

Civilian Police Oversight Agency

Finding Letters of the CPOA

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

November 2024:

192-24	193-24	195-24	196-24	197-24
200-24	202-24	204-24	209-24	210-24
211-24	227-24	302-24		

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

November 18, 2024

Via Email

Re: CPC # 192-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

On 07/15/2024, A : submitted a complaint online to the Civilian Police Oversight Agency (CPOA) staff regarding an incident that occurred on 06/27/24 at 1130 hours. Ms. A : reported that she was involved in a traffic accident at the intersection of Comanche Rd. NE and Pan American Fwy, NE. She reported that the driver of Vehicle 03 ran the red light and collided with her vehicle. Ms. A : advised that she has a video of the entire accident. She reported that the driver of Vehicle 03 rolled his vehicle and totaled her vehicle. Ms. A : advised that the officer did not cite him for not having current registration, not having insurance, and/or for running the red light.

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EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: PSA S

Other Materials: citation

Date Investigation Completed: November 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: 1.78.6.A.1.a.i PSA Program

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

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

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

Additional Comments:

1.78.6.A.1.a.i- The investigation found that PSA S did not violate the SOP requiring discontinuation and potential transfer of investigations to an officer when criminal elements or contributing factors are identified. PSA S's role was to address the immediate situation, gather facts, and write the traffic report. The PSA documented the accident details, noting "driver inattention" as the cause for Vehicle 3's driver within the incident report. Importantly, PSA S did not act in violation of the SOP by not transferring the investigation to an officer due to the perceived criminal nature of the offense. The involved traffic violations were misdemeanors and not criminal in nature.

It was determined that PSA S was aware a sworn officer had taken the lead on gathering information from all parties involved in the accident, including Vehicle 3's driver. Relying on consultation with this sworn officer, PSA S understood that appropriate citations would be issued. Therefore, PSA S's actions were found to be in compliance with SOP.

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

November 18, 2024

Via Email

Re: CPC # 192-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

On 07/15/2024, A : submitted a complaint online to the Civilian Police Oversight Agency (CPOA) staff regarding an incident that occurred on 06/27/24 at 1130 hours. Ms. A : reported that she was involved in a traffic accident at the intersection of Comanche Rd. NE and Pan American Fwy, NE. She reported that the driver of Vehicle 03 ran the red light and collided with her vehicle. Ms. A : advised that she has a video of the entire accident. She reported that the driver of Vehicle 03 rolled his vehicle and totaled her vehicle. Ms. A : advised that the officer did not cite him for not having current registration, not having insurance, and/or for running the red light.

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 E

Other Materials: citation, sop 2-40

Date Investigation Completed: November 11, 2024

FINDINGS

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

Policies Reviewed: 2.46.4.A.1.i Response to Traffic Crashes

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

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

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

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

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Additional Comments:

Officer discretion does apply to Officer E's decision not to issue a citation for no proof of insurance, given the disoriented stated of driver of Vehicle 3 after the crash and was a reasonable exercise of discretion.

Officer E's decision not to cite the driver of Vehicle 3 for running the red light, despite the dash cam video evidence he viewed at the scene was not a reasonable exercise of discretion. Running a red light is a more severe violation with greater safety implications, especially given that it caused a three-car collision resulting in severe damage. It is essential that the officer takes enforcement action to hold the at-fault driver accountable and to deter similar behavior in the future.

Based on the guidance provided within APD SOP 3-46 the CPOA recommends a written reprimand.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

November 18, 2024

Via Certified Mail

Re: CPC # 193-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 07/12/2024, [REDACTED] F [REDACTED] submitted a complaint to the (CPOA) staff for an incident on 07/12/2024 at approximately 0030 hours. Ms. F [REDACTED] reported she was the victim of an aggravated assault with a deadly weapon when her neighbor, M [REDACTED] pointed his black 9mm handgun at her face. She reported that the responding officers did not provide her with case information, any resources, or information on how to file a restraining order. The officers did not care, were unprofessional, and did not provide their names or badge numbers after she asked for them. She reported that the gun officers found did not have a sight on it so they did not allow her to press charges against M [REDACTED]. Ms. F [REDACTED] reported that her boyfriend, Tyler Siebenborn, and roommate, J [REDACTED] B [REDACTED] witnessed the incident.

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 M [REDACTED]

Other Materials: E-mail communications, info. relating to restraining orders, 911 calls

Date Investigation Completed: November 5, 2024

FINDINGS

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

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

Policies Reviewed: 2.60.4.C.1.e

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

Policies Reviewed: 2.60.4.C.1.f.iii

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: 2.60.4.C.1.b

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:

2.60.4.C.1.b: It was determined Officer M did not, either personally or through assistance of another officer, identify M , the individual alleged to have pointed a firearm at Ms.

F . Officer M did not have his information to properly list him in the incident report.

2.60.4.C.1.e: It was determined Officer M may not have ensured all preliminary investigative tasks were complete by not reviewing potentially inculpatory evidence in the 911 calls which may have raised more questions although calls themselves are not typically part of the standard investigative review.

