



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 June 2024. The findings become part of the officer's file, if applicable.

June 2024:

027-24	032-24	037-24	044-24	049-24
051-24	057-24	082-24	105-24	

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

June 14, 2024

Via Certified Mail

7017 2680 0000 5951 9938

Re: CPC # 027-24

COMPLAINT:

PO Box 1293

On 02/05/2024, R M reported that he was not satisfied with the female officers who had responded to his residence regarding report 22-0061872. Mr. M reported that his wife, H M witnessed the incident, yet the responding officers did not speak to her. Mr. M reported that the responding officers did not contact the individual who reportedly assaulted him.

Albuquerque

NM 87103

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 D

Other Materials: Email Communications

Date Investigation Completed: June 10, 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: 2.60.4.A.1 (Preliminary Investigations)
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 Officer D failed to attempt to interview a reported witness and failed to secure the video evidence that had been reviewed. Officer D did attempt to contact the alleged perpetrator. Officer D did not file charges regarding the incident but did not collect the appropriate evidence to support that decision.

The CPOA recommends a Non Disciplinary Corrective Action due to the officer having been a recruit officer at the time and in training.

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

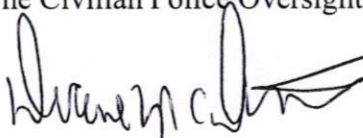
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

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

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 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

June 14, 2024

Via Certified Mail

7017 2680 0000 5951 9938



Re: CPC # 027-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 02/05/2024, R [REDACTED] M [REDACTED] reported that he was not satisfied with the female officers who had responded to his residence regarding report 22-0061872. Mr. M [REDACTED] reported that his wife, H [REDACTED] M [REDACTED], witnessed the incident, yet the responding officers did not speak to her. Mr. M [REDACTED] reported that the responding officers did not contact the individual who reportedly assaulted him.

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: June 10, 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: 2.60.4.A.1 (Preliminary Investigations)

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:

It was determined Officer D failed to attempt to interview a reported witness and failed to secure the video evidence that had been reviewed. Officer D did attempt to contact the alleged perpetrator. Officer D did not file charges regarding the incident but did not collect the appropriate evidence to support that decision. Officer D was a recruit, and Officer M was her training officer. Officer M was on the scene to assist Officer D and had a responsibility to ensure that Officer D completed all of the tasks required for the incident and to complete them accurately. The CPOA recommends a Non Disciplinary Corrective Action.

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

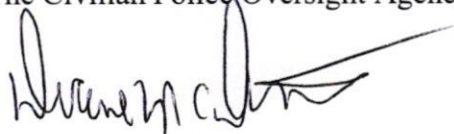
- 1) A policy was misapplied in the evaluation of the complaint;
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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

June 28, 2024

Via Email

[Redacted]

Re: CPC # 032-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

A C submitted a complaint on 02/13/2024 regarding a citation he had received during the evening of 02/12/2024. The citation was for an expired registration issued by PSA D. Mr. C identified himself as an attorney who had filed a lawsuit on behalf of a client whose private information was exposed on a YouTube channel being run by former APD officer. Mr. C believed because of the timing of the citation, PSA D may have targeted his scrutiny on him at the behest of the former officer.

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 D

Other Materials: Email Communications & Detailed History Reports.

Date Investigation Completed: June 5, 2024

FINDINGS

Policies Reviewed: 1.1.5.C.3 (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.

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Additional Comments:

It was determined that PSA D did not target Mr. C for expired registration and records showed he had issued eighteen additional citations for expired registration violations on the same night in his designated area. In his interview, PSA D said he did not know either Mr. C or the former officer until he received the complaint.

