



ALBUQUERQUE
CIVILIAN POLICE
OVERSIGHT

Civilian Police Oversight Agency

Semi-Annual Report

July 1st 2023 - December 31st 2023

Mission Statement

“Advancing Constitutional Policing and Accountability for the Albuquerque Police Department and the Albuquerque Community”

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List of Acronyms

- *APD* - Albuquerque Police Department or “Department”
- *CABQ* - City of Albuquerque
- *CAO* - Chief Administrative Officer
- *CASA* - Court Approved Settlement Agreement
- *CBA* – Albuquerque Police Officer’s Association’s Collective Bargaining Agreement
- *CPOA* - Civilian Police Oversight Agency or “Agency”
- *CPOAB* - Civilian Police Oversight Agency Board or “Board”
- *CPC* - Civilian Police Complaint
- *CPCs* - Community Policing Councils
- *DAP* – Disciplinary Action Packet
- *DOJ* - Department of Justice
- *ECW* - Electronic Control Weapons
- *FRB* - Force Review Board
- *IA* - Internal Affairs
- *IAPS* - Internal Affairs Professional Standard
- *IAFD* - Internal Affairs Force Division
- *NDCA* - Non-Disciplinary Corrective Action
- *OBRD* - On-Body Recording Device
- *OIS* - Officer Involved Shooting
- *PNP* - Policies and Procedures Review Sub-Committee
- *PPRB* - Policy and Procedures Review Board
- *PTC* - Prisoner Transport Center
- *SOPs* - Standard Operating Procedures
- *SNBOOC* - Sustained Not Based on Original Complaint
- *SUOF* - Serious Use of Force
- *UOF* - Use of Force
- *VNBOOC* - Violation Not Based on Original Complaint

Report Highlights

- ❖ The CPOA recorded 371 complaint notifications and opened 155 complaint investigations against APD personnel during the reporting period starting July 1st, 2023, through December 31st, 2023.
- ❖ The Agency completed 126 civilian police complaint investigations during this reporting period compared to 115 in the last reporting period.
- ❖ 77.8% of the civilian police complaints closed in this reporting period were closed within 120 days.
- ❖ During this period, CPOA investigators reviewed 230 policy violation allegations.
- ❖ 54.8% of completed complaints were self-reported online submissions.
- ❖ 19.8% of the completed investigations were Administratively Closed.
- ❖ In this period, the CPOA completed investigations against 143 APD employees on behalf of 112 identifiable complainants and 9 anonymous complainants.
- ❖ 29 APD Standard Operating Procedures (SOPs) came under review 230 times in the 126 completed complaint investigations. SOP 1-1 Personnel Code of Conduct was reviewed 135 times, which is the most of any SOP in this reporting period.
- ❖ 2 notifications of non-concurrences were received from the Police Reform Bureau. In 1 case, the APD disagreed with a sustained finding of the CPOA, while in the other, the APD sustained a finding that the CPOA recommended to Exonerate.
- ❖ Of the 143 APD employees identified in completed complaint investigations during this reporting period, 53 (37.1%) were Police Officer 1st class.
- ❖ 89.5% of the APD employees identified in complaint investigations were White, 47.6% were Hispanic, and 76.2% were male. 45.5% of known complainants identified as White, 33.9% were Hispanic, and 42.0% were male.
- ❖ According to the IA Pro database, 49 Level 3 uses of force occurred during this reporting period.
- ❖ The CPOA received 27 commendations for APD personnel during the reporting period.

Introduction

Although a civilian oversight entity has existed in some capacity since the twentieth century, the Civilian Police Oversight Agency (CPOA) was established in its current form in 2014 after the City of Albuquerque and the Department of Justice (DOJ) entered into a Court Approved Settlement Agreement (CASA) regarding the Albuquerque Police Department's (APD) pattern or practice of use of excessive force against civilians. This agreement followed a two-year DOJ investigation prompted in 2011 by the Albuquerque City Council, who, along with citizens, expressed concern with the high rate of police shootings and the number of liability settlements stemming from these issues against the City. In their findings letter, the DOJ specified community policing and civilian oversight as necessary components of the public safety ecosystem and, consequently, are also monitored under the CASA. To achieve CASA compliance, the CPOA is governed by the CASA itself, city legislation, and the Civilian Police Oversight Ordinance (Oversight Ordinance), which was last amended in January 2023.

