date Investigation Completed: August 9, 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: Procedural Order 2.8.4.G

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:**

A review of Evidence.com confirmed that the videos under CAD 233391583 (Officer D's interaction with Ms. N        had already been deleted as they were not categorized correctly and saved as evidence per the policy guidelines.

The CPOA recommends a verbal reprimand.



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

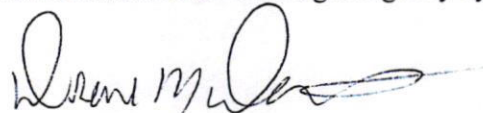
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 30, 2024

Via Certified Mail

7021 0950 0002 0443 5972

**Re: CPC # 134-24**

### **COMPLAINT:**

PO Box 1293

Albuquerque

NM 87103

Ms. H reported she wanted an investigation into Officer G's behavior and that she wanted no further harassment from Officer G. Ms. H reported that upon her first known/recalled encounter with Officer G, he was very overly assertive, and when Ms. H inquired as to what factors were taken into consideration that led Officer G to decide to arrest her, Officer G advised Ms. H "we had some history" which he also refused to elaborate on. Ms. H reported that she felt Officer G was harassing her, and upon every encounter she has had with him, Ms. H felt Officer G has acted in ways she found to be highly excessive and inappropriate.

[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 G

Other Materials: Property and Evidence Case Jacket

Date Investigation Completed: August 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: General Order 1.1.5.C.3 & General Order 1.1.5.A.1

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

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

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.C.3-A review of the OBRD Videos confirmed that when Ms. Haskins asked about officer discretion regarding her arrest, Officer G mentioned that it had to do with her history and that it was not his first time talking to Ms. Haskins. Officer G also mentioned that it also had to do with the amount of drug paraphernalia in the vehicle that was in plain view.

OBRD Video also confirmed that when Ms. Haskins was initially arrested, Officer G advised her that she was under arrest because there was drug paraphernalia where she was sitting. Ms. Haskins' arrest was based on her known involvement in criminal activity.

1.1.5.A.1-A review of the OBRD Videos confirmed that when Mr. Pierce exited the vehicle, an object (which Officer G identified as a tutor) fell out of Mr. Pierce's lap and hit the ground. As Mr. Pierce continued to walk, Mr. Pierce was pulling at his pants when Officer G told him to stop fucking with his pants and to sit on the curb. A review of the OBRD Videos confirmed that when Officer G made the following comment to Ms. Haskins, "I'm sure the dope didn't help, right?" in reference to Ms. Hyder's son's father taking her son from her, Ms. Haskins agreed and stated, "No it never does." Officer G's comment was blunt, but not a violation of policy.

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

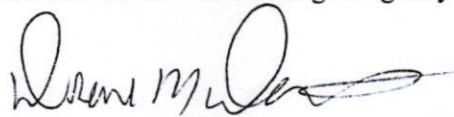
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 30, 2024

Via Email

**Re: CPC # 141-24**

### **COMPLAINT:**

PO Box 1293

On 05/04/2024, B submitted a complaint via email to the CPOA regarding multiple incidents at the Union 505 Apartments. Mr. B reported that an individual moved in and was a menace to him and the neighbors because of noise issues. Mr. B reported calling the police multiple times but was never contacted.

Albuquerque

NM 87103

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

### **EVIDENCE REVIEWED:**

Video(s): N/A                      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: August 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: 1.1.6.C.1 (Conduct)

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

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

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

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### Additional Comments:

1.1.6.C.1: It was determined that Officer A responded to the associated call for service but did not contact Mr. B as requested and as was indicated in the computer aided dispatch paperwork. The CPOA recommends a written reprimand for the policy infraction.



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

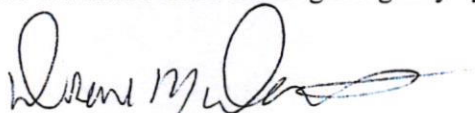
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

August 30, 2024

To File

Anonymous

Re: CPC # 155-24

### **COMPLAINT:**

PO Box 1293

An anonymous complainant reported that they had been having issues getting a report signed off by the Lieutenant. It had been a month, and there was no information about when report#240029408 would be signed. The complainant reported that they wanted the report ready for pickup.

Albuquerque

NM 87103

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

### **EVIDENCE REVIEWED:**

Video(s): No

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant V

Other Materials: TRaCS Database, payroll

Date Investigation Completed: August 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.

Policies Reviewed: Procedural Order 2.16.5.C.1.b

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

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

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**Additional Comments:**

2.16.5.C.1.b-APD Payroll confirmed that Sergeant V was Officer M's (the Officer who completed the report) Sergeant at the time of the incident, and Sergeant V was on duty on 04/10/2024(the date of the incident), 04/11/2024, 04/12/2024, and 04/13/2024, which gave Sergeant V time to review the report within the three work days per policy.

Sergeant V confirmed it was her mistake and stated that she did not check TRaCS, as her officers usually did not complete crash reports. Therefore, Sergeant V violated the policy in question by not reviewing/approving the report within three work days.

The CPOA recommends a verbal reprimand for the policy infraction.

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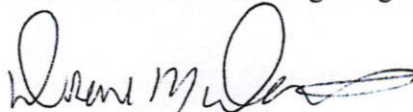
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