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

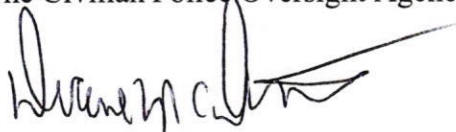
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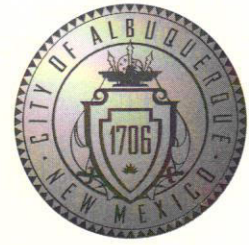
Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

June 21, 2024

Via Email

[Redacted]

Re: CPC # 037-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Mr. C S , acknowledged that he did not know first-hand the incident between Lieutenant I and J F , who recorded the encounter, and posted it on his YouTube channel. Mr. F recorded his encounter with the counter staff and Lt. I at a police substation. He thought Lt. I and the staff at the counter needed to be more educated about the New Mexico Sunshine law concerning public records requests. Mr. S claimed that Lt. I violated the Federal Freedom of Information Act, which requires that a citizen can turn in a request for public records to any public servant. They had to take the request to the appropriate person where the record was held. Lt. I attempted to break the law, even when notified of the law.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Deputy Commander I (Lt. at the time)

Other Materials: YouTube video

Date Investigation Completed: June 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.

Policies Reviewed: 1.1.5.A.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.

Policies Reviewed: 1.1.4.A.1.b

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:

The investigation determined that Deputy Commander I did not violate APD policy and ultimately complied with IPRA law 14-2-8-E. He submitted the IPRA request on behalf of the requester.

The investigation determined, by a preponderance of the evidence, that Deputy Commander I, (a Lieutenant at the time), violated policy during his second interaction with Mr. F . Deputy Commander I incorrectly and unprofessionally told Mr. F that his first name was "Lieutenant" and used his rank as a supervisor to justify his response. The CPOA recommends a Non Disciplinary Corrective Action due to mitigating circumstances and refresher training on IPRA requirements.

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

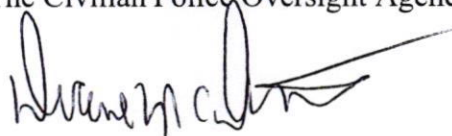
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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

June 21, 2024

Via Email

Re: CPC # 037-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Mr. G [redacted] C [redacted] complained about Lieutenant I's attitude, which was described as egocentric. There was a greater expectation as a police lieutenant than what was displayed during his interaction with J [redacted] F [redacted]. Mr. G [redacted] C [redacted] continued that Lieutenant I had a duty, not a job, to be responsible for his behavior. Mr. G [redacted] C [redacted] complained about Lieutenant I's demeanor and refusal to identify himself when asked. In addition, he did not do whatever he could to assist the citizens at that moment. Further, Mr. G [redacted] C [redacted] complained about the Lieutenant's facial expressions, which were not helpful, positive, or reassuring. Mr. G [redacted] C [redacted] acknowledged that he was a third-party witness to the incident on 7/18/2023, an encounter between Lieutenant I and Mr. J [redacted] F [redacted].

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Deputy Commander I (Lt. at the time)

Other Materials: YouTube video

Date Investigation Completed: June 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.

Policies Reviewed: 1.1.5.A.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.

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Policies Reviewed: 1.1.4.A.1.b

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Additional Comments:

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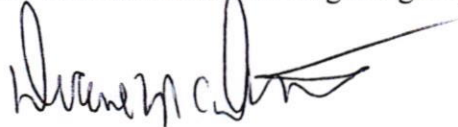
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Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

June 27, 2024

Via Email

[REDACTED]

Re: CPC # 044-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 02/14/2024, C [REDACTED] C [REDACTED] submitted a complaint regarding an incident that occurred on 02/11/2024 at 0300 hours. Ms. C [REDACTED] reported that she submitted the complaint on behalf of D [REDACTED] D [REDACTED]. Ms. C [REDACTED] reported that her son was falsely arrested and his vehicle impounded. Ms. C [REDACTED] reported that her son was detained because he was a Black male and that he was nervous because numerous officers were on the scene. Ms. C [REDACTED] reported that Officer G and Officer C-D were the arresting officers. Ms. C [REDACTED] reported that her son's vehicle was sitting in a tow yard, a huge inconvenience due to work and family. Ms. C [REDACTED] reported that the APD was negligent and unhelpful, treated her son like another number, and gave him the runaround. Ms. C [REDACTED] reported that the incident was once again an injustice against Black men.

