



Civilian Police Oversight Agency

Finding Letters of the CPOA

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

September 2024:

023-24	033-44	039-24	061-24	101-24
124-24	146-24	149-24	156-24	165-24
180-24	205-24			

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

September 30, 2024

Via Email

Re: CPC # 023-24

COMPLAINT:

PO Box 1293

Mr. E B alleged that after he was released from jail, he had called APD to help retrieve his property in the apartment unit with permission from the court judge. APD has refused to assist him and has yet to retrieve his property.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: Yes

APD Employee Involved: Officer E

Other Materials: N/A

Date Investigation Completed: May 23, 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:

After a review of Officer E's lapel video, the investigation determined that Officer E did not violate policy during his encounter with Mr. B. Officer E did respond to Mr. B on 12/28/2023, listened to his concerns that he wanted stand-by assistance from APD while he removed his property from his former apartment unit. Then, Officer E responded to the apartment complex, spoke with management by phone with the number that Mr. B provided. Then, Officer E returned to Mr. B and told him what management told Officer E.

Before Mr. B had gotten arrested a few months ago and sent to jail, he had to make an appointment with management to get his belongings. Because he failed to follow the rules, the apartment was vacated after three days, according to company policy. Mr. B's property was removed and disposed of. Officer E advised Mr. B to seek legal guidance concerning his property.

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:

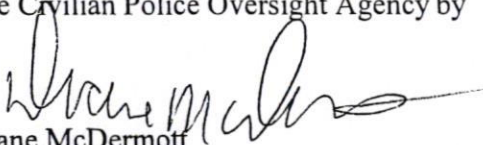
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

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

September 30, 2024

Via Email

Re: CPC # 023-24

COMPLAINT:

PO Box 1293

Mr. B alleged that Officer C falsely claimed that he had been evicted from his apartment, which he denied. He was harassed, and Officer C used excessive force against him. Mr. B also claimed he was never properly interviewed to tell his story. Since Mr. B has encountered Officer C in previous incidents, he believed it was a conflict of interest and unethical harassment.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer C.

Other Materials: use of force definitions

Date Investigation Completed: May 23, 2024

FINDINGS

Policies Reviewed: 2.52.5.A.1 & 1.1.5.A.1

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



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



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:

2.52.5.A.1- Officers utilized low level control tactics to get Mr. B into the car when he refused despite being under arrest. Mr. B alleged excessive force, but had difficulty explaining what officers allegedly did to him.

2.71.4.A.1- Mr. B claimed officers falsely arrested him when he was entering his property. The evidence showed that Mr. B was evicted from the apartment he entered and the management had a no trespass order.

1.1.5.A.1 - Mr. B alleged Officer C harassed him because he had other contacts with Officer C. Officer C recalled she only had one previous encounter with Mr. B. Officer C responded to calls she was dispatched to and had never been instructed by supervisors to not take calls involving Mr. B; contrary to his claim.

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:

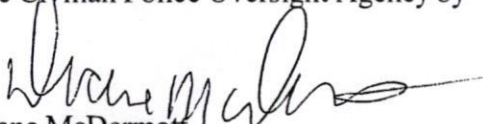
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Sincerely,
The Civilian Police Oversight Agency by


Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

September 27, 2024

Via Email

Re: CPC # 033-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

On 02/15/2024, C M submitted a complaint online to CPOA staff regarding an incident that occurred on 02/15/2024 at 1100 hours. C M reported that the firm she's employed with represents Tramway Highpoint HOA. A Writ of Assistance was executed by BCSO on a former homeowner named J S who was evicted from the home on 02/02/2024. Information was received that Mr. S had returned and continued to reside at the property and despite the locks being changed, Mr. S re-keyed the property. Ms. M reported that Mr. S has also been charged with pirating electricity from a neighbor since being evicted. APD has been called several times for breaking into the home and indicated it was a civil issue, not criminal.

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 R

Other Materials: Email Communications & Complainant Provided Documents.

Date Investigation Completed: May 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.

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: 1.1.6.C.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.