Per the Oversight Ordinance (§ 9-4-1-2), the CPOA is an independent agency of the City of Albuquerque, distinct from the City government, City Council, and the Albuquerque Police Department (APD). The oversight structure consists of the Advisory Board (CPOAB) and the Administrative Office (CPOA) led by the Executive Director. The CPOA is charged with fairly and impartially reviewing and investigating complaints and commendations from community members concerning APD personnel. Additionally, the CPOA analyzes data on trends and potential issues concerning police conduct and shares policy, disciplinary, training, and procedural recommendations with the City Council, the Mayor, and APD.

The Oversight Ordinance requires the CPOA to regularly inform the Mayor, the City Council, and the public of their efforts by publishing semi-annual reports (§ 9-4-1-11). Between the CASA and the Oversight Ordinance, these reports are to include:

- Data on the number, kind, and status of all complaints received and investigated, including those sent to mediation, serious force interactions, and officer-involved shootings
- Policy changes submitted by both APD and the CPOA
- Demographics of complainants and subject officers
- CPOA findings and the Office of Police Reform's imposition of discipline

- APD disciplinary, use of force, policy, or training trends
- Information on public outreach initiatives spearheaded by the CPOAB or CPOA
- Issues that may inform the City Council to consider legislative amendments to the Oversight Ordinance
- Time the CPOAB dedicates to policy activities

The information provided in this report is for the period July 1, 2023 through December 31, 2023.

This report is divided into the following sections:

- I. Legislative Amendments
- II. Complaint Details
- III. Employee and Complainant Demographics
- IV. APD Use of Force Interactions
- V. Public Outreach
- VI. CPOA/CPOAB Policy Activities, Policy Recommendations provided to APD, CPOAB Appointments
- VII. Commendations

The first section, ‘Legislative Amendments,’ describes any amendments that occurred during the reporting period to provide additional context to the analysis.

The second section, ‘Complaint Details,’ identifies the total number of complaints investigated (assigned CPC numbers) and closed (case investigation completed) during the second six months of 2023. This section covers complaint closure timelines, complaint sources, the number of complaints that occurred in each City Council District and Area Command, and the number of complaints investigated and closed compared to previous years. This section also provides information on the SOPs that came under review in completed investigations, identifies the CPOA investigative findings, and provides a selection of the letters of non-concurrences from the Chief of Police on findings or disciplinary recommendations.

The third section, ‘Employee and Complainant Demographics,’ reports demographic information for both APD employees and the complainants. For complainants, this report provides self-

reported data on gender, race and ethnicity, sexual orientation, housing, mental health status, and age.

The fourth section, ‘APD Use of Force Interactions,’ provides information collected from IAFD investigations of the use of force interactions that occurred during the period. It includes counts of use of force interactions by month, level of force, location of occurrence, and policy disposition, as well as the types of force used in Level 3 interactions and a listing of the officer-involved shootings that occurred during the period.

The fifth section, ‘Public Outreach,’ highlights outreach initiatives undertaken by the CPOA/CPOAB and CPCs during this reporting period.

The sixth section, ‘CPOA/CPOAB Policy Activities, Policy Recommendations provided to APD, CPOAB Appointments.’ discusses CPOAB policy activities, policy, procedural, or training recommendations shared with APD.

Section seven, ‘Commendations,’ reports on APD employee commendations sent to the CPOA, including demographics of citizens submitting commendations.

Complaint Investigation Process

Civilian police complaints can be filed with the police department or with the CPOA itself. If the complaint is filed with the police, they must refer it to the CPOA within three business days. Once the complaint is received by the CPOA, the review and assessment of civilian complaints shall begin expeditiously. As cited in the Ordinance, the CPOA will mediate complaints whenever appropriate and with all parties' agreement. During this reporting period, the formal mediation program remained suspended.