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 C-D

Other Materials: Email Communications, Court Records, Tow Reports, & Statutes.

Date Investigation Completed: June 7, 2024

FINDINGS

Policies Reviewed: 1.4.4.B.1.a(Bias-Based Policing)

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



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: 2.8.4.B.1.a & 2.8.5.D.1 (OBRD)

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:

1.4.4.B.1.a: It was determined that the allegations of misconduct were false. No evidence was provided, located, or reviewed that would indicate any legitimacy to the allegations of misconduct alleged by C [redacted] or D [redacted]. The allegations of misconduct alleged by Ms. C [redacted] or Mr. D [redacted] were all made a part of this SOP because it was alluded to that all of the misconduct allegations occurred because of bias-based policing.

2.8.4.B.1.a & 2.8.5.D.1: It was determined that Officer C-D violated the listed SOP's regarding OBRD usage.

Ms. C [redacted] and Mr. D [redacted] did not take part in the investigative interview process. The CPOA recommends a written reprimand.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. 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:

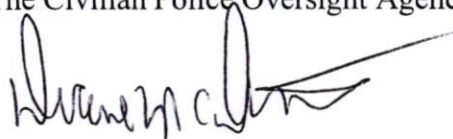
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

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 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

June 27, 2024

Via Email

Re: CPC # 044-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

On 02/14/2024, C [REDACTED] C [REDACTED] submitted a complaint regarding an incident that occurred on 02/11/2024 at 0300 hours. Ms. C [REDACTED] reported that she submitted the complaint on behalf of D [REDACTED] D [REDACTED]. Ms. C [REDACTED] reported that her son was falsely arrested and his vehicle impounded. Ms. C [REDACTED] reported that her son was detained because he was a Black male and that he was nervous because numerous officers were on the scene. Ms. C [REDACTED] reported that Officer G and Officer C-D were the arresting officers. Ms. C [REDACTED] reported that her son's vehicle was sitting in a tow yard, a huge inconvenience due to work and family. Ms. C [REDACTED] reported that the APD was negligent and unhelpful, treated her son like another number, and gave him the runaround. Ms. C [REDACTED] reported that the incident was once again an injustice against Black men.

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: Email Communications, Court Records, Tow Reports, & Statutes.

Date Investigation Completed: June 7, 2024

FINDINGS

Policies Reviewed: 1.4.4.B.1.a(Bias-Based Policing)

- 1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.
- 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: 2.80.4.L.2.d.vi (Arrest & Booking Procedures)

- 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:

1.4.4.B.1.a: It was determined that the allegations of misconduct were false. No evidence was provided, located, or reviewed that would indicate any legitimacy to the allegations of misconduct alleged by C [redacted] or D [redacted]. The allegations of misconduct alleged by Ms. C [redacted] or Mr. D [redacted] were all made a part of this SOP because it was alluded to that all of the misconduct allegations occurred because of bias-based policing.

2.80.4.L.2.d.vi: It was determined that Officer G violated the listed SOP regarding arrest and booking procedures.

Ms. C [redacted] and Mr. D [redacted] did not take part in the investigative interview process. The CPOA recommends a 40 hour suspension

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. 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:

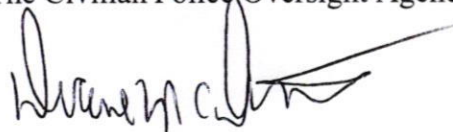
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

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 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

June 27, 2024

Via Certified Mail

7021 0950 0002 0443 5774

Re: CPC # 049-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Ms. M reported that her daughter was jumped, and Officer W took the report. Ms. M provided Officer W with a statement and the "correct names" of the involved individuals. Ms. M reported that the report was inaccurate and never updated by Officer W. Ms. M reported that she "felt" like Officer W did not "want to be there." Ms. M reported that she ran into Officer W in the hospital parking lot, and he told her, "Ms. M, just to let you know, these types of incident's don't get solved".