2.60.4.C.1.f.iii: It was determined Officer M did not provide Ms. F : with case information, his name or badge number, resources, or restraining order information and Ms. F did not ask for such information. Ms. F : cursed at and flipped officers off as she walked away before they cleared the call. Ms. F was not an alleged victim of domestic violence so a restraining order and other relevant resources did not apply.

The CPOA recommends a written reprimand.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

November 18, 2024

Via Certified Mail

Re: CPC # 193-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 07/12/2024, F submitted a complaint to the (CPOA) staff for an incident on 07/12/2024 at approximately 0030 hours. Ms. F reported she was the victim of an aggravated assault with a deadly weapon when her neighbor, M pointed his black 9mm handgun at her face. She reported that the responding officers did not provide her with case information, any resources, or information on how to file a restraining order. The officers did not care, were unprofessional, and did not provide their names or badge numbers after she asked for them. She reported that the gun officers found did not have a sight on it so they did not allow her to press charges against M. Ms. F reported that her boyfriend, S, n, and roommate, B, witnessed the incident.

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: Sgt W

Other Materials: E-mail communications, restraining orders info, & SOP 2-60, 911 calls

Date Investigation Completed: November 5, 2024

FINDINGS

Policies Reviewed: 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.



Policies Reviewed: 1.1.5.A.1

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



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



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



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.1: It was determined Sgt. W said, "If it's not a fucking weapon with an optic, she's a lyin sack of shit," talking about the statements and description of the firearm made by Ms. F to other officers, not Ms. F directly. Sgt. W's statements and behavior towards Ms. F observed on OBRD can be characterized as unprofessional or disrespectful.

1.1.6.A.2: It was determined that Sgt W did provide his name and the substation where he worked to J when she asked for his name and phone number. Because Ms. F never requested his name or badge number, he did not provide his official information. Because Ms. F walked away before officers could officially clear the call, and Sgt W was not the primary officer, he did not need to provide her with the case number.

The CPOA recommends a written reprimand.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

November 18, 2024

Via Certified Mail

Re: CPC # 193-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

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EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer S

Other Materials: E-mail communications, info. relating to restraining orders, & SOP 2-60

Date Investigation Completed: November 5, 2024

FINDINGS

Policies Reviewed: 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.
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Additional Comments:

1.1.6.A.2: It was determined that Officer S's interaction with Ms. F : was brief, and he was professional with her during that time. Because Ms. F : never requested his name or badge number, he did not provide his official information. Because Ms. F : walked away before officers could officially clear the call, and Officer S was not the primary officer, he did not need to provide her with the case number.

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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

November 25, 2024

Via Email

Re: CPC # 195-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 7/15/2024, Mr. T, on behalf of Chief Medical Investigator Dr. H J, submitted a complaint to the Civilian Police Oversight Agency (CPOA) staff regarding an incident on 7/13/2024 at 0900 hours. Mr. T reported that Detective H arrived at the Office of the Medical Investigator (OMI) to view an autopsy he was investigating. Detective H signed in two family members to view the autopsy with him. An OMI staff member inquired why two family members were entering the autopsy room.

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: Detective H

Other Materials: Sign- in log

Date Investigation Completed: November 12, 2024

FINDINGS

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

Policies Reviewed: 1.1.6.A.1 & 1.1.6.B.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: 1.6.4.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.

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Additional Comments:

Detective H, by his own account, had admitted wrongdoing by bringing his brother and sister-in-law to the OMI with the intent to view an autopsy. He also admitted not knowing OMI's policy regarding viewing autopsies and access, which he should have known about. While no APD SOP specifically addresses viewing autopsies, access, and family members, other APD policies are associated with Detective H's actions that occurred on 7/13/2024. His actions cast doubt on his integrity and honesty, brought discredit to the Department and impaired the Department's efficient and effective operation. In addition, a homicide investigation, including viewing an autopsy, is confidential information as well as the official business of the Department, and is not intended nor suitable for release to the general public. Detective H also violated the ride along policy by having unapproved individuals with him during his official duties in his vehicle. The CPOA recommends an 88 hour suspension and a written reprimand for the combined violations of policy.

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

November 25, 2024

Via Email

Re: CPC # 195-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

On 7/15/2024, Mr. T on behalf of Chief Medical Investigator Dr. J submitted a complaint to the Civilian Police Oversight Agency (CPOA) staff regarding an incident on 7/13/2024 at 0900 hours. Mr. T reported that Detective H arrived at the Office of the Medical Investigator (OMI) to view an autopsy he was investigating. Detective H signed in two family members to view the autopsy with him. An OMI staff member inquired why two family members, M and JH, were entering the autopsy room.