For cases not referred to Mediation, Internal Affairs, or Area Command, the CPOA is responsible for opening a case and assigning it to an investigator. The assigned investigator will review the complaint, interview complainants, witnesses, and other APD personnel involved, obtain evidence, review other necessary materials, and make recommended findings. Once the complaint investigation is completed, the Executive Director of the Agency will review the findings to determine if there are any Albuquerque Police Department Standard Operating Procedures (SOPs) violations.

The investigator may close the complaint following a preliminary investigation or may conduct a full investigation. A complaint can be resolved without a full investigation for the following reasons:

- The investigator verifies after initial review that the complaint does not allege misconduct by an APD employee;
- The policy violations are minor;
- The allegations are duplicative;
- There is a lack of information to complete the investigation;
- The complainant requests a withdrawal of the complaint; or
- The complaint was lodged against someone who is not an APD employee.

During an investigation, the assigned investigator will review the complaint, interview complainants, witnesses, and other APD personnel involved, obtain evidence, review other

necessary materials, and make recommended findings within 120 days.¹ Per the revised Collective Bargaining Agreement (CBA) from July 15, 2023, the Chief of Police no longer has the authority to grant a 30-day extension to the CPOA. Once the complaint investigation is completed, the agency's Executive Director will review the findings to determine if there are any Albuquerque Police Department Standard Operating Procedures (SOPs) violations.

If the CPOA investigation determines that there were SOP violations, it may recommend disciplinary actions to the Office of Police Reform in accordance with the Chart of Sanctions.² The Office of Police Reform is provided with the CPOA case file and a Disciplinary Action Packet (DAP). The DAP provides the discipline calculation based on the SOP, class, sanction, and the officer's progressive discipline history. The Office of Police Reform may impose the disciplinary recommendations at its discretion. If the Office of Police Reform deviates from the CPOA's recommended discipline, they have 30 days to explain why they disagree with the CPOA.

Upon receipt of the findings, the civilian complainant has 30 days to request an appeal to the Agency. The Agency and the CPOAB alert the Office of Police Reform of any such appeal and hold a hearing on the matter at their next scheduled meeting. The CPOAB may amend findings or recommendations from the public letter to the complainant and make additional ones to the Office of Police Reform at the hearing based on the criteria established in the Ordinance if the CPOAB finds that the policy was misapplied, the findings or recommendations were arbitrary, or the findings were inconsistent with the available evidence. Following the hearing, the CPOAB provides a written Notice of Decision to the complainant, implicated employee, CPOA Executive Director, and Office of Police Reform. The Office of Police Reform has 20 days after receiving

¹ The CPOA has remained operational in a modified capacity due to a lack of available office space. While video and phone interviews have become more common since the onset of the coronavirus public health emergency, the CPOA hopes to return to in-person operations when office space becomes available.

² All policy provisions receive a sanction classification from the Chart of Sanctions (SOP 3-46: Discipline System) and it is used to calculate the recommended disciplinary action to be taken for any sustained allegations investigated by IA or the CPOA. The Chart of Sanctions displays the range of discipline that could be imposed for a sustained violation (minimum, presumptive, and maximum) and ranks violations by Class, with Class 1 offenses being the most severe and Class 7 being the least. Disciplinary authorities must consider aggravating and mitigating circumstances when determining final discipline. Violations are also categorized by type into Attendance, Misconduct, and Performance for the purposes of progressive discipline. Beginning with the least severe, an employee could potentially receive non-disciplinary corrective action (NDCA), a verbal reprimand, a written reprimand, suspension for a varying number of hours/days, demotion, or dismissal from service.

the CPOAB's Notice of Decision to provide the CPOA and civilian complainant with their final disciplinary decision.

Within 30 days of receiving the final disciplinary decision, the civilian complaint may request that the Chief Administrative Officer (CAO) review the complaint, the CPOA's disciplinary recommendation, and the Office of Police Reform's final disciplinary decision. Upon completing the review, the CAO has 90 days to override the Office of Police Reform's final disciplinary decision. The CAO is to notify the complainant, implicated employee, Office of Police Reform, and the CPOA Executive Director of their review and any action taken.