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer W

Other Materials: Email Communications.

Date Investigation Completed: June 18, 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.



Policies Reviewed: 2.8.5.A (OBRD)

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 Officer W completed a total of three reports regarding the incident associated with this complaint investigation. The reports were consistent with the known information provided to Officer W. Officer W's initial interaction with Ms. M and her daughter was professional and cordial, with no indications that Officer W didn't want to be at the location or thought the incident wasn't a big deal. No evidence was located, provided, or reviewed which would indicate that Officer W made any improper or unprofessional comments during his interactions with Ms. M

2.8.5.A: It was determined that Officer W violated this policy by failing to activate his OBRD as required for his intended encounter with Ms. M in the parking lot of the Albuquerque ER & Hospital.

The CPOA recommends a written reprimand.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. 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:

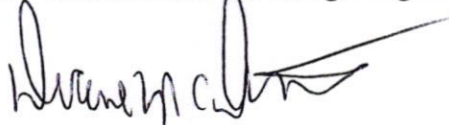
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- 3) that the findings and recommendations were not consistent with the record evidence.

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

June 28, 2024

Via Email

[REDACTED]

[REDACTED] # 051-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Mr. J M was involved in a traffic crash accident and claimed that the other driver, caused the accident when she ran the red light and crashed into his vehicle. Mr. M alleged that Ofc R and U failed to investigate the traffic accident properly, left out important details on the report, and did not find fault that the other driver caused the accident. In addition, Mr. M complained about the availability of the accident report and complained about Lieutenant F, who did not call him back when he said he would and had yet to receive a call from him. Mr. M believed that Lt. F tried to make excuses for the lack of effort on the accident report, suggesting a rookie officer was investigating the accident.

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: Lieutenant F

Other Materials: N/A

Date Investigation Completed: June 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.
- 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.
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Additional Comments:

After review, the investigation determined that Lieutenant F violated policy when he said that he would speak to Officer U and R about the accident investigation and would call Mr. M [redacted] back the following day, and he did neither. Officers U and R did not recall contact with Lieutenant F regarding the accident. Lieutenant F did not provide proof of contact to either Mr. M [redacted] or the officers, such as phone logs and emails. Lieutenant F had the option to contact the officers' supervisor for citizen follow-up, but he did not. Since Lieutenant F advised he would take specific actions and then failed to do so, it reinforced Mr. M [redacted] perception that Lieutenant F did not take his call seriously. If the lieutenant had not made an express commitment, there might not have been an issue, but once Lieutenant F advised Mr. M [redacted] he would take specific actions, follow through on the commitments was needed.

The CPOA recommends a written reprimand.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. 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:

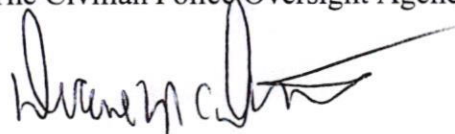
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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

June 28, 2024

Via Email

Re: CPC # 051-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Mr. J M was involved in a traffic crash accident and claimed that the other driver, caused the accident when she ran the red light and crashed into his vehicle. Mr. M alleged that Ofc R and U failed to investigate the traffic accident properly, left out important details on the report, and did not find fault that the other driver caused the accident. In addition, Mr. M complained about the availability of the accident report and complained about Lieutenant F, who did not call him back when he said he would and had yet to receive a call from him. Mr. M believed that Lt. F tried to make excuses for the lack of effort on the accident report, suggesting a rookie officer was investigating the accident.

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: Ofc. R

Other Materials: N/A

Date Investigation Completed: June 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.

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.

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.

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

Additional Comments:

After review, the investigation determined, by a preponderance of the evidence, that Ofc. R did not violate policy during the accident investigation and encounter with Mr. M. The investigation was determined to have been appropriately conducted using the information available during the accident. SOP 2.46 Response to Traffic Crashes, specifically 2.46.4.A.1.g, states that department personnel “be responsible for conducting the investigation.” However, the policy does not specify *how* the investigation should be conducted, nor does it require the officer to find fault. In addition, any officer can complete an accident report.