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Additional Comments:

1.1.6.C.1: It was determined that Officer R was not provided with a current court order to evict the former homeowner or an eviction order return of service and, in an abundance of caution, did not act to physically remove the former homeowner in order to ensure that he did not violate the former tenant's rights. The complainant was not present when the officers were at the location, but the complainant's witness was, who had no complaint of misconduct.

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:

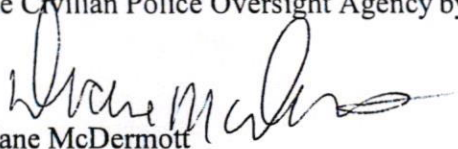
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Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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.

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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

September 30, 2024

Via Email

Re: CPC # 039-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

On February 3, 2024, Mr. M P submitted an online complaint to the CPOA regarding an incident that occurred earlier that same day at 8:00 AM. Mr. P reported that when he arrived at the APD testing center, he requested extended time for his cadet exam because English is his second language. However, he alleged that instead of granting his request, the officers falsely accused him of past cheating and claimed to have had prior discussions with him, which he denied. Mr. P stated that this questioning made him feel humiliated for 5-10 minutes before he was finally allowed to take the test. He further alleged that the officers' racist and unprofessional treatment which he alleged contributed to his failure. Mr. P noted that he was treated differently than the other test-takers.

www.cabq.gov

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Sgt. M

Other Materials: APD recruitment documents related to testing 02/03/2024

Date Investigation Completed: July 1, 2024

FINDINGS

Policies Reviewed: 1.4.4.A.2.a (Biased Based Policing) & 1.4.5.A.1 (ADA Accommodation)

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

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

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Additional Comments:

1.4.4.A.2.a- The investigation found that Sgt. M's actions maintained the integrity of the testing process. However, Sgt. M cannot control Mr. P's reaction to those processes. Mr. P's presentation of multiple identification documents with different names understandably created confusion and raised concerns about his identity. As a result, Sgt. M focused on ensuring the integrity of the testing process. Despite initial reservations, Mr. P was permitted to take the exam. The verification process was not in front of others and was not due to any protected class designation.

1.4.5.A.1- The investigation found no evidence that Sgt. M violated Albuquerque Police Department SOP 1.4.5.A regarding Biased-Based Policing. Specifically, there was no indication that Sgt. M was involved in the decision to grant or deny Mr. P extra time to take the exam due to English being his second language.

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:

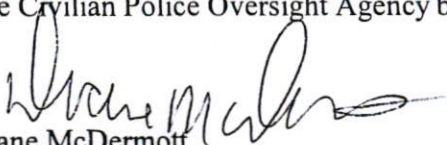
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Sincerely,
The Civilian Police Oversight Agency by


Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

September 30, 2024

Via Email

Re: CPC # 039-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

On February 3, 2024, Mr. M :P submitted an online complaint to the CPOA regarding an incident that occurred earlier that same day at 8:00 AM. Mr. P reported that when he arrived at the APD testing center, he requested extended time for his cadet exam because English is his second language. However, he alleged that instead of granting his request, the officers falsely accused him of past cheating and claimed to have had prior discussions with him, which he denied. Mr. P stated that this questioning made him feel humiliated for 5-10 minutes before he was finally allowed to take the test. He further alleged that the officers' racist and unprofessional treatment which he alleged contributed to his failure. Mr. P noted that he was treated differently than the other test-takers.

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Lt. H

Other Materials: APD recruitment documents related to testing 02/03/2024

Date Investigation Completed: July 1, 2024

FINDINGS

Policies Reviewed: 1.4.4.A.2.a (Biased Based Policing)

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

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

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Policies Reviewed: 1.4.5.A.1 (Biased Based Policing- ADA Accommodation)

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

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Additional Comments:

1.4.4.A.2.a- The investigation found that Lt. H's actions maintained the integrity of the testing process. However, Lt. H cannot control Mr. P's reaction to those processes. Mr. P's presentation of multiple identification documents with different names understandably created confusion and raised concerns about his identity. As a result, Lt. H focused on ensuring the integrity of the testing process. Despite initial reservations, Mr. P was permitted to take the exam. The verification process was not in front of others and was not due to any protected class designation.