Per the renegotiated CBA between the City of Albuquerque and the Albuquerque Police Officers Association, no disciplinary action shall be taken against an investigated officer(s) nor used for progressive discipline in any future infraction when the investigation is out of compliance with timelines set forth in the CBA.³ However, the investigated officer(s) will receive the investigation results and potential training if training is requested or required. Additionally, the investigation may be used for purposes such as mandatory training for any or all Department officers, non-disciplinary actions such as reassignment to prevent further similar misconduct, policy development, consideration for promotion for the investigated officer(s), evidence in future grievances for purposes such as notice, and as an aggravating circumstance within the applicable sanction range for future similar infractions by the investigated officer(s).

The Agency does not conduct criminal investigations. At any point during the investigative process, if the investigators determine criminal allegations are associated with the civilian complaint, the administrative investigation is transferred to Internal Affairs (IA) at APD.

³ This Collective Bargaining Agreement was effective July 15, 2023 through June 30, 2026; Timelines standards set forth in CBA: (1) Every Investigation shall be concluded within one hundred and twenty (120) days from the issuance of notice to the officer or assignment of the case for investigation, whichever is later and within a 15 day time period; (2) Upon completion of the investigation, the department shall have up to forty (40) days for command level review of the investigation and to issue a pre-determination hearing notice; and (3) measured from when the pre-determination hearing ends, a determination with any findings must be sent to the officer within twenty (20) days.

There are six possible CPOA complaint findings:

- **Sustained** – Where the investigation determines, by a preponderance of the evidence that the alleged misconduct did occur.
- **Not Sustained** – Where the investigation is unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred.
- **Exonerated** – Where the investigation determines, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training.
- **Unfounded** – Where the investigation determines, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer.
- **Sustained Violation Not Based on Original Complaint (Sustained/VNBOOC)** – Where the investigation determines, by a preponderance of the evidence, that misconduct did occur that was not alleged in the original complaint and was discovered during the investigation.
- **Administratively Closed** – Where the policy violations are minor, the allegations are duplicative, or an investigation cannot be conducted because of the lack of information in the complaint.

Data Source and Limitations

This report highlights complaints opened for investigation and complaints closed (investigation completed) during the reporting period along with demographic information of employees and complainants and number of serious uses of force interactions. It also provides information regarding policy activities at APD during the reporting period, CPOA and CPOAB policy recommendations, CPOAB training statuses, and the CPOA and CPOAB public outreach efforts. Data for this report is retrieved from IA Pro (Internal Affairs record management database), CPOA and CPOAB meeting minutes, and the City of Albuquerque human resources.

Since the majority of the data is extracted from the IA Pro database, it is important to note that the CPOA is not an IA Pro administrator and only has limited control over data entry into the database. The data contained in this report represents the most accurate information available at the time of retrieval. However, the information stored in the database is dynamic and can change as an investigation progresses. Since the complaint and use of force data is exported from live databases, complaint or case specifications, allegations, and outcomes numbers may fluctuate over time and are subject to revision. As such, updated information may lead to discrepancies between the data presented in this report and data published in previous CPOA or other City reports.

Section I. Legislative Amendments

Legislative Amendments

There were no legislative amendments enacted during this reporting period.

Section II. Complaint Details

The CPOA is responsible for receiving and investigating all complaints involving APD employees and ensuring that the complaint process is accessible to all community members. Any person claiming to be aggrieved by the APD's actions may file a complaint against any of its employees.

During the reporting period, the CPOA recorded a total of 371 complaints and opened (assigned CPC numbers in the IA database) 155 complaint investigations. Several complaints opened in the IA database were not assigned to an investigator due to reasons including but not limited to:

- After the initial complaint review, the Lead Investigator determined that the allegations did not constitute misconduct or a possible policy violation,
- The complaint was duplicative (already assigned a CPC number),
- The complaint did not involve APD personnel (out of jurisdiction),
- The complaint was resolved through informal mediation,
- The complaint was a driving complaint and was forwarded to an officer supervisor for resolution,
- There was a lack of information to open an investigation and,
- The complaint contained criminal allegations and was forwarded to IA.