After review, the investigation determined, by a preponderance of the evidence, that Ofc. R violated policy when he submitted the accident report for approval beyond the end of his shift on 12/20/2023 without a supervisor's approval. The accident report was submitted for approval to a supervisor on 1/4/2024. Mr. M had complained about the availability of the the accident report.

The CPOA recommends a 8 hour suspension for the violation.

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

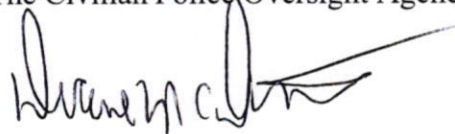
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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

June 28, 2024

Via Email

[REDACTED]

Re: CPC # 051-24

COMPLAINT:

Mr. J M [REDACTED] was involved in a traffic crash accident and claimed that the other driver, caused the accident when she ran the red light and crashed into his vehicle. Mr. M [REDACTED] alleged that Ofc R and U failed to investigate the traffic accident properly, left out important details on the report, and did not find fault that the other driver caused the accident. In addition, Mr. M [REDACTED] complained about the availability of the accident report and complained about Lieutenant F, who did not call him back when he said he would and had yet to receive a call from him. Mr. M [REDACTED] believed that Lt. F tried to make excuses for the lack of effort on the accident report, suggesting a rookie officer was investigating the accident.

PO Box 1293

Albuquerque

NM 87103

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: Ofc. U

Other Materials: N/A

Date Investigation Completed: June 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

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 Ofc. U did not violate policy during the accident investigation and encounter with Mr. M. The investigation was determined to have been appropriately conducted using the information available during the accident. SOP 2.46 Response to Traffic Crashes, specifically 2.46.4.A.1.g, states that department personnel “be responsible for conducting the investigation.” However, the policy does not specify *how* the investigation should be conducted, nor does it require the officer to find fault. Ofc U got Ms. U driver's license, attempted to get insurance and registration, got the owner's name and phone number, determined the vehicle was not stolen and had insurance, and checked whether there was a traffic camera at the accident intersection. Without video evidence (which was discovered later) or eyewitnesses, Ofc U could not determine who was at fault since both drivers reported they had the green light. In addition, Officer U had no evidence of DUI, the odor of alcohol, or open cans and bottles that suggested the other driver was operating the vehicle under the influence.

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

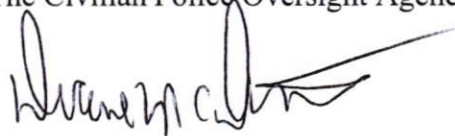
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

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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

June 28, 2024

Via Email

Re: CPC # 057-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 02/27/2024, L P submitted an online complaint to the CPOA regarding an incident that occurred on an unknown date and time at . L reported that Officer E had an affair with R A and advised her how to have her husband, M P, removed from a residence with a protection order. Linda reported that M "was removed due to falsifying police report." L reported that text messages and telephone records showed Officer E's wife or partner contacted M to inform him of the relationship and that he "got picked up and put in a jail" the following day. L reported that M had been in jail since 07/03/2023.

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 E

Other Materials: Email Communications, Court Records, MDC Records, & Google Results

Date Investigation Completed: June 24, 2024

FINDINGS

Policies Reviewed: 1.1.5.C.3

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



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



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



Policies Reviewed: 1.1.7.D.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:

It was determined that Officer E was not involved in a relationship with R A and did not assist her with the restraining order filed against M P or participate in any arrest. Officer E maintained professionalism in his communication with Ms. A .

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

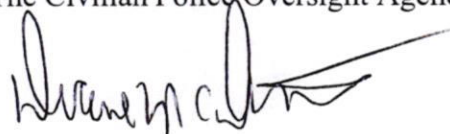
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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

June 28, 2024

Via Certified Mail

7021 0950 0002 0443 5811

[REDACTED]
[REDACTED]
[REDACTED]

Re: CPC # 082-24

COMPLAINT:

PO Box 1293

Mr. R B submitted a complaint over the phone to the CPOA. He said on 12/19/2023, he had been a victim of an assault and battery by a hospital security officer. He alleged the reporting officer did not conduct a full investigation or review video footage of the incident he was involved in.