1.4.5.A.1- The investigation revealed that Mr. P had requested additional time to complete the exam, citing English as his second language. However, this accommodation was denied by the recruitment staff. The Americans with Disabilities Act (ADA) does not classify individuals who are non-native English speakers as having a disability. As a result, the ADA's mandate for reasonable accommodations is not directly applicable in this specific situation (28 CFR § 35.104).

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Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

September 30, 2024

Via Email

Re: CPC # 039-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On February 3, 2024, Mr. M P submitted an online complaint to the CPOA regarding an incident that occurred earlier that same day at 8:00 AM. Mr. P reported that when he arrived at the APD testing center, he requested extended time for his cadet exam because English is his second language. However, he alleged that instead of granting his request, the officers falsely accused him of past cheating and claimed to have had prior discussions with him, which he denied. Mr. P stated that this questioning made him feel humiliated for 5-10 minutes before he was finally allowed to take the test. He further alleged that the officers' racist and unprofessional treatment which he alleged contributed to his failure. Mr. P noted that he was treated differently than the other test-takers.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer A

Other Materials: APD recruitment documents related to testing 02/03/2024

Date Investigation Completed: July 1, 2024

FINDINGS

Policies Reviewed: 1.4.4.A.2.a (Biased Based Policing)

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

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Policies Reviewed: 1.4.5.A.1 (Biased Based Policing- ADA Accommodation)

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

Additional Comments:

1.4.4.A.2.a- The investigation found that Officer A's actions maintained the integrity of the testing process. However, Officer A cannot control Mr. P's reaction to those processes. Mr. P's presentation of multiple identification documents with different names understandably created confusion and raised concerns about his identity. As a result, Officer A focused on ensuring the integrity of the testing process. Despite initial reservations, Mr. P was permitted to take the exam. The verification process was not in front of others and was not due to any protected class designation.

1.4.5.A.1- The investigation revealed that Mr. P had requested additional time to complete the exam, citing English as his second language. However, this accommodation was denied by the recruitment staff. The Americans with Disabilities Act (ADA) does not classify individuals who are non-native English speakers as having a disability. As a result, the ADA's mandate for reasonable accommodations is not directly applicable in this specific situation (28 CFR § 35.104).

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:

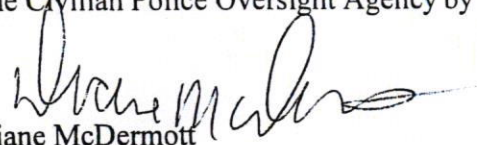
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

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

September 30, 2024

Via Certified Mail

7021 0950 0002 0443 6047

Re: CPC # 061-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

Ms. H [redacted] alleged that PSA S acted suspiciously, stood beside her car, and tampered with her parked car on the street. Ms. H [redacted] questioned why PSA S was on her street "patrolling the area" and tagging vehicles and whether there was a specific complaint about her car. In her continuation complaint, Ms. H [redacted] alleged that when she confronted the PSA, he asked him his name, to which he replied, S, but did not give a first name when she asked. In addition, Ms. H [redacted] alleged that PSA S returned to her vehicle between 0317 and 0700 hours later that morning and put citation on her car.

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 S

Other Materials: email communications, PSA APD policy

Date Investigation Completed: June 26, 2024

FINDINGS

Policies Reviewed: 1.1.6.A.1.b & 1.1.6.A.2

- 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:

PSA S conducted parking enforcement responsibilities along the street adjacent to Ms. Harper's apartment building. His lapel video footage showed him issuing citations and "red-tagging" vehicles. Per SOP 1.78, Police Service Aide (PSA) Program, 1.78.6.D5.a, "A PSA shall be responsible for enforcing parking violations on public and private property." PSA S created a CAD on 3/3/2024 at approximately 2223 hours regarding traffic enforcement on Mary Ellen St. NE. PSA S issued a citation for expired tags (4/2022) on a vehicle with a license tag of AHDT30. The vehicle was registered to the complainant since it was on the street. PSA S did not return early the following morning to issue a citation. PSA S logged off that night at 2354 hours and the next shift began at 1400 hours. Ms. H provided no evidence to support her allegation. She did not provide the video evidence she mentioned to the investigator.

A review of his lapel video showed that PSA S said his last name when asked. When Ms. H asked for his first name, PSA S quickly replied what his first name was.

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:

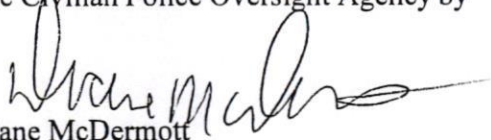
- 1) A policy was misapplied in the evaluation of the complaint;
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Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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

September 30, 2024

Via Certified Mail

7021 0950 0002 0443 6047

Re: CPC # 061-24

COMPLAINT:

PO Box 1293

In addition to Ms. H complaints regarding PSA S, Ms. H also claimed a second "suspicious" female PSA in vehicle PZ55 who tagged vehicles, followed her to a McDonald's, parked in a lot across the street for several minutes, and left.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: N/A

APD Employee Involved: no female psa identified

Other Materials: email communications

Date Investigation Completed: June 26, 2024

FINDINGS

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

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

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

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Additional Comments:

An employee could not be identified. The car number as provided does not exist in the system. A somewhat similar car number is a pool car, but was not assigned to a PSA that night. The sergeant assigned to Ms. H area reported that no female PSA was working in that area during the date and time of her incident with PSA S, a male. PSA S was the only PSA working that night during the date and time of her incident with him. Ms. H did not explain what misconduct the female PSA did other than "being suspicious." Some of the activities described were typical PSA responsibilities, such as tagging vehicles. Ms. H reported the female PSA was "flying" through the parking lot, observed her and then drove on. More information as well as an employee's identity would be needed in order investigate any possible violations.

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

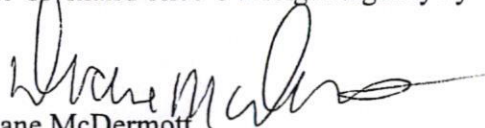
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If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>. There was a delay in the issuance of findings due to the resignation of the Executive Director, another not being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

September 30, 2024

Via Certified Mail

7021 0950 0002 0439 6761

Re: CPC # 101-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Ms. R reported to police a neighbor/mother that she alleged was verbally abusing and neglecting a child. She called the police and CYFD when the mother left the child for approximately twenty minutes. When officers arrived, Officer V told her, "My main focus, should only be the property, not the tenants." She provided a case number of 230099864 and a date of 12/14/25.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: No

APD Employee Involved: PSA V

Other Materials: CPC 311-23

Date Investigation Completed: July 31, 2024

FINDINGS

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

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

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

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Additional Comments:

The investigation determined that this case should be Administratively Closed as Ms. R had become confused by a previous complaint (CPC 311-23) that she had submitted to the Agency and had already been investigated. Ms. R confused a hit-and-run traffic accident (230099864) on 12/12/2023 that PSA V investigated and interviewed her about. PSA V was not present with Officer H on the child neglect case.

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:

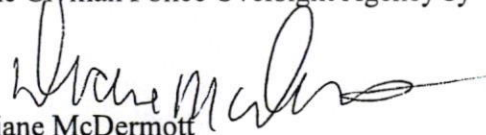
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Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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

September 30, 2024

To File

Re: CPC# 124-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

On 04/21/2024 at 1219 hours, T [redacted] M [redacted] : submitted a complaint online to the Civilian Police Oversight Agency (CPOA) regarding an incident that occurred on 04/21/2024 at 1215 hours at Isotopes Stadium. Ms. M [redacted] : reported that Officer E "was showing another female officer photos of her in underwear speaking very loudly how she's having sex with three officers as she is trying to become pregnant. Highly unprofessional conversation to be having publicly in front of children who look up to these young officers. As a mother of a young daughter I was disgusted with the Albuquerque Police Department".

Ms. M [redacted] : listed no contact information on the submitted complaint.

Ms. M [redacted] : listed no additional witnesses on the submitted complaint

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: Police Service Aide E

Other Materials: Email Communications & Unit History Logs.

Date Investigation Completed: August 6, 2024

FINDINGS

Policies Reviewed: 1.1.6.A.1.b

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

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

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Additional Comments:

It was determined that this complaint of misconduct was unfounded. No evidence was provided or located to substantiate the allegations. The complainant chose not to provide contact information so that questions and further details could be obtained to determine the veracity of her claims.

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:

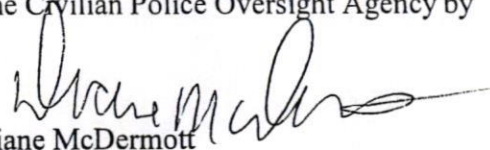
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

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

September 16, 2024

Via Certified Mail

7021 0950 0002 0443 6009

Re: CPC # 146-24

COMPLAINT:

PO Box 1293

On 05/02/2024, E P submitted a complaint online to CPOA regarding an incident that took place on 04/30/2024 at 1330 hours. Mr. P reported that his vehicle was ticketed for parking in a handicap space despite the fact that he has a permanent handicap license plate. Mr. P advised that the incident caused him significant inconvenience and never should have happened.

Albuquerque

Mr. P listed no additional witnesses on the submitted complaint.

NM 87103

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 B

Other Materials: Photos submitted by complainant and case status from nmcourts.com

Date Investigation Completed: September 4, 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: 2.40.6.C.1

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

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

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Additional Comments:

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

The CPOA recommends a verbal reprimand for the policy infraction. The CPOA also recommends a policy revision to make personnel more aware of how different states may indicate a handicap status on vehicles.

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.

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

September 19, 2024

Via Certified Mail

7021 0950 0002 0443 6016

Re: CPC # 149-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

On 5/8/2024, Ms. L G hand-delivered a complaint to the Civilian Police Oversight Agency (CPOA) staff regarding an incident that occurred on 5/7/2024 at 1530 hours. Ms. G reported being approached by two officers. Ms. G reported that the male officer opened the trunk of her car without a warrant and took her license tag, which he had no right to do. She did not receive a citation and was told to leave Smith's parking lot. In addition, Ms. G claimed she felt sexually assaulted by the male officer because he did not stop looking at her as she wore no bra and made her girlfriend uncomfortable.

www.cabq.gov

EVIDENCE REVIEWED:

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

Complainant Interviewed: No Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant M.

Other Materials: state statutes

Date Investigation Completed: September 10, 2024

FINDINGS

Policies Reviewed: 1.1.5.A.1

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



Policies Reviewed: 2.71.4.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: 2.16.5.B.1

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



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



Additional Comments:

Ms. G [redacted] complained about the entry into her vehicle and the seizure of her temporary tag. It was determined through the investigation that Sergeant M conducted a warrantless seizure of the temporary tag because the vehicle was on private property and not on a public roadway. Sergeant M did not document the circumstances of removing the property or that it was returned to MVD. Through OBRD review, the investigation determined Sergeant M was professional and did not visually fixate on Ms. G [redacted] or the other occupant.

The CPOA recommends an 8 hours suspension and a written reprimand for the policy violations. A policy recommendation is also being made to clarify policy regarding documentation.

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.

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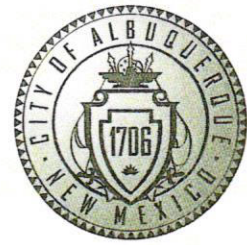
Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

September 19, 2024

Via Certified Mail

7021 0950 0002 0443 6016

Re: CPC # 149-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

On 5/8/2024, Ms. L G hand-delivered a complaint to the Civilian Police Oversight Agency (CPOA) staff regarding an incident that occurred on 5/7/2024 at 1530 hours. Ms. G reported being approached by two officers. Ms. G reported that the male officer opened the trunk of her car without a warrant and took her license tag, which he had no right to do. She did not receive a citation and was told to leave Smith's parking lot. In addition, Ms. G claimed she felt sexually assaulted by the male officer because he did not stop looking at her as she wore no bra and made her girlfriend uncomfortable.

www.cabq.gov

EVIDENCE REVIEWED:

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

Complainant Interviewed: No Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer M L

Other Materials: state statutes

Date Investigation Completed: September 10, 2024

FINDINGS

Policies Reviewed: 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.

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:

Ms. Gallegos complained about the entry into her vehicle and the seizure of her temporary tag. It was determined through the investigation that Officer M L did not enter into Ms. G ' vehicle and remove any property. Ms. G received a verbal warning regarding remaining on business property without conducting business at the establishment.

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

September 30, 2024

Via Email

Re: CPC # 156-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 05/21/2024, Mr. E D submitted a complaint in person to the Civilian Police Oversight Agency (CPOA) staff regarding an incident that occurred on 01/25/2024 at 0300 hours. Mr. D reported that he was going to sue the Albuquerque Police Department because he was going westbound on Central and turned left onto Louisiana when an officer started following him. He turned right onto Cochiti Street, at which point, after he passed Indiana Street, the officer turned on his lights and pulled him over. They pulled him out at gunpoint and made him walk backward to them. He asked what he had done. They said his RV was stolen. He told the officer that he was the registered owner of the RV, which they ignored. He made four attempts to inform the officers that he was the registered owner of

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 V

Other Materials: n/a

Date Investigation Completed: September 28, 2024

FINDINGS

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

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

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

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: 2.86.4.A.1.a & 2.16.5.C.1

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

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Additional Comments:

2.86.4.1.a-The evidence and PSA V's admission confirm that he failed to follow APD SOP. By not verifying the information that identified the RV reported to him as stolen, as required,

2.16.5.C1- It was determined the PSA V failed to comply with APD SOP. This order mandates that department personnel submit Uniform Incident Reports by the end of their shift.

The CPOA recommends a verbal reprimand and a written reprimand for the two policy violations.

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


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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

September 30, 2024

Via Email

Re: CPC # 156-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 05/21/2024, Mr. E D submitted a complaint in person to the Civilian Police Oversight Agency (CPOA) staff regarding an incident that occurred on 01/25/2024 at 0300 hours. Mr. D reported that he was going to sue the Albuquerque Police Department because he was going westbound on Central and turned left onto Louisiana when an officer started following him. He turned right onto Cochiti Street, at which point, after he passed Indiana Street, the officer turned on his lights and pulled him over. They pulled him out at gunpoint and made him walk backward to them. He asked what he had done. They said his RV was stolen. He told the officer that he was the registered owner of the RV, which they ignored. He made four attempts to inform the officers that he was the registered owner of

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: Yes

APD Employee Involved: Officer H

Other Materials: additional force policies

Date Investigation Completed: September 28, 2024

FINDINGS

Policies Reviewed: 2.54.4.B.4

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

Policies Reviewed: 2.71.4.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.
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Additional Comments:

2.71.4.A.1 It was determined that Officer H's actions during the high-risk traffic stop involving Mr. D [redacted] s on 01/30/2024 were found to be in compliance with APD's Procedural Order. His actions were directly related to the erroneous information he received about the allegedly stolen RV (reported on 01/25/2024), which had been incorrectly entered into NCIC at the PSA's direction.

2.54.4.B.4 Mr. D [redacted] was not pulled out at gunpoint as firearms were not pointed at him, officers had their firearms in a low ready position. However, Mr. D [redacted] perception is understandable. There was no reportable show of force.

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

September 30, 2024

Via Email

Re: CPC # 156-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 05/21/2024, Mr. E D ; submitted a complaint in person to the Civilian Police Oversight Agency (CPOA) staff regarding an incident that occurred on 01/25/2024 at 0300 hours. Mr. D ; reported that he was going to sue the Albuquerque Police Department because he was going westbound on Central and turned left onto Louisiana when an officer started following him. He turned right onto Cochiti Street, at which point, after he passed Indiana Street, the officer turned on his lights and pulled him over. They pulled him out at gunpoint and made him walk backward to them. He asked what he had done. They said his RV was stolen. He told the officer that he was the registered owner of the RV, which they ignored. He made four attempts to inform the officers that he was the registered owner of

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: Yes

APD Employee Involved: Officer B.C.

Other Materials: additional force policies

Date Investigation Completed: September 28, 2024

FINDINGS

Policies Reviewed: 2.54.4.B.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.

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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.

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Additional Comments:

2.71.4.A.1 It was determined that Officer B.C.'s actions during the high-risk traffic stop involving Mr. D on 01/30/2024 were found to be in compliance with APD's Procedural Order. His actions were directly related to the erroneous information he received about the allegedly stolen RV (reported on 01/25/2024), which had been incorrectly entered into NCIC at the PSA's direction.

2.54.4.B.4 Mr. D was not pulled out at gunpoint as firearms were not pointed at him, officers had their firearms in a low ready position. However, Mr. D's perception is understandable. There was no reportable show of force.

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

September 30, 2024

Via Email

Re: CPC # 156-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 05/21/2024, Mr. E D submitted a complaint in person to the Civilian Police Oversight Agency (CPOA) staff regarding an incident that occurred on 01/25/2024 at 0300 hours. Mr. D reported that he was going to sue the Albuquerque Police Department because he was going westbound on Central and turned left onto Louisiana when an officer started following him. He turned right onto Cochiti Street, at which point, after he passed Indiana Street, the officer turned on his lights and pulled him over. They pulled him out at gunpoint and made him walk backward to them. He asked what he had done. They said his RV was stolen. He told the officer that he was the registered owner of the RV, which they ignored. He made four attempts to inform the officers that he was the registered owner of

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: Yes

APD Employee Involved: Officer B.F.

Other Materials: additional force policies

Date Investigation Completed: September 28, 2024

FINDINGS

Policies Reviewed: 2.54.4.B.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.

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Policies Reviewed: 2.71.4.A.1

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Additional Comments:

2.71.4.A.1 It was determined that Officer B.F.'s actions during the high-risk traffic stop involving Mr. D on 01/30/2024 were found to be in compliance with APD's Procedural Order. His actions were directly related to the erroneous information he received about the allegedly stolen RV (reported on 01/25/2024), which had been incorrectly entered into NCIC at the PSA's direction.

2.54.4.B.4 Mr. D was not pulled out at gunpoint as firearms were not pointed at him, officers had their firearms in a low ready position. However, Mr. D perception is understandable. There was no reportable show of force.

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Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

September 30, 2024

Via Email

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COMPLAINT:

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NM 87103

www.cabq.gov

On 05/21/2024, Mr. E D ; submitted a complaint in person to the Civilian Police Oversight Agency (CPOA) staff regarding an incident that occurred on 01/25/2024 at 0300 hours. Mr. D ; reported that he was going to sue the Albuquerque Police Department because he was going westbound on Central and turned left onto Louisiana when an officer started following him. He turned right onto Cochiti Street, at which point, after he passed Indiana Street, the officer turned on his lights and pulled him over. They pulled him out at gunpoint and made him walk backward to them. He asked what he had done. They said his RV was stolen. He told the officer that he was the registered owner of the RV, which they ignored. He made four attempts to inform the officers that he was the registered owner of

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: Yes

APD Employee Involved: Officer D.C.

Other Materials: additional force policies

Date Investigation Completed: September 28, 2024

FINDINGS

Policies Reviewed: 2.54.4.B.4

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

Policies Reviewed: 2.71.4.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:

2.71.4.A.1 It was determined that Officer D.C.'s actions during the high-risk traffic stop involving Mr. D on 01/30/2024 were found to be in compliance with APD's Procedural Order. His actions were directly related to the erroneous information he received about the allegedly stolen RV (reported on 01/25/2024), which had been incorrectly entered into NCIC at the PSA's direction.

2.54.4.B.4 Mr. D ; was not pulled out at gunpoint as firearms were not pointed at him, officers had their firearms in a low ready position. However, Mr. D ' perception is understandable. There was no reportable show of force.

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

September 20, 2024

Via Email

Re: CPC # 165-24

COMPLAINT:

PO Box 1293

Ms. O complaint did not include the issues discovered during the investigation against Officer S. A review of the OBRD videos noted misconduct from Officer S toward the male subject.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): Yes CAD Report(s): Yes
Complainant Interviewed: Yes Witness(es) Interviewed: N/A
APD Employee Interviewed: Yes
APD Employee Involved: Officer S
Other Materials: n/a
Date Investigation Completed: September 11, 2024

FINDINGS

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

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

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

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

Policies Reviewed: General Order 1.1.5.A.5

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.5-A review of the OBRD Videos confirmed that Officer S used profanity and derogatory and disrespectful language toward the male subject, violating the SOP in question. The CPOA recommends 8 hour suspension for the violation.

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

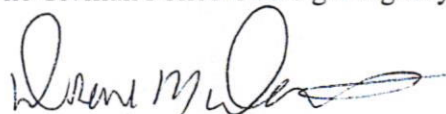
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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

September 20, 2024

Via Email

Re: CPC # 165-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

Ms. O reported that she was the Manager of an Apartment complex and they needed to call APD frequently. Ms. O reported that the officers came in and asked if Ms. O wanted to press charges and then made a rude and snide reference to another call they had placed for a different individual (P.G) in the past. Ms. O reported that the female officers were condescending and unprofessional, asking Ms. O if she would actually press charges or if she was going to let them apply to live there just like the last time. Ms. O reported that the words and actions of the officers were disgusting and that they should be ashamed of themselves for responding in such a way.

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 J

Other Materials: n/a

Date Investigation Completed: September 11, 2024

FINDINGS

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

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

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

Policies Reviewed: General Order 1.1.5.A.1

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

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Additional Comments:

1.1.5.A.1-A review of the OBRD videos confirmed that Officer J did make the comments in question, however, Officer J gave an ample response for the reasoning for the comments and did not violate the SOP in question.

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:

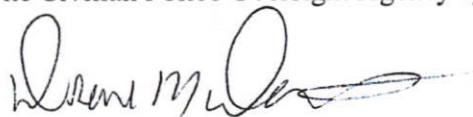
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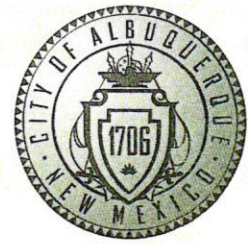
Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

September 30, 2024

Via Email

Re: CPC # 180-24

COMPLAINT:

PO Box 1293

On 6/21/2024, R [REDACTED] H [REDACTED] submitted a complaint via telephone to the CPOA staff regarding the timely completion of a crash report 24-0041792.

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: N/A

APD Employee Interviewed: Yes

APD Employee Involved: PSA D

Other Materials: Email Communications, language services, only report was tow-in

Date Investigation Completed: September 9, 2024

FINDINGS

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

Policies Reviewed: 2.16.5.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 that PSA D did not create the associated crash report as mandated.

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

September 18, 2024

To File

Anonymous

Re: CPC # 205-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Anonymous submitted an online complaint to the CPOA regarding an incident that occurred on 07/25/2024 at 2300 hours. Anonymous reported that Sergeant J pulled him over and informed him that he exceeded the speed limit by 20 mph. Anonymous reported that he was going 67 mph in a 60 mph zone. Sgt. J immediately asked Anonymous if he had been drinking and had him follow his finger with his eyes. Sgt. J provided Anonymous with almost no time to locate his insurance, so he was unable to provide it, and received a citation. Anonymous attempted to wave Sgt. J down to ask a question and provide his insurance card, but Sgt. J left the scene while staring Anonymous down. Anonymous reported that he was issued a citation for speeding and wanted to see the radar but wasn't provided the opportunity to ask.

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant J

Other Materials: Email Communications, Citations, & Google Maps Screenshots.

Date Investigation Completed: September 2, 2024

FINDINGS

Policies Reviewed: 1.1.5.A.4 (Conduct) & 2.71.4.A.1 (Arrest, Search, & Seizure)

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

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

- | | |
|---|-------------------------------------|
| 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 checked="" 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:

1.1.5.A.4: It was determined that Sgt. J was professional, prompt, and acted within the scope of his duties. There was no evidence to support the allegation that Anonymous attempted to wave Sgt. J down, but Sgt. J left the scene while staring Anonymous down. This determination included a credibility assessment, which determined that Anonymous was untrue in reporting that he wasn't given the time to locate his insurance.

1.1.5.E.4: It was determined that Sgt. J admitted to speeding while operating a department-issued vehicle and did so without a lawful reason.

2.71.4.A.1: It was determined that the traffic stop (seizure) was based on a perceived lawful violation. The belief that Sgt. J was incorrect regarding the speed limit or, in his assessment of Anonymous' speed is a matter to be argued in a court of law.

The CPOA recommends a written reprimand for the policy violation.

You have the right to appeal this decision. If you are not satisfied with the findings 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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cc: Albuquerque Police Department Chief of Police