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. S

Other Materials: Sign- in log

Date Investigation Completed: November 12, 2024

FINDINGS

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

Policies Reviewed: 3.41.4.B.3

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:

Sergeant S violated APD policy by failing to complete an Internal Affairs Request, a formal, written request for an Internal Affairs investigation. Dr. J directly complained to Sergeant S about what Detective H did on 7/13/24, the same day of the incident. SOP 3.41.4.B.3 directs department personnel who have, or reasonably should have, knowledge of *potential* policy violation (s) *shall* complete an IAR no later *than twenty-four (24) hours* after obtaining that knowledge. However, Sergeant S and did not consider whether Detective H's actions were "*potential policy violations*" as the SOP directed him to. In addition, Sergeant S, a supervisor, should have know about OMI's policy regarding access and viewing of autopsies. This was sustained due to the investigation request from the commander rather than sustained not based on original complaint. The CPOA recommends a written reprimand.

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

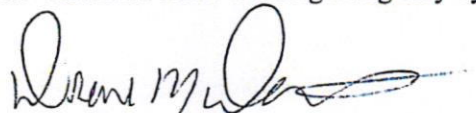
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Administratively closed complaints maybe re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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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

November 25, 2024

Via Email

Re: CPC # 195-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 7/15/2024, Mr. T, on behalf of Chief Medical Investigator Dr. H J, submitted a complaint to the Civilian Police Oversight Agency (CPOA) staff regarding an incident on 7/13/2024 at 0900 hours. Mr. T reported that Detective H arrived at the Office of the Medical Investigator (OMI) to view an autopsy he was investigating. Detective H signed in two family members to view the autopsy with him. An OMI staff member inquired why two family members, M and J H, were entering the autopsy room.

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. P

Other Materials: Sign- in log

Date Investigation Completed: November 12, 2024

FINDINGS

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.
2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.
3. **Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.
- Policies Reviewed: 3.41.4.B.3
4. **Exonerated.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.
5. **Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.
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Additional Comments:

After review, the investigation determined Lt. P was not responsible for filing an Internal Affairs Request (IAR) on 7/13/2024. Through APD payroll verification, the investigator determined Lt. P was on vacation the day of the incident and during that week and could not have known about Detective H's incident at the OMI. Nothing in APD policy required Sergeant S to notify his supervisor, Lt. P, of the events of 7/13/24 that day, either verbally or in writing. When Lt. P returned from vacation more than a week later, he was notified of the incident after the CPOA initiated its investigation. The investigation determined that Sergeant S, by policy, should have initiated an IAR on the incident day, 7/13/2024 when he was notified of the complaint by Chief Medical Investigator Dr. H J

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

November 25, 2024

Via Email

Re: CPC # 195-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 7/15/2024, Mr. T, on behalf of Chief Medical Investigator Dr. H J, submitted a complaint to the Civilian Police Oversight Agency (CPOA) staff regarding an incident on 7/13/2024 at 0900 hours. Mr. T reported that Detective H arrived at the Office of the Medical Investigator (OMI) to view an autopsy he was investigating. Detective H signed in two family members to view the autopsy with him. An OMI staff member inquired why two family members, M and J H, were entering the autopsy room.

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: Deputy Commander M

Other Materials: Sign- in log

Date Investigation Completed: November 12, 2024

FINDINGS

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

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

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

Policies Reviewed: 3.41.4.B.3

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

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Additional Comments:

After review, the investigation determined Deputy Commander M was not responsible for filing an Internal Affairs Request (IAR) on 7/13/2024. Interviews with Detective H, Sergeant S, and Lieutenant P did not implicate that Deputy Commander M knew or was notified of the incident on 7/13/2024. Detective H formally became the subject of this investigation on 7/28/2024. Incidentally, Deputy Commander M said he was informed of the civilian complaint on or after 7/29/2024, the next day that Detective H formally became the subject of the investigation.

The investigation determined that Sergeant S, by policy, should have initiated an IAR on the incident day, 7/13/2024 when he was notified of the complaint by Chief Medical Investigator Dr. H J

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

November 25, 2024

Via Email

Re: CPC # 195-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

On 7/15/2024, Mr. T , on behalf of Chief Medical Investigator Dr. H J , submitted a complaint to the Civilian Police Oversight Agency (CPOA) staff regarding an incident on 7/13/2024 at 0900 hours. Mr. T reported that Detective H arrived at the Office of the Medical Investigator (OMI) to view an autopsy he was investigating. Detective H signed in two family members to view the autopsy with him. An OMI staff member inquired why two family members, M and J H, were entering the autopsy room.

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: Commander B

Other Materials: Sign- in log

Date Investigation Completed: November 12, 2024

FINDINGS

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

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

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

Policies Reviewed: 3.41.4.B.3

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

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Additional Comments:

After review, the investigation determined that with his admission, it was reasonable to believe that Commander B likely forgot to forward Dr. J [redacted] email to Sergeant S. Based on Dr. J [redacted] response, he thought it was a moot point that she had already spoken to Sergeant S when he asked if she needed follow-up from his supervisor and proceeding with the Internal Affairs process. Commander B was found credible during his interview, with no avoidance of questioning by the investigator. Commander B was not responsible for failing to file an IAR, as Sergeant S was notified on the day of the incident on 7/13/2024. As such, the sergeant was responsible for filing the IAR, according to policy. Commander B replied to Dr. J [redacted] email on 7/15/2024, the date the CPOA received the civilian complaint.

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

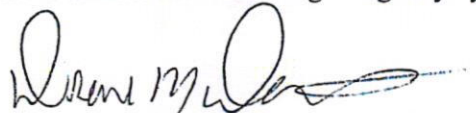
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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

November 18, 2024

Via Email

Re: CPC # 196-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 7/17/2024, Ms. [REDACTED] submitted a complaint to the CPOA regarding an incident on 04/26/2024. [REDACTED] reported she was in a motor vehicle accident and the other driver went to her vehicle and threatened her. She said the paramedic and firefighters asked PSA T to call an officer, and he refused twice. [REDACTED] said PSA T never asked once for her version of the events. [REDACTED] said there were issues with the report, saying page 1 contradicts page 5, and no insurance was listed for the other vehicle. She believed PSA T knew the other driver. She said she asked for the other driver's information, and he said it would be on the report, but it wasn't. She said PSA T took one side of the story, wrote a false report and assigned fault, and his professionalism was questionable.

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: Yes

APD Employee Involved: PSA T

Other Materials: TraCS logs, in-tow report, NM uniform crash codes, & Emails

Date Investigation Completed: October 30, 2024

FINDINGS

Policies Reviewed: 1.1.5.A.4 & 2.46.4.A.1.j

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

Policies Reviewed: 2.16.5.B.4

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

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

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Additional Comments:

1.1.5.A.4: PSA T obtained Ms. N C ' information professionally, promptly, and courteously and acted upon it properly and judiciously within the scope of his duties. After a review of the OBRD it was observed after being interrupted by AFR PSA T went back and asked Ms. N C ; her version of events.

2.16.5.B.4: PSA T completed the Uniform Crash report but there were enough inaccuracies in the report to warrant a sustained.

2.46.4.A.1.j: PSA T was the first department personnel to respond to the scene of the crash, and he requested additional assistance from Officer P as an alleged crime had been committed separately from the crash as observed on the OBRD.

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

November 18, 2024

Via Certified Mail

Re: CPC # 197-24

COMPLAINT:

PO Box 1293

Mr. E reported that he had been going to APD records to get his report. Mr. E reported that he was seeking a copy of his accident report.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: PSA N

Other Materials: TraCS

Date Investigation Completed: October 29, 2024

FINDINGS

- 1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.
- Policies Reviewed: Procedural Order 2.16.5.C.3.a
- 2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.
- 3. **Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.
- 4. **Exonerated.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.
- 5. **Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.
- 6. **Administratively Closed.** Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.

Additional Comments:

2.16.5.C.3.a-After a review of the evidence, it was confirmed that PSA N violated the policy in question as he did not make the proper changes to the rejected report within five work days as required by the policy.

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

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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

November 25, 2024

Via Email

Re: CPC # 200-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

J [redacted] reported that he identified himself to Officer W and told him he and his spouse were the grandparents and previously licensed foster parents for the children. J [redacted] tried to show Officer W his CYFD foster documents, but he refused to review them. Officer W told J [redacted] that the children would be released to the mother and her mother. J [redacted] expressed serious concerns that the children were unsafe because the women were intoxicated. Officer W asked J [redacted] about his impairment recognition training; J [redacted] advised he had no professional training but that the women had bloodshot eyes, slurred speech, and unsteady feet. Officer W insisted the women drive away with the children, blatantly endangering and disregarding their safety.

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 W

Other Materials: Email Communications, Submitted Evidence, & Court Documents.

Date Investigation Completed: November 12, 2024

FINDINGS

Policies Reviewed: 1.1.5.A.1 (Public Welfare)

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

Policies Reviewed: 2.104.4.A.1.c (Custody Disputes)

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

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

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

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

Policies Reviewed: 2.16.5.C.1 (Reports) & 2.78.4.A.6.d (Domestic Violence)

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

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

Additional Comments:

1.1.5.A.1: It was determined that Officer W did ask J [redacted] about his impairment recognition training, but Officer W's response was directed at J [redacted] in a matter-of-fact manner but he was always respectful, courteous, and professional during his interaction with J [redacted].

1.1.5.A.4: It was determined there was insufficient documentation shown that prevented the mother from taking custody of the child, since the father was under arrest. Additionally, it was determined there was insufficient evidence to undertake a DWI investigation.

2.16.5 C.1: It was determined that Officer W did not submit the associated incident report by the end of his shift on 7/19/2024 as mandated.

2.78.4.A.6.d: It was determined that Officer W did not ensure the alleged victim was provided with the domestic violence packet for this incident.

2.104.4.A.1.c: It was determined that Officer W had more than just reasonable suspicion of child abuse or neglect in the home of the current custodial parent and should have called CYFD to take custody of the child and decide the appropriate placement of the child based on violence with the child present. The CPOA recommends a verbal reprimand, a written reprimand, and a 16 hour suspension for the policy violations.

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

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

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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

November 18, 2024

To File

Re: CPC # 202-24

COMPLAINT:

PO Box 1293

On 07/24/2024, a complaint was submitted online to the CPOA on behalf of J regarding an incident that occurred on 07/10/2024. Ms. J reported to the submitter that a dental office security guard had battered a female who threw something at him and was not arrested.

Albuquerque

NM 87103

www.cabq.gov

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: Officer M

Other Materials: Email Communications.

Date Investigation Completed: November 5, 2024

FINDINGS

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

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

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

Policies Reviewed: 2.60.4.C.1.e (Conducting the Preliminary Investigation)

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:

2.60.4.C.1.e: It was determined that Officer M did conduct a preliminary investigation by attempting to locate the involved female for an interview but she had left and could not be interviewed. An interview was done with the security guard and a surveillance video was reviewed. Officer M found that a crime was not committed or could be established without a statement from the female who had left. Officer M reported that there was no victim to a crime, so no arrest or incident report was necessary. Officer M additionally could not reach the original caller.

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

November 25, 2024

Via Email

Re: CPC # 204-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

Ms. T : reported that the PSA did not get details of the accident from Ms. T or her son, who was in the vehicle with her. Ms. T : reported that the report that the PSA turned in was not true. Ms. T : reported that the PSA disregarded them altogether. Ms. T : reported that what Ms. T : and her son had to say was important as the other driver admitted to them that she was not paying attention, and that was her 3rd or 4th accident that year. Ms. T : reported that they were stopped when the other driver rear-ended them, and the PSA did not do her due diligence with them.

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EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: PSA C

Other Materials: Emails and TraCS

Date Investigation Completed: November 6, 2024

FINDINGS

Policies Reviewed: General Order 1.4.4.A.2.a

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



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



Policies Reviewed: General Order 1.1.5.A.1

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



Policies Reviewed: General Order 1.1.5.A.4

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



Policies Reviewed: Procedural Order 2.8.4.G

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



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



Additional Comments:

1.1.5.A.4-A review of the OBRD Videos confirmed that PSA C did speak with Ms. T regarding the details of the accident. A review of the OBRD Videos and the accident report confirmed that PSA C did not note down verbatim what was told to her at the scene; however, there was nothing noted that appeared to be inaccurate based on what was reported to PSA C on the scene and what PSA C noted on her report. A review of the OBRD Videos confirmed that PSA C did not disregard anyone at the scene as PSA C spoke to all parties involved.

1.1.5.A.1-There was no evidence to prove or disprove that PSA C was aggressive or rude to Ms. T during their phone conversation, as the video was no longer available for review.
2.8.4.G-PSA C failed to verify that her OBRD had been assigned an identification number per the policy in question.

1.4.4.A.2.a-There was no evidence provided or noted that PSA C was bias due to Ms. T being black and the other driver being white, per the complaint.
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

November 25, 2024

Via Email

Re: CPC # 204-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

Ms. T : reported that she contacted the PSA's supervisor via email, and he responded about three weeks later, apologizing for the delay in the response. Ms. T : reported that she told the PSA's supervisor that the report that was filed was not true, and the PSA never took a report from Ms. T : or her son and only went with the details from the other driver involved. Ms. T : reported that she wanted the report amended to reflect the truth and she was told by Sergeant S that the report could be amended at any substation. Ms. T : reported that when she went to the substation they advised that PSA and Sergeant had to amend the report, and Ms. T : was told she was lied to. Ms. T : asked why Sergeant S lied and mislead Ms. T

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EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: No

APD Employee Involved: Former Sergeant S

Other Materials: Emails and TraCS

Date Investigation Completed: November 6, 2024

FINDINGS

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

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

Policies Reviewed: Procedural Order 2.8.5.A

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

Policies Reviewed: General Order 1.1.5.A.4

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

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Additional Comments:

1.1.5.A.4-After a review of Sergeant S' OBRD Videos for the date (10/02/2023) in question, the CPOA Investigator could not locate the conversation in question between Sergeant S and Ms. T . (This concern will be addressed in the SOP below.) Ms. T : initially reported that Sergeant S advised that she could go to a substation and amend the report; however, in the email from Ms. T : to the CPOA Investigator, Ms. T : noted that Sergeant S advised Ms. T : to go to the substation to complete a supplemental report. Per PSA C, to her knowledge, reports were not able to be amended, but there were times when supplemental reports could be done.

2.8.5.A-Other than her notes, Ms. T : did not provide any verification that the phone call between her and Sergeant S occurred on 10/02/2023, as reported. Without interviewing Sergeant S (As he no longer works for APD and did no respond to CPOA Investigator's attempts for contact) the exact date and time the phone call occurred and whether it was recorded were unknown.

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

November 27, 2024

Via Email

Re: CPC # 209-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

[F] submitted a complaint regarding an incident that occurred on 12/08/2023. Officer N responded and arrested them for aggravated assault with a deadly weapon. [] also listed Officer S as an involved APD employee. [] reported that Officer N believed the involved neighbor because he was white. [] reported that they were in the patrol vehicle and had a conversation with Officer N about music, which was racial because he thought they didn't like rock music because they were Black. [] reported that Officer N was giving them a really hard time, googling legal terms and reading the definitions to justify taking them to jail. [] reported that "they" put them in a helmet. Shalon reported that Officer N racially discriminated against them.

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 N

Other Materials: Email Communications, CPOA Background Analysis, & Court Records.

Date Investigation Completed: November 6, 2024

FINDINGS

Policies Reviewed: 1.4.4.B.1.a

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

Policies Reviewed: 2.82.4.B.4.a

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

Policies Reviewed: 2.73.5.A.1

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

Additional Comments:

1.4.4.B.1.a: It was determined that Officer N did not give [redacted] a hard time, looked up a definition for [redacted] upon request, and was not responsible for S [redacted]; housing status or the amount of time he was incarcerated. No evidence was provided, located, or reviewed that indicated Officer N or any other individual interacted with [redacted] during the incident besides [redacted]. [redacted] was biased, made any biased remarks, made any biased decisions, or discriminated against any individual for any reason. It was determined that Officer N arrested [redacted] for aggravated assault with a deadly weapon based on probable cause, which was established through a thorough investigation.

2.73.5.A.1: It was determined that Officer N was the arresting officer, ultimately responsible for Shalon's belongings, and made the decision that the property (underwear) was a biohazard and could be tossed instead of ensuring that APD policy was followed and the property was properly disposed of and documented.

2.82.4.B.4.a: It was determined that Officer N appropriately applied headgear to [redacted]. 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:

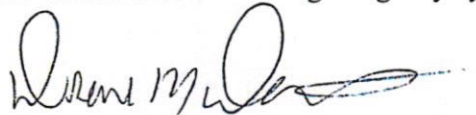
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If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>. Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel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

November 27, 2024

Via Email

Re: CPC # 209-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

F submitted a complaint regarding an incident that occurred on 12/08/2023. Officer N responded and arrested them for aggravated assault with a deadly weapon. also listed Officer S as an involved APD employee. reported that Officer N believed the involved neighbor because he was white. reported that they were in the patrol vehicle and had a conversation with Officer N about music, which was racial because he thought they didn't like rock music because they were Black. reported that Officer N was giving them a really hard time, googling legal terms and reading the definitions to justify taking them to jail. reported that "they" put them in a helmet. reported that Officer N racially discriminated against

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: Email Communications, CPOA Background Analysis, & Court Records.

Date Investigation Completed: November 6, 2024

FINDINGS

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

Policies Reviewed: 2.82.4.B.6 (Restraints & Transportation)

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: 2.73.5.A.1 (Evidence & Property)

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:

2.73.5.A.1: It was determined that Officer S took possession of S [redacted] ; property when he had removed it from S [redacted] person and placed it on the ground during a search incident to arrest. Officer N was the arresting officer, ultimately responsible for S [redacted] ; belongings (underwear), and made the decision that the property was a biohazard and could be tossed. When Officer N made the decision not to take possession of the property, Officer S then had a duty to take it upon himself to ensure that APD policy was followed and the property was properly disposed of and documented. It was instead left on the ground when a garbage can for proper disposal was feet away.

2.82.4.B.6: It was determined that Officer S appropriately applied headgear to [redacted] but did not document the use or application of the headgear, the reason for the use or application of the headgear, or his involvement with the use or application of the headgear in a report or supplemental report.

The CPOA recommends an 8 hour suspension 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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- 3) that the findings and recommendations were not consistent with the record evidence.

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

November 27, 2024

Via Email

Re: CPC # 210-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 7/30/2024, C G submitted an online complaint to the Civilian Police Oversight Agency (CPOA) regarding an incident on 7/6/2024 at approximately 1730 hours at "Gibson and Blake." Ms. G reported various discrepancies on the crash report regarding statements about her speeding, the intersection being a four-way stop, and missing passenger information for the other vehicle. She reported that she wanted the information in the report that was not true to be redacted.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: PSA M

Other Materials: Photos/Videos, Crash Codes, Ambulance Report, TraCS Logs, & Maps

Date Investigation Completed: November 14, 2024

FINDINGS

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

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

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

Policies Reviewed: 2.16.5.B.4

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

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

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

Additional Comments:

2.16.5.B.4: In reviewing the OBRD videos it was determined that PSA M documented that Ms. G stated she ran the stop sign because that was what she had said. PSA M did not document additional occupant information for vehicle 1 because there were no other occupants. It appeared that Ms. G thought the driver of vehicle 1's mother was an occupant of his vehicle when she was not. PSA M did not follow up with Ms. G since the crash investigation was completed, there was no requirement to follow up. PSA M documented that the driver of Vehicle 1 stated Ms. G appeared to be speeding. PSA M saw a stop sign (A-frame sign), which applied to both lanes.

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

November 27, 2024

Via Email

Re: CPC # 210-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 7/30/2024, C G submitted an online complaint to the Civilian Police Oversight Agency (CPOA) regarding an incident on 7/6/2024 at approximately 1730 hours at "Gibson and Blake." Ms. G reported various discrepancies on the crash report regarding statements about her speeding, the intersection being a four-way stop, and missing passenger information for the other vehicle. She reported that she wanted the information in the report that was not true to be redacted.

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant A

Other Materials: Timecard & Email Communications.

Date Investigation Completed: November 14, 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.b

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

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

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Additional Comments:

2.16.5.C.1.b: It was determined that Sgt. A did not review/approve crash report 711 250 428 within three (3) workdays when PSA M submitted it on 7/06/2024.

The CPOA recommends a non disciplinary corrective action due to mitigating factors.

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

November 30, 2024

Via Certified Mail

Re: CPC # 211-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

Mr. R reported that he wanted to know why APD was dispatched to serve a restraining order as he was told APD usually did not handle restraining orders. Mr. R reported that he wanted to know why there were three APD Officers, including a Sergeant, dispatched to handle such a simple task of serving a temporary restraining order. Mr. R reported it seemed excessive for such a simple and benign task to present a piece of paper to someone with no criminal history. Mr. R asked why the response time was so fast for this matter, but the real crime response time was always much greater.

www.cabq.gov

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer MS

Other Materials:

Date Investigation Completed: November 19, 2024

FINDINGS

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

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

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

Policies Reviewed: Procedural Order 2.8.5.D.1

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

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Additional Comments:

2.8.5.D.1- Officer S deactivated his OBRD prior to “all intended contact” with Ms. R being terminated, violating the policy in question. It was confirmed that Officer S did not document the reason the mandatory recording event was not captured in its entirety, which violated the policy in question.
The CPOA recommends a written reprimand.

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

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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

November 30, 2024

Via Certified Mail

Re: CPC # 211-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Mr. R reported that he wanted to know why APD was dispatched to serve a restraining order as he was told APD usually did not handle restraining orders. Mr. R reported that he wanted to know why there were three APD Officers, including a Sergeant, dispatched to handle such a simple task of serving a temporary restraining order. Mr. R reported it seemed excessive for such a simple and benign task to present a piece of paper to someone with no criminal history. Mr. R asked why the response time was so fast for this matter, but the real crime response time was always much greater. Mr. R asked why Officer S called him on 07/27/24 at 1713, leaving a voicemail asking for Mr. R to call him back.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer AS

Other Materials:

Date Investigation Completed: November 19, 2024

FINDINGS

Policies Reviewed: General Order 1.1.5.A.4

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



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



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



Policies Reviewed: General Order 1.1.5.C.2

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



Policies Reviewed: Procedural Order 2.8.5.A

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



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



Additional Comments:

1.1.5.C.2-The evidence showed Sergeant M confirmed that he went along to the call because "a high profile person" was involved and it needed to be done appropriately; however, there was no evidence located that Mr. R got the short end of the stick or APD worked a bit harder on the incident on Ms. R's behalf making it one-sided per Mr. R's complaint. The dispatched officers had specialty training for DV calls.

1.1.5.A.4- The evidence showed a summons was sent to Mr. R, which is the same thing as an arrest. After reviewing the Application for Emergency Order of Protection and Officer MS' Incident Report, the CPOA Investigator did not observe any major discrepancies in timelines that would suggest the report appeared to be coached per the complaint.

2.8.5.A-The CPOA Investigator could not locate anything in policy that would allow an officer to shut off their OBRD while speaking to a Judge via phone call.

Additional information-A review of the interviews and APD SOPs confirmed that APD does serve restraining orders. During the Interviews, Officer MS confirmed he called Mr. R back to hear what Mr. R. had to say about what happened. The CPOA recommends a NDCA.

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:

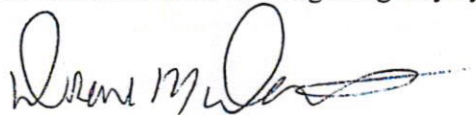
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The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

November 30, 2024

Via Certified Mail

Re: CPC # 211-24

COMPLAINT:

PO Box 1293

Mr. R reported that Sergeant M had scribbled out the telephone number on Sergeant M's card. Mr. R asked why Sergeant M hid his phone contact information.

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: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant M

Other Materials:

Date Investigation Completed: November 19, 2024

FINDINGS

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

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

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Policies Reviewed: General Order 1.1.6.A.2

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

Policies Reviewed: Procedural Order 2.8.5.D.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:

1.1.6.A.2-After a review of the OBRD videos, it was confirmed that Mr. R asked for the officer's cards but did not specifically ask for the phone numbers. After reviewing the SOPs, the CPOA Investigator could not locate anything stating that an Officer had to provide a phone number to a citizen when the phone number was not specifically asked for. It was confirmed throughout interviews and OBRD review that Sergeant M scratched out his phone number; however, that did not violate the SOP in question.

2.8.5.D.1-Sergeant M deactivated his OBRD prior to "all intended contact" with Ms. R being terminated, violating the policy in question. Sergeant M confirmed that he did not document the reason the mandatory recording event was not captured in its entirety, which violated the policy in question.

The CPOA recommends a written reprimand.

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

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- 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

November 27, 2024

Via Certified Mail

Re: CPC # 227-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Mr. G reported that he had full physical custody of his two children, and their mother had no rights at all. Mr. G reported that when his son ran away, his son went to his mother's location. Mr. G reported that he showed the officers paperwork, and they said they could not do anything about it. Officers advised Mr. G that if Mr. G 14-year-old son did not want to go with him, they could not make him. Mr. G reported that his 14-year-old son was smoking weed, had a handgun online, and was throwing gang signs. Mr. G reported that he told the police about it, and they said even if they smelled the smoke or saw his son high, they had to see him smoking. Mr. G wants his son home or in police custody until it is resolved in court.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer C

Other Materials: n/a

Date Investigation Completed: November 20, 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: Procedural Order 2.8.5.D.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:

Officer C was a backup officer and did not make decisions on how the case was handled. 2.8.5.D.1-A review of the OBRD Videos confirmed that Officer C deactivated his OBRD prior to all his intended contact with the individuals involved in the incident being terminated and failed to document the reason that the recording event was not captured in its entirety per policy.

The CPOA recommends a written reprimand.

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

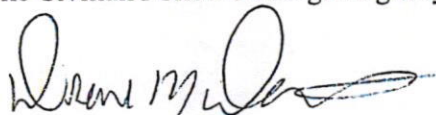
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

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

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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

November 27, 2024

Via Certified Mail

Re: CPC # 227-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

Mr. G reported that he had full physical custody of his two children, and their mother had no rights at all. Mr. G reported that when his son ran away, his son went to his mother's location. Mr. G reported that he showed the officers paperwork, and they said they could not do anything about it. Officers advised Mr. G that if Mr. G 14-year-old son did not want to go with him, they could not make him. Mr. G reported that his 14-year-old son was smoking weed, had a handgun online, and was throwing gang signs. Mr. G reported that he told the police about it, and they said even if they smelled the smoke or saw his son high, they had to see him smoking. Mr. G wants his son home or in police custody until it is resolved in court.

www.cabq.gov

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer S

Other Materials: Emails with APD Payroll

Date Investigation Completed: November 20, 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: Procedural Order 2.104.4.A.1.a.i

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

Policies Reviewed: Procedural Orders 2.8.5.D.1 and 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.

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:

2.104.4.A.1.a.i-It was determined that Officer S did not violate the SOP in question, as she completed an ample amount of investigation by completing a welfare check on Mr. G son and determined that his son was currently safe at the residence he was at and that was where Mr. G son wanted to be. Officer S did not order or remove the child from his location, per the policy.

2.8.5.D.1-A review of the OBRD Videos confirmed that Officer S deactivated her OBRD prior to all her intended contact with the individuals involved in the incident being terminated and failed to document the reason that the recording event was not captured in its entirety per policy.

2.16.5.C.1-Officer S violated the policy in question by failing to complete the incident report by the end of her shift.

The CPOA recommends a written reprimand and a verbal 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:

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

November 25, 2024

Via Email

Re: CPC # 302-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

The complaint listed that the Superintendent violated the mandates of his office in the handling of I171-24. The complaint alleged the Superintendent "misapplied department orders" by not finding a violation of "department ride-a-long orders." The complaint alleged the Superintendent violated the mandates of his office by not filing a "LEA-90" regarding a OBRD violation. The complaint alleged the Superintendent violated the mandates of his office by failing to find the Crash Review Board members in violation of department EPIC (Ethical Policing Is Courageous) orders.

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: N/A

APD Employee Involved: Superintendent G, CRB participants

Other Materials: duplicative of I2024-000171

Date Investigation Completed: November 25, 2024

FINDINGS

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

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

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Additional Comments:

After reviewing the complaint, it has been determined that the conduct within the complaint has already been investigated by APD IA. Per the CASA, investigations conducted by IAPS remain with IAPS, and the CPOA does not conduct duplicative investigations. The CPOA lacks the authority to investigate how an IA case was handled as that office operates independently, but is subject to CPOA monitoring and auditing. Simply put, neither the Police Oversight Ordinance nor the CASA provides for an appeal process into IAPS investigations as the complaint requests. The statute referred to (29-7-1 et seq. NMSA 1978) does not necessitate an investigation as state law refers to tort liability for failure to use a body camera, which is outside of the CPOA's jurisdiction with an existing IA investigation. The vague allegations contained in the complaint regarding the Crash Review Board members lack the specificity necessary to warrant an investigation when the Commander has already been subject to investigation for the same incident. The EPIC program referred to is inapplicable in the manner as described.

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:

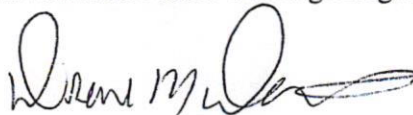
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