Albuquerque

Mr. B : expected Officer S to review the video footage that showed when the security officer, R , threw him out of the wheelchair, knocking him to the ground and bruising his arm. Mr. B : claimed the security officer took his wheelchair and oxygen tank away from him and prevented him from entering and checking into the hospital. Mr. B , who had pneumonia, said he was supposed to be admitted to the hospital, but the security officer denied and prevented his access inside.

NM 87103

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 S

Other Materials: Surveillance video

Date Investigation Completed: June 26, 2024

FINDINGS

Policies Reviewed: 2.60.4.C.1.e

- | | |
|---|-------------------------------------|
| 1. Unfounded. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. | <input checked="" type="checkbox"/> |
| 2. Sustained. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. | <input type="checkbox"/> |
| 3. Not Sustained. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur. | <input type="checkbox"/> |
| 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. | <input type="checkbox"/> |
| 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. | <input type="checkbox"/> |
| 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. | <input type="checkbox"/> |

Additional Comments:

After reviewing the evidence, the investigation determined that Officer S did not violate policy during the investigation of whether the hospital security officer battered Mr. B . Officer S interviewed Mr. B , interviewed the security guard, and reviewed surveillance video of the encounter between the security officer and Mr. B . Officer S concluded that Mr. B 's version of events contradicted what he and Officer V observed on video. Therefore, Officer S completed an incident report and did not file any charges contrary to Mr. B 's expectations.

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

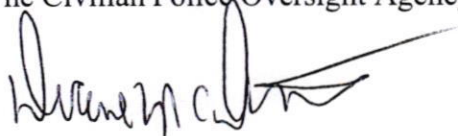
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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

June 17, 2024

Via Certified Mail

7021 0950 0002 0443 7099

Re: CPC # 105-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 04/03/2024, M H ; submitted a complaint via telephone to the CPOA staff regarding an incident that occurred on 03/23/2024 at 1200 hours at 8928 Holly Avenue Northeast (Trader Joe's). Ms. H ; reported that she called 242-COPS regarding wanting to have a vehicle cited for a parking violation. Ms. H ; reported that she was upset because Sergeant S would not cite the individual. Sergeant S told Ms. H ; that the violator was a little old lady born in the 1930s, that enforcement was discretionary, and that the interaction was being recorded.

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 (Acting Sergeant)

Other Materials: Email Communications, Operator Recordings, Ordinance, & CASA.

Date Investigation Completed: June 11, 2024

FINDINGS

Policies Reviewed: 1.1.5.C.3 (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:

1.1.5.C.3: It was determined that Acting Sgt. S made the correct decision in having the citation voided and contacted Ms. H as requested. The citation was voided based on Acting Sgt. S' interpretation of the ordinance associated with the alleged violation. While it is recognized the parking was not done well the citation should not have been issued as the alleged violator's vehicle had a properly displayed disabled placard and was parked "*in a designated disabled parking space or any portion thereof.*" There was no evidence or indication that Acting Sgt. S' decision was based on any type of officiousness, bias, or discrimination. Acting Sgt. S agreed he had made mention of the alleged violator's age, but the reason for the voided citation was due to the valid placard.

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

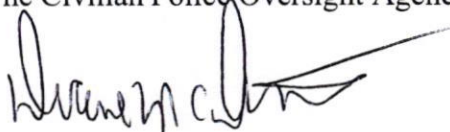
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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

June 17, 2024

Via Certified Mail

7021 0950 0002 0443 7099

Re: CPC # 105-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 04/03/2024, M H submitted a complaint via telephone to the CPOA staff regarding an incident that occurred on 03/23/2024 at 1200 hours at 8928 Holly Avenue Northeast (Trader Joe's). Ms. H ; reported that she called 242-COPS regarding wanting to have a vehicle cited for a parking violation. Ms. H ; reported that the operator was nit-picky and wanted the location address and the license plate of the vehicle she was reporting.