**Complaints
Recorded**

371

**Complaints Opened
in the IA database**

155

Complaints Closed

126

*Data Source: IA Pro July 1st
2022 – December 31st 2022*

The CPOA completed 126 complaint investigations during this reporting period, which is greater than the 115 complaints completed in the last reporting period. Of the 126 completed investigations:

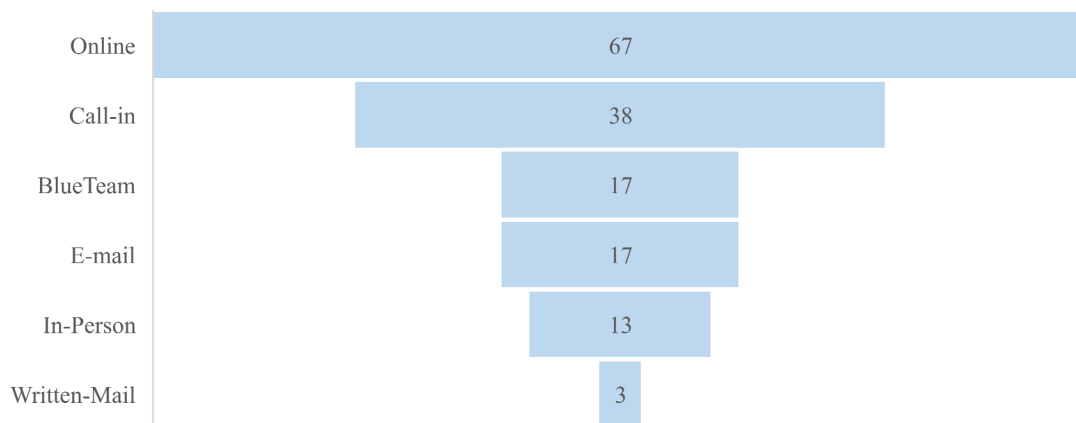
- 74 were opened before this reporting period, while 52 were opened and closed during this reporting period,
- 19.0% were closed administratively,
- 13.5% of the complaints were received in August of 2023.

Complaint Sources

Complaints received by the CPOA can come from different sources. A complainant may email, file online, fax, send the complaint through regular mail, give it over the phone, or file it in person at the CPOA office. Complaint forms are available online or at over fifty locations across Albuquerque, including all police substations, supervisor patrol cars, libraries, and community centers.

Many of the 155 complaints received and opened during the reporting period were submitted online (43.2%).

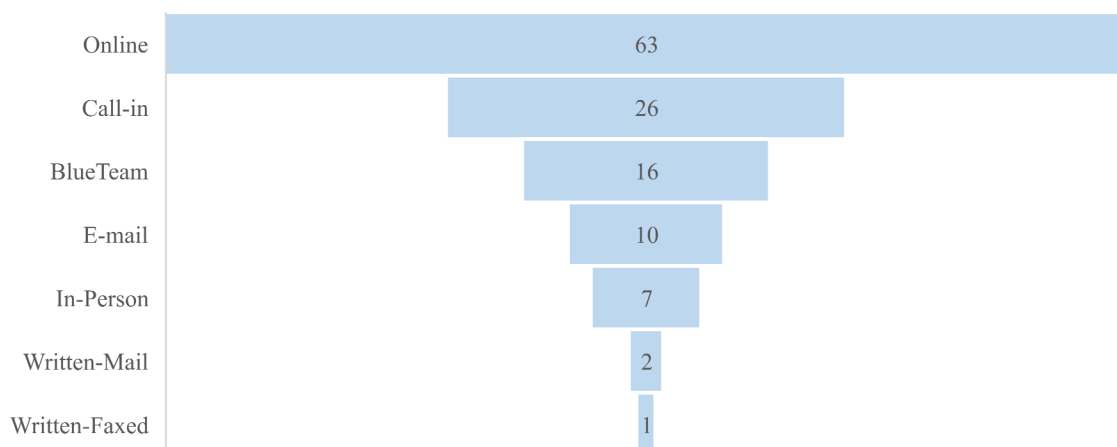
Figure 1.1. Source of Received Complaints



Data Source: IA Pro July 1st – December 31st 2023

Most of the 115 complaints completed during the period were submitted online (54.8%).

Figure 1.2. Source of Completed Complaints

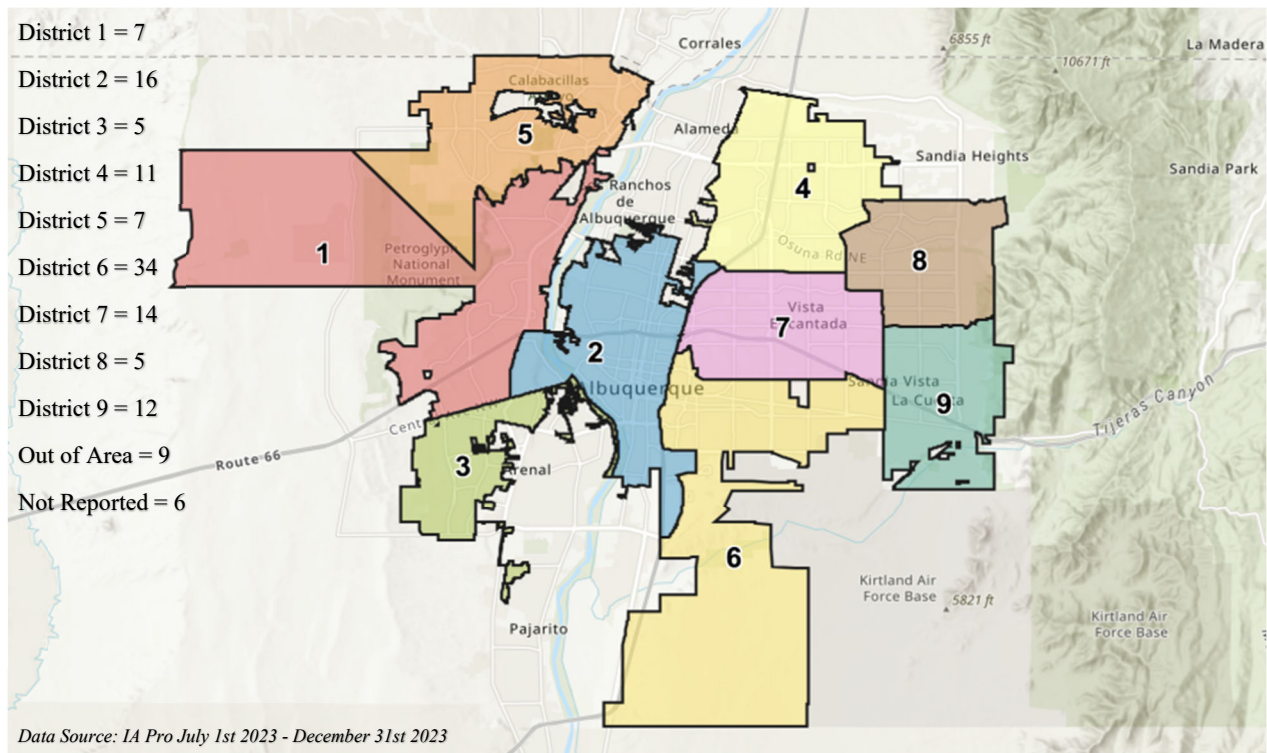


Data Source: IA Pro July 1st – December 31st 2023

Complaints by City Council Districts

Many of the completed complaints during this reporting period took place in City Council District 6, with 34 (27.0%). The City Council Districts with the least number of complaints were Districts 3 and 8, with 5 (4.0%). Additionally, 6 complaints did not identify an incident location, so the City Council District is unknown and is reflected in Figure 1. as “Not Reported.” 9 complaints stemmed from incidents outside of the City Council’s jurisdiction. These are labeled in Figure 1. as “Out of Area.”

Figure 2. Complaints by City Council District



Complaints Trend

Using data from previous semi-annual reports published by the CPOA, and found on the [City of Albuquerque's Website](#), we observe that the number of complaints received increased by 9.8% from 2022 to 2023, and the complaint closure rate increased by 13.1%.

Figure 3.1. Complaints Received by Year (2017 – 2023)

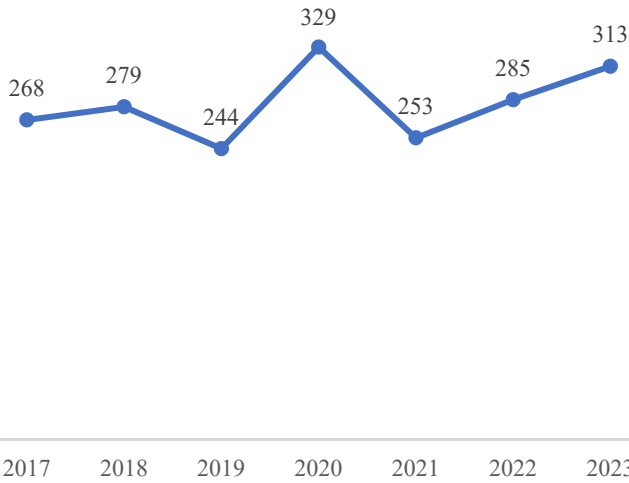


Figure 3.2. Complaints Closed by Year (2017 – 2023)

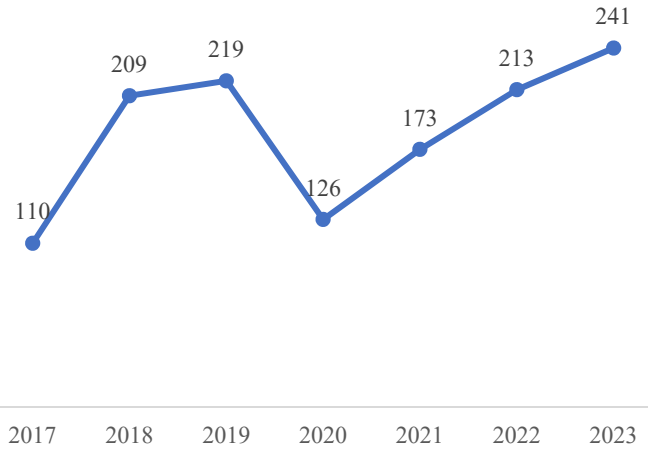


Figure 3.3. Complaints Received in July – December Reporting Period by Year (2018-2023)

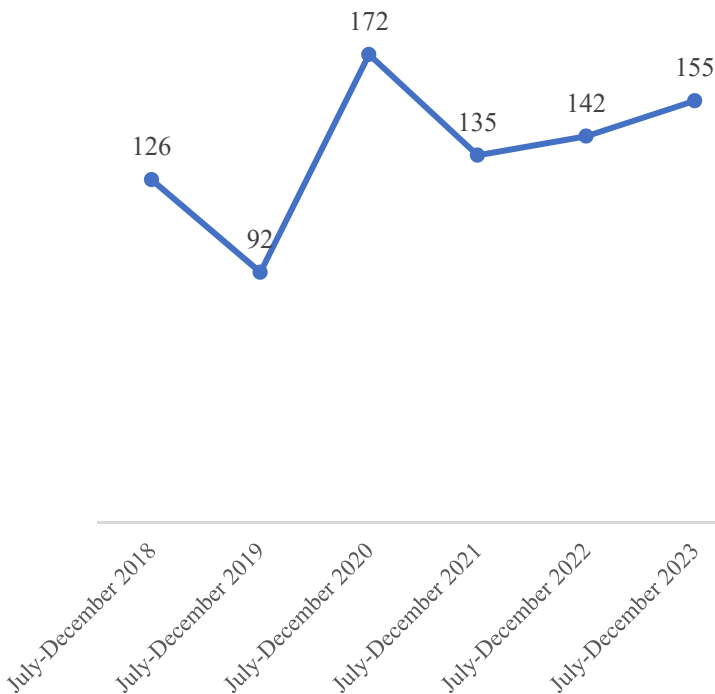
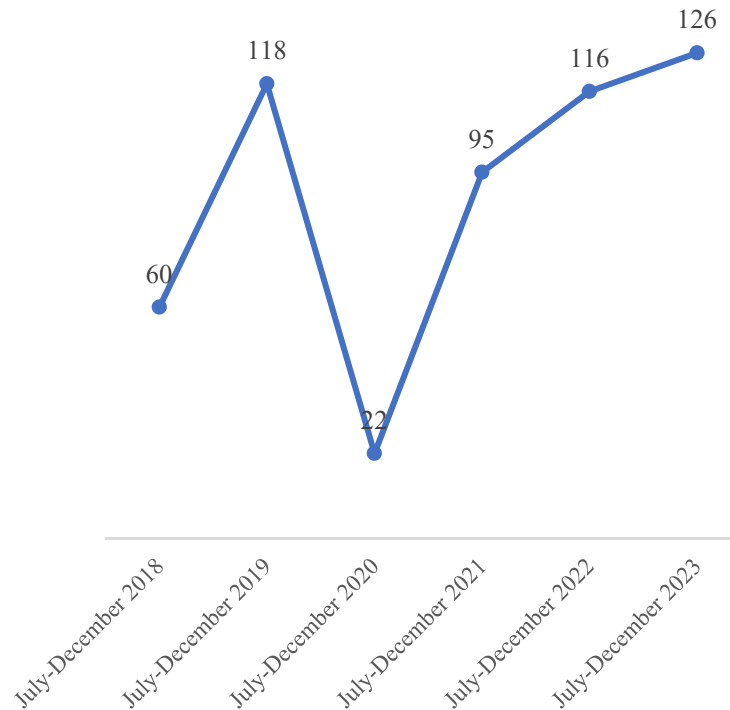


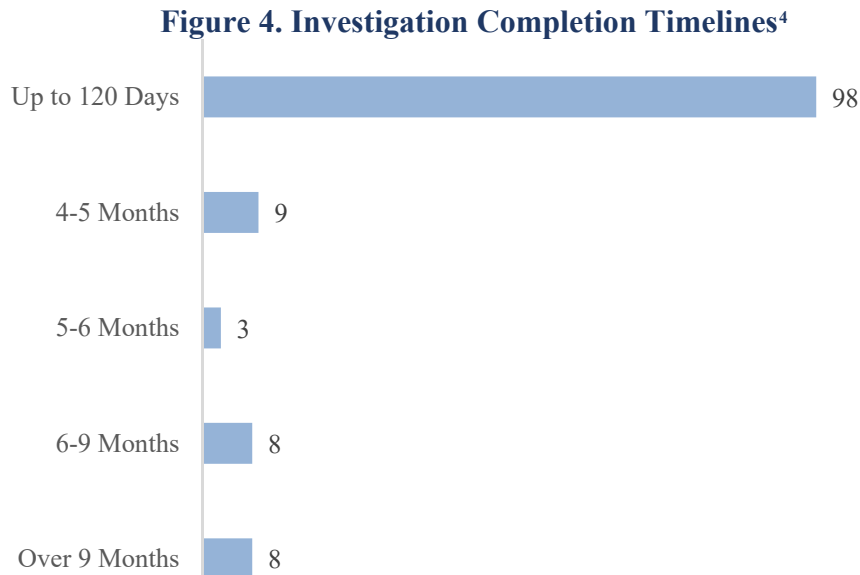
Figure 3.4. Complaints Closed in July – December Reporting Period by Year (2018-2023)



Data Source: Past CPOA Reports and IA Pro July 1st 2023 – December 31st 2023

Investigation Completion Timelines

Per the renegotiated January 2022 CBA, every investigation shall be concluded within 120 days. For this reporting period, 98 (77.8%) investigations were completed within 120 days.



Data Source: IA Pro July 1st 2023 – December 31st 2023

The CPOA receives a high volume of complaints, necessitating a triage process to manage them effectively. Due to the number of submissions and limited investigation personnel, the CPOA must prioritize complaints based on their urgency, severity, likelihood of violation, and imposition of discipline. This prioritization can result in longer investigation times for some complaints, as resources are allocated to investigations that are more likely to result in findings of misconduct first.

