



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 October 2024. These findings will become part of the officer's file, if applicable.

October 2024:

056-24	085-24	116-24	150-24	154-24
160-24	174-24	171-24	177-24	181-24
189-24	190-24	199-24	266-24	

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

October 29, 2024

Via Certified Mail

Re: CPC # 056-24

COMPLAINT:

PO Box 1293

Ms. T submitted a complaint regarding a report taken by Lieutenant Y. Ms. T reported she checked with the DA's office and was told they could not pull up the report and that insufficient information was reported.

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: Lieutenant Y

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.

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: 2.60.4.C.1.e (Preliminary Investigations)

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 Lieutenant Y had conducted a proper investigation into Ms. T ; allegations and had completed an accurate report. However, Ms. T did not provide enough information to Lieutenant Y to move forward with the investigation or establish enough probable cause to file a summons. Lieutenant Y had communicated the lack of probable cause to Ms. T , which she indicated she understood.

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

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

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

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

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

October 30, 2024

Via Email

Re: CPC # 085-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

Ms. K submitted a complaint that detailed an interaction she had with a locksmith named A. Ms. K reported she requested a locksmith to unlock her house. She called Mr. A and was told by him he was in Old Town. Ms. K reported she contacted Justin Time locksmith and canceled the Mr. A who arrived anyway. Ms. K reported Mr. A arrived anyway and was on her property blocking her. She reported she told Mr. A she had another locksmith on the way and told him several times to get off her property. Ms. K admitted to pushing Mr. A off of her property, and he went across the street. She reported Officer A kept demanding for her to step away from her son so she could speak to her separately.

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EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer A

Other Materials: Email communications and report history.

Date Investigation Completed: July 12, 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.1 (Conduct)

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

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

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

Additional Comments:

1.1.5.A.1: It was determined that, Officer A was the assisting officer and assisted by interviewing the complainant, Ms. K. Officer A was not persistent in her attempts to separate Ms. K from her son because Ms. K was yelling, but it appeared she wanted to separate them in order to interview her son alone. Officer N was the primary officer who determined that no charges would be pursued against the locksmith.

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:

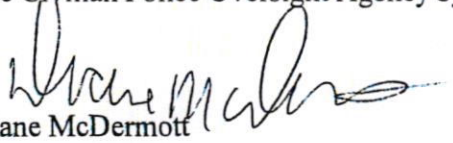
- 1) A policy was misapplied in the evaluation of the complaint;
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Sincerely,
The Civilian Police Oversight Agency by


Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

October 30, 2024

Via Email

Re: CPC # 085-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Ms. K submitted a complaint that detailed an interaction she had with a locksmith named A. Ms. K reported she requested a locksmith to unlock her house. She called Mr. A and was told by him he was in Old Town. Ms. K reported she contacted Justin Time locksmith and canceled the Mr. A who arrived anyway. Ms. K reported Mr. A arrived anyway and was on her property blocking her. She reported she told Mr. A she had another locksmith on the way and told him several times to get off her property. Ms. K admitted to pushing Mr. A off of her property, and he went across the street. She reported she later received a call from Officer N and was told by him that he did not deem the incident as report worthy.

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 N.

Other Materials: Email communications and report history.

Date Investigation Completed: July 12, 2024

FINDINGS

Policies Reviewed: 2.60.4.C.1.e (Preliminary Investigations)

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

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

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Additional Comments:

2.60.4.C.1.e: It was determined that based on the review of the evidence in this matter, Officer N investigation relied primarily upon the statements from both Mr. A : and Ms. K and determined that no criminal charges would be filed against the locksmith, Mr. A , but possibly against Ms. K who admitted to having pushed Mr. A : off her property. Officer N explained in his interview, report, and OBRD to Ms. K that Mr. A : was under the impression he was responding to a locksmith's job when he arrived on Ms. Killian's property, who canceled the job without Mr. A : knowing.

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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

October 25, 2024

Via Certified Mail
and Via Email

Re: CPC # 116-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

Mr. S reported that Officer T violated his due process rights during the court proceeding. Mr. S reported that Officer T targeted Mr. S because Mr. S was a brown man. Mr. S reported that during court, Officer T spoke to a witness, and Officer T told Mr. S that Mr. S did not have the right to talk to the witness because he was not an attorney. Mr. S reported that he wanted to know why the officer got to dismiss the case, and he was not a Judge. Mr. S reported that the officer went into a break room with the witness without him and Mr. S was not provided with any witness information ahead of time. Mr. S reported that he was the victim, and Officer T listed the other person as the victim.

www.cabq.gov

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer T

Other Materials: nmra rule 6-108

Date Investigation Completed: July 26, 2024

FINDINGS

Policies Reviewed: General orders 1.4.4.A.2.a ;1.1.5.A.1 & 1.1.5.C.3 Procedural Order 2.71.4.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. | <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:

1.4.4.A.2.a- After completing interviews and reviewing the OBRD Videos, there was no evidence to suggest that Officer T targeted Mr. S : because Mr. S : was a brown man or treated anyone differently on the scene based on the other parties being Anglo.

1.1.5.A.1-After completing the interviews and reviewing the OBRD videos, it was confirmed that there was nothing Officer T said or did that violated the policy in question.

2.71.4A.1-After reviewing the OBRD Videos, it was confirmed that the Officers asked Mr. S : if he could hang around while Officer T finished talking to the others and worked on completing the Criminal Trespass Notice, which Mr. S : told the officers, "Okay." At no point during the interaction between Officer T and Mr. S : did Officer T advise Mr. S : that he was detained and could not leave.

1.1.5.C.3-A review of the OBRD Videos confirmed that Officer T did not advise Mr. S : that he would go to jail if he did not sign the criminal trespass notice.

Per NMRA Rule 6-108, Law Enforcement Officers may prosecute misdemeanor criminal complaints they have filed in Magistrate Court.

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

October 29, 2024

Via Certified Mail

[Redacted Address]

Re: CPC # 150-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

Mr. L reported that on 05/08/2024, he received a citation (8-5-1-8), which noted close to the curb headed forward. Mr. L reported that he and his neighbor across the street received the same citation. Mr. L reported that his camera showed PSA R stopping and placing citations on their vehicles but failing to issue a citation to two other vehicles PSA R drove by that were two houses down and parked as Mr. L was. Mr. L reported that he felt he and his neighbor () were targeted and were being harassed. Mr. L reported that later that evening, his spouse drove around the block and took pictures of seven other vehicles parked the same as Mr. L Mr. L reported that none of the other vehicles had citations.

www.cabq.gov

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed:

APD Employee Interviewed: Yes

APD Employee Involved: PSA R

Other Materials: Video and Pictures provided by the complainants

Date Investigation Completed: September 6, 2024

FINDINGS

Policies Reviewed: General Order 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.

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Policies Reviewed: General Order 1.1.6.C.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.

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Additional Comments:

1.1.6.C.1- A review of the OBRD Videos and the video provided by the complainants confirmed that both of the complainant's vehicles were parked in violation of the city ordinance, headed in the direction of lawful traffic movement. During the interview, PSA R advised that he only went down the street where he cited the complainants' vehicles and did not patrol the entire neighborhood/subdivision. Based on the video and the pictures provided by the complainants, it was only able to be verified that PSA R passed by one other vehicle (gray car), which appeared to be parked on the curb but was facing the correct direction. PSA R advised he did not recall seeing that vehicle as the vehicles he cited stood out as they were parked facing against traffic.

1.1.5.C.3-After reviewing CAD it was confirmed that PSA R was not responding to a call for service when he cited the complainant's vehicles.

There was no evidence located or provided that could corroborate the allegations that PSA R knew one of the complainant's neighbors and targeted the complainants.

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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Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

October 29, 2024

Via Email

Re: CPC # 150-24

COMPLAINT:

PO Box 1293

reported that on 05/08/2024, a PSA drove into his residential neighborhood (two-way street), got out of his vehicle with pre-prepared tickets, and placed them on his and his neighbors' vehicles. reported that the PSA failed to cite seven other vehicles that he claimed not to have seen (as he drove past them.) reported that when he spoke with the PSA, the PSA stated he was not sure how he missed the other vehicles. stated one of those vehicles was within 30 feet of Ivan's vehicle.

Albuquerque

NM 87103

reported that it was believed that PSA R was friends with the neighbor across the street who harassed the neighborhood. reported that if that was the same PSA who was friends with that neighbor that was harassment.

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: PSA R

Other Materials: Video and Pictures provided by the complainants

Date Investigation Completed: September 6, 2024

FINDINGS

Policies Reviewed: General Order 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.

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Policies Reviewed: General Order 1.1.6.C.1

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Additional Comments:

1.1.6.C.1-A review of the OBRD Videos and the video provided by the complainants confirmed that both of the complainant's vehicles were parked in violation of the city ordinance, headed in the direction of lawful traffic movement. During the interview, PSA R advised that he only went down the street where he cited the complainant's vehicles and did not patrol the entire neighborhood/subdivision. Based on the video and the pictures provided by the complainants, it was only able to be verified that PSA R passed by one other vehicle (gray car), which appeared to be parked on the curb but was facing the correct direction. PSA R advised he did not recall seeing that vehicle as the vehicles he cited stood out as they were parked facing against traffic.

1.1.5.C.3-After reviewing CAD it was confirmed that PSA R was not responding to a call for service when he cited the complainant's vehicles.

There was no evidence located or provided that could corroborate the allegations that PSA R knew one of the complainant's neighbors and targeted the complainants.

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

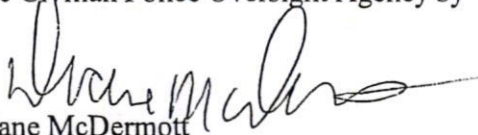
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

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

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

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

October 10, 2024

Via Certified Mail

Re: CPC # 154-24

COMPLAINT:

PO Box 1293

On 5/14/2024, Ms. R hand-delivered a complaint to the Civilian Police Oversight Agency (CPOA) staff regarding an incident that occurred on 5/10/2024 at 0830 hours. Ms. R reported that police had detained her daughter during a raid at her daughter's boyfriend's residence. When she arrived at the residence to recover her daughter's phone, the police had it and would not release it to her because it was considered evidence. When questioned if the officer had a warrant to keep her daughter's phone, Ms. R said the officer said a warrant was not needed.

Albuquerque

NM 87103

In addition, Ms. R accused the officers of destroying her daughter's cosmetology supplies inside the residence and laughing and commenting about her daughter's mismatched socks.

www.cabq.gov

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer C.

Other Materials: Search Warrant

Date Investigation Completed: October 8, 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.

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

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 Officer C failed to activate her OBRD and record her interaction with three individuals toward the end of the officer's contact with them. One of the officers on the scene, believed the encounter was significant enough to activate his OBRD. He recorded part of the encounter between Officer C and the three individuals. Officer C advised that the individuals were far away across the street screaming at her. The OBRD showed differently and that she was right there with them. The investigation determined that Officer C's "Get your daughter matching socks" comment was an unnecessary jab at Ms. R and her daughter, who cursed and yelled at her because she wanted her phone returned to her. Officer C unnecessarily escalated an already tense incident as the daughter continued cursing. The CPOA recommends a written reprimand and an 8 hour suspension. Final discipline is imposed by the Department and may change based within a discipline range as prescribed by 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. 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:

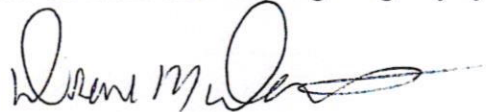
- 1) A policy was misapplied in the evaluation of the complaint;
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- 3) that the findings and recommendations were not consistent with the record evidence.

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.

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

October 10, 2024

Via Certified Mail

Re: CPC # 154-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 5/14/2024, Ms. R hand-delivered a complaint to the Civilian Police Oversight Agency (CPOA) staff regarding an incident that occurred on 5/10/2024 at 0830 hours. Ms. R reported that police had detained her daughter during a raid at her daughter's boyfriend's residence. When she arrived at the residence to recover her daughter's phone, the police had it and would not release it to her because it was considered evidence. When questioned if the officer had a warrant to keep her daughter's phone, Ms. R said the officer said a warrant was not needed.

In addition, Ms. R accused the officers of destroying her daughter's cosmetology supplies inside the residence and laughing and commenting about her daughter's mismatched socks.

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: Yes

APD Employee Involved: Detective G.

Other Materials: Search Warrant

Date Investigation Completed: October 8, 2024

FINDINGS

Policies Reviewed: 2.7.4.B.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.

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

Policies Reviewed: 2.71.4.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:

The complainant's daughter's cell phone had been seized without a warrant and taken as evidence of a crime. The search warrant was served at the apartment of her boyfriend's mother where she was staying and was present during the execution of the warrant. The complainant's daughter's boyfriend was a suspect in a homicide and was in jail for an unrelated incident. The search warrant was various items to include firearms, narcotics and a phone. Her phone would have been included in the original warrant had officers known she had residency there. The OBRD showed during her brief conversation with Detective G, Ms. R ; disagreed that Detective G had a right to take her daughter's phone. Detective G told Ms. R ; that her daughter's phone was being seized to preserve evidence on the phone and that she would later get a warrant for the phone. The search warrant was obtained for the additional phone. Ms. R provided no evidence that Detective G destroyed nail powder and cosmetology products. The OBRD videos did not show intentional damage during the search warrant service although rooms were crowded so during the entry unintentional may have been possible. Those items were not seen in videos or photos where both before and after were photographed.

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:

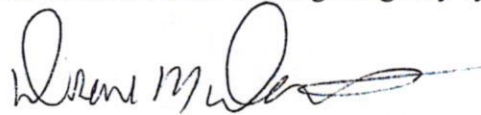
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Administratively closed complaints maybe re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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.

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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

October 10, 2024

Via Certified Mail

Re: CPC # 154-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 5/14/2024, Ms. [REDACTED] R [REDACTED] hand-delivered a complaint to the Civilian Police Oversight Agency (CPOA) staff regarding an incident that occurred on 5/10/2024 at 0830 hours. Ms. R [REDACTED] reported that police had detained her daughter during a raid at her daughter's boyfriend's residence. When she arrived at the residence to recover her daughter's phone, the police had it and would not release it to her because it was considered evidence. When questioned if the officer had a warrant to keep her daughter's phone, Ms. R [REDACTED] said the officer said a warrant was not needed.

In addition, Ms. R [REDACTED] accused the officers of destroying her daughter's cosmetology supplies inside the residence and laughing and commenting about her daughter's mismatched socks.

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: Search Warrant

Date Investigation Completed: October 8, 2024

FINDINGS

Policies Reviewed: 2.7.4.B.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.



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



Policies Reviewed: 2.71.4.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:

The complainant's daughter's cell phone had been seized without a warrant and taken as evidence of a crime. The search warrant was served at the apartment of her boyfriend's mother where she was staying and was present during the execution of the warrant. The search warrant was various items to include firearms, narcotics and a phone. Officer K did not tell Ms. R ; a warrant was unnecessary for her daughter's cell phone. Officer K overheard Detective G tell Ms. R ; she did not need a warrant to seize the phone. Through his knowledge, Officer K noted Detective G could seize the phone to prevent the destruction of evidence until a search warrant for the phone was obtained. Officer K did not search the complainant's daughter, but performed a standard pat down for weapons before placing her unhand cuffed in his police vehicle. Regarding the destruction of nail products inside the apartment, Officer K never entered the apartment to cause any damage.

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:

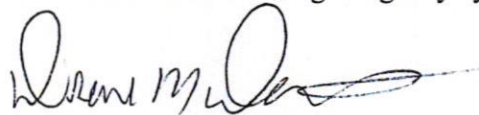
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Administratively closed complaints maybe re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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

October 24, 2024

Via Email

Re: CPC # 160-24

COMPLAINT:

PO Box 1293

G submitted a complaint on 05/24/2024, reporting he had been injured in a two-vehicle crash investigated by PSA L on 05/05/2024. He reported the crash report was poorly written, did not accurately reflect the crash, and was not factual. Mr. G also reported a false statement in the report that indicated a supervisor was on the scene.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: PSA L

Other Materials: Email Communications & APD Policy 2.46.

Date Investigation Completed: September 23, 2024

FINDINGS

Policies Reviewed: 1.1.6.A.6 (Conduct)

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

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

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

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

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

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

Additional Comments:

1.1.6.A.6: It was determined that based on OBRD evidence, witness interviews, and the corroboration of the crash report to the evidence, PSA L conducted a crash investigation that was approved by Sergeant G, who was on the scene pursuant to 2.46 Traffic Crashes. PSA L did not make a false statement in the crash report. Sergeant G reported that he saw no deficiencies and that the report contained all the investigative details. A supervisor was not required to be notified because no one was transported, meaning if there were injuries, they were not severe enough to require that a supervisor be notified or sworn personnel be on the scene.

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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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

October 21, 2024

Via Certified Mail

Re: CPC # 174-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

Mr. P reported while traveling on the sidewalk on a scooter, he was hit by an SUV. Mr. P reported that the officer took his statement, and when the officer filled out the police report, he incorrectly noted that Mr. P said that Mr. P “did not see the driver.” Mr. P reported that despite the driver of the vehicle hitting a pedestrian on the sidewalk with his vehicle, the driver of the vehicle made “no error,” per the report. Mr. P reported that in the report under Mr. P “apparent contributing factors,” it said “driver inattention,” but in a later section called “Actions at time of Crash,” it noted Mr. P “no improper action.” Mr. P reported those were contradictory. Mr. P reported that the report also incorrectly noted the location of the harmful event.

www.cabq.gov

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer R

Other Materials: n/a

Date Investigation Completed: October 8, 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 2.60.4.A.5.f
2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.
3. **Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.
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:

A review of the crash report confirmed that there was a contradiction under Mr. P information in the report when Officer R noted under the Apparent contributing factors, "Driver inattention," but in the same section under Actions at time of crash, Officer R noted, "No improper action." When asked about the contradiction during the interview, Officer R confirmed it was contradictory and did not have ample explanation for it. Mr. Plew's main concern of report accuracy was not supported by the available evidence as he had informed the officer he did not see the vehicle in time. However, the contradiction in the report regarding Mr. P being noted as "driver inattention" and "no improper action" violated the policy in question as those two separate comments alluded to two separate determinations from the officer therefore not being an accurate report. A review of the OBRD videos confirmed that the APS Officer advised the APD Officers that he did not witness the incident. 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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- 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

October 25, 2024

Via Email

Re: CPC # 171-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

On 01/12/2024, C submitted a complaint via telephone to the city of Albuquerque 311 staff regarding an incident that occurred on 01/12/2024 at 0835 hours. Mr. C reported that a city of Albuquerque Police Department (APD) vehicle was weaving in and out of lanes, tailgating other vehicles, and almost hitting other vehicles while traveling southbound on Unser Boulevard. Mr. C reported that the vehicle was a Ford bearing ID Z49 and a license plate of 05117G. Mr. C reported that he had a forty-five-second video of the incident.

APD was not made aware of the complaint by 311 until 6/11/24 and the CPOA received the complaint on 6/12/24

www.cabq.gov

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: Yes

APD Employee Involved: Officer C

Other Materials: Email Communications & Unit History Log

Date Investigation Completed: September 25, 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.

Policies Reviewed: 1.1.5.E.4 (Department-Issued Property)

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

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

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

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

Additional Comments:

The investigation could not determine one way or the other, by a preponderance of the evidence, whether the reported misconduct occurred. Mr. C did not respond to the investigator's request for the reported evidence or an interview. The officer assigned to the reported vehicle could not recall committing the reported misconduct. The officer assigned to the reported vehicle was on duty, assigned to an area in which a portion of Unser Boulevard was located, and was not on a call for service at the reported time of occurrence.

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 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

October 21, 2024

Via Email

Re: CPC # 177-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Mr. B reported that on 05/30/2024, he was arrested for aggravated assault with a deadly weapon, and his vehicle was impounded for a search warrant. Mr. B reported that he was released from MDC on 06/06/2024. Mr. B reported that he was told that he needed to speak with Sergeant A to release his vehicle. Mr. B reported he sent a message via 242 Cops to Sergeant A on 06/13/24 and still had no response. Mr. B reported that on 06/18/2024, he spoke with the tow yard, and APD had yet to come back with a search warrant. Mr. B reported that the vehicle that was impounded was his work vehicle, and he had customers he needed to service. Mr. B reported that it should not be that difficult for someone to recover their property after being released.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Detective G

Other Materials: Emails

Date Investigation Completed: October 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.

Policies Reviewed: General Order 1.59.4.D.1.a.i

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

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

Policies Reviewed: Procedural Order 2.8.5.A

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

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

Additional Comments:

1.59.4.D.1.a.i-Per the report and Detective G's interview, Detective G reached out to the tow yard in time but was reportedly advised the vehicle was no longer there by tow yard employees. Detective G did not have a name of the employee and the tow yard employees do not keep logs regarding calls or visits. More than one individual works the front desk. The vehicle was there an additional 11 days from the reported date that Detective G spoke with the tow yard staff, but Detective G did not pursue obtaining a warrant for the vehicle due to the incorrect information he allegedly received. There was insufficient evidence to determine if Detective G was given the information or not.

2.8.5.A-After a review of Evidence.com using the case number as well as Detective G's name and the date (06/10/2024) he reportedly went to Lobos Towing, the CPOA Investigator could not locate any video to corroborate that Detective G spoke with anyone from Lobos Towing. Such contact was required to be documented on OBRD. The CPOA recommends a written reprimand for the failure to record the contact.

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

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

October 21, 2024

Via Email

Re: CPC # 177-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

Mr. B reported that on 05/30/2024, he was arrested for aggravated assault with a deadly weapon, and his vehicle was impounded for a search warrant. Mr. B reported that he was released from MDC on 06/06/2024. Mr. B reported that he was told that he needed to speak with Sergeant A to release his vehicle. Mr. B reported he sent a message via 242 Cops to Sergeant A on 06/13/24 and still had no response. Mr. B reported that on 06/18/2024, he spoke with the tow yard, and APD had yet to come back with a search warrant. Mr. B reported that the vehicle that was impounded was his work vehicle, and he had customers he needed to service. Mr. B reported that it should not be that difficult for someone to recover their property after being released.

www.cabq.gov

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant A

Other Materials: Emails

Date Investigation Completed: October 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.

Policies Reviewed: General Order 1.1.6.C.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.

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Additional Comments:

1.1.6.C.1-During the interview, Sergeant A confirmed that he never got a hold of Mr. B after the incident when Mr. B had requested contact. However, Sergeant A did notify the On-call Impact Unit Detective, updated him about the case, and provided the case number with the understanding that the Impact Unit would take the case and obtain the search warrant.

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

October 28, 2024

Via Certified Mail

Re: CPC # 181-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Mr. H reported that two women (Uber passengers) started hitting Ms. K (Uber driver) and pushed Ms. K down on the seat. Mr. H reported that the report written by the officer was not factual as it left out names when the Officer found one of the attackers' credit cards on the backseat, and the officer did not file assault and battery charges. Mr. H asked what the officer did with the credit card she got from the car and whether she talked to the owner of the credit card. Mr. H reported that the primary officer advised Ms. K that she did not have any further leads but had the credit card of one of the attackers, and she could have talked to an Uber dispatcher, who could have given her the name and address who booked the trip.

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 A

Other Materials: n/a

Date Investigation Completed: October 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: General Order 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.

Policies Reviewed: Procedural Orders 2.73.5.A.1 & 2.16.5.B.1.k.a

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

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Additional Comments:

1.1.5.A.4-After a review of the interviews and evidence noted, Officer A failed to act in a judicious manner within the scope of her duties in regard to information Ms. K [redacted] had provided her in reference to the assault. Officer A did not send Ms. K [redacted] the link to upload the videos from Ms. K [redacted] vehicle after Officer A advised that she would send Ms. K [redacted] the link. Officer A did not follow up with Uber after Ms. K [redacted] had requested Officer A to do so.

2.73.5.A.1-After a review of the interviews and evidence noted, it was confirmed that Officer A violated the SOP in question as she took responsibility for the credit card from the scene and advised the CPOA Investigator that she had not tagged it into evidence as she did not know where the card was currently located.

2.16.5.B.1.k.a-Officer A violated the policy in question as she collected property from a scene; however, she did not document what the property was or how it was obtained per the policy.

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

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

October 28, 2024

Via Email

Re: CPC # 189-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 7/12/2024, Mr. S submitted a complaint to the CPOA regarding an incident that occurred on 6/7/2024 at approximately 2100 hours at "Lomas/15th Street." Mr. S reported he was involved in a crash, and the associated report, 240046328, had not been created by PSA M.

EVIDENCE REVIEWED:

Video(s): No 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 Information.
Date Investigation Completed: October 16, 2024

FINDINGS

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

Policies Reviewed: 2.16.5.C.1 (Reports)

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

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

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

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

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

Additional Comments:

2.16.5.C.1: It was determined PSA M did not submit APD Crash Report 711128462 by the end of their shift on 6/07/2024 as mandated. The report was created and submitted on 07/14/2024, after the complaint was received by PSA M.

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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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

October 28, 2024

Via Email

Re: CPC # 190-24

COMPLAINT:

PO Box 1293

On 7/11/2024, S submitted a complaint to the CPOA regarding the timely completion of report 240050178.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): No APD Report(s): Yes CAD Report(s): Yes

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer G

Other Materials: Email Communications & Mark43 Information

Date Investigation Completed: October 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: 2.16.5.C.1 (Reports)

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

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

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Additional Comments:

2.16.5.C.1: It was determined Officer G did not submit APD Incident Report 240050178 as mandated. The report was created and submitted after the complaint was received by Officer 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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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

October 29, 2024

To File

Re: CPC # 199-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

On 7/22/2024, Ms. B submitted an online complaint to the CPOA regarding an incident on 7/20/2024. Ms. B reported she was robbed. Officer G responded and she gave him a description of the robber and a statement. The officer found the suspect outside of the apartment complex but did not locate the gun or her phone and let him go. The officer accused her of making up the story because her apartment didn't look "ransacked." The officer blamed her rather than the perpetrator. The officer asked her if she wanted to press charges, and she said yes. But in the end, he only told her to lock her door and not let anyone in, then left.

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 G

Other Materials: Email Communications.

Date Investigation Completed: October 25, 2024

FINDINGS

Policies Reviewed: 1.1.5.A.4

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

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

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

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

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

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

Additional Comments:

1.1.5.A.4: It was determined that Officer G obtained statements from the alleged victim and suspect, located the suspect, detained him, and consensually searched the suspect's backpack for any evidence of the armed robbery. It did not appear that Officer G did not believe Ms. Bono's statements because he continued his investigation even after Ms. Bono changed her story and based his decisions solely on the facts of his investigation. He continued his investigation until he determined he was unable to make an arrest due to the lack of 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. 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

October 31, 2024

To File

Re: CPC # 266-24

COMPLAINT:

PO Box 1293

On 10/09/2024, G -A contacted an on the scene sergeant and reported that an officer had taken his telephone from where he had left it. E was not interviewed because no contact information was provided or located for him.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: No

APD Employee Involved: Officer P

Other Materials: Email Communications.

Date Investigation Completed: October 31, 2024

FINDINGS

Policies Reviewed: 2.73.5.A.1 (Property & Evidence)

- | | |
|---|-------------------------------------|
| 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:

It was determined that an unknown individual had collected a telephone from a pile of items left near the curb by G -A .. was not in custody at the time the telephone was taken. had not been separated from the property by APD personnel. A complete review of the available evidence was completed and clearly closed out the possibility of a sustained violation and did not provide an indication of any other violations not related to the original 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

October 31, 2024

To File

Re: CPC # 266-24

COMPLAINT:

PO Box 1293

On 10/09/2024, G -A contacted an on the scene sergeant and reported that an officer had taken his telephone from where he had left it. Ernesto was not interviewed because no contact information was provided or located for him.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: No

APD Employee Involved: Officer S

Other Materials: Email Communications.

Date Investigation Completed: October 31, 2024

FINDINGS

Policies Reviewed: 2.73.5.A.1 (Property & Evidence)

- | | |
|---|-------------------------------------|
| 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"/> |
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Additional Comments:

It was determined that an unknown individual had collected a telephone from a pile of items left near the curb by G -A) was not in custody at the time the telephone was taken. had not been separated from the property by APD personnel. A complete review of the available evidence was completed and clearly closed out the possibility of a sustained violation and did not provide an indication of any other violations not related to the original complaint.

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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

October 31, 2024

To File

Re: CPC # 266-24

COMPLAINT:

PO Box 1293

On 10/09/2024, [REDACTED] G -A contacted an on the scene sergeant and reported that an officer had taken his telephone from where he had left it. [REDACTED] was not interviewed because no contact information was provided or located for him.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: No

APD Employee Involved: Commander B

Other Materials: Email Communications.

Date Investigation Completed: October 31, 2024

FINDINGS

Policies Reviewed: 2.73.5.A.1 (Property & Evidence)

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

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Additional Comments:

It was determined that an unknown individual had collected a telephone from a pile of items left near the curb by G -A) was not in custody at the time the telephone was taken. E had not been separated from the property by APD personnel. A complete review of the available evidence was completed and clearly closed out the possibility of a sustained violation and did not provide an indication of any other violations not related to the original complaint.

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Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

October 31, 2024

To File

Re: CPC # 266-24

COMPLAINT:

PO Box 1293

On 10/09/2024, G -A contacted an on the scene sergeant and reported that an officer had taken his telephone from where he had left it. was not interviewed because no contact information was provided or located for him.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: No

APD Employee Involved: Officer A

Other Materials: Email Communications.

Date Investigation Completed: October 31, 2024

FINDINGS

Policies Reviewed: 2.73.5.A.1 (Property & Evidence)

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Additional Comments:

It was determined that an unknown individual had collected a telephone from a pile of items left near the curb by G -A . was not in custody at the time the telephone was taken. had not been separated from the property by APD personnel. A complete review of the available evidence was completed and clearly closed out the possibility of a sustained violation and did not provide an indication of any other violations not related to the original complaint.

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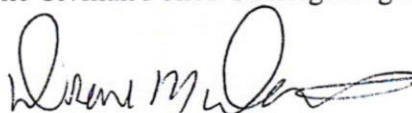
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