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: Operator L

Other Materials: Email Communications, Operator Recordings, Ordinance, & CASA.

Date Investigation Completed: June 11, 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: 2.100.4.B.8.g.vi (ECCD)

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 Operator L was resolute in gathering the information required and needed to properly set up the call for service. Operator L had a responsibility to provide Ms. H ; with the opportunity to speak with a supervisor as requested and did so when appropriate. However, the method by which Operator L communicated with Ms. H went beyond being passive-aggressive and mirroring Ms. H ; attitude when he implied Ms. H was acting like a "Karen," or in other words, an entitled, privileged, or demanding individual. The use of the term "Karen" was used in a derogatory manner in their conversation by Ms. H ; multiple times, and Operator L responded in a way indicating she was an example of such behavior. His obstinance and tone with Ms. H ; were not professional
The CPOA recommends a written reprimand.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. 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:

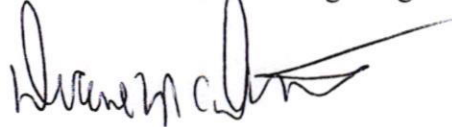
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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

June 17, 2024

Via Certified Mail

7021 0950 0002 0443 7099

[Redacted Address]

Re: CPC # 105-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 04/03/2024, M H submitted a complaint via telephone to the CPOA staff regarding an incident that occurred on 03/23/2024 at 1200 hours at 8928 Holly Avenue Northeast (Trader Joe's). Ms. H ; reported that she called 242-COPS regarding wanting to have a vehicle cited for a parking violation. Ms. H reported that she was upset because a sergeant would not cite the individual.

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 C-G

Other Materials: Email Communications, Operator Recordings, Ordinance, & CASA.

Date Investigation Completed: June 11, 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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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: 2.40.6.C.1.a (Parking Enforcement)

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

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

Additional Comments:

2.40.6.C.1.a: It was determined that the citation should never have been issued as the alleged violator's vehicle had a properly displayed disabled placard and was parked "*in a designated disabled parking space or any portion thereof.*" The issuance of the citation was a combined effort by PSA J and PSA C-G.

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. 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:

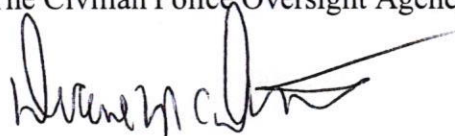
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Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

June 17, 2024

Via Certified Mail

7021 0950 0002 0443 7099

Re: CPC # 105-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 04/03/2024, M H ; submitted a complaint via telephone to the CPOA staff regarding an incident that occurred on 03/23/2024 at 1200 hours at 8928 Holly Avenue Northeast (Trader Joe's). Ms. H reported that she called 242-COPS regarding wanting to have a vehicle cited for a parking violation. Ms. H ; reported that she was upset because a sergeant would not cite the individual.

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 J

Other Materials: Email Communications, Operator Recordings, Ordinance, & CASA.

Date Investigation Completed: June 11, 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.B (OBRD) & 2.40.6.C.1.a (Parking Enforcement)
5. **Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.
6. **Administratively Closed.** Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.

Additional Comments:

2.8.5.B: It was determined that PSA J failed to activate her OBRD prior to the intended contact with the alleged violator.

2.40.6.C.1.a: It was determined that the citation should never have been issued as the alleged violator's vehicle had a properly displayed disabled placard and was parked "*in a designated disabled parking space or any portion thereof.*" The issuance of the citation was a combined effort by PSA J and PSA C-G.

The CPOA recommends written reprimands for the policy violations.

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

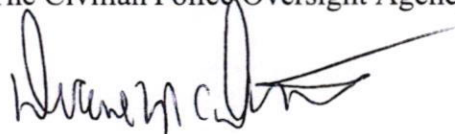
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

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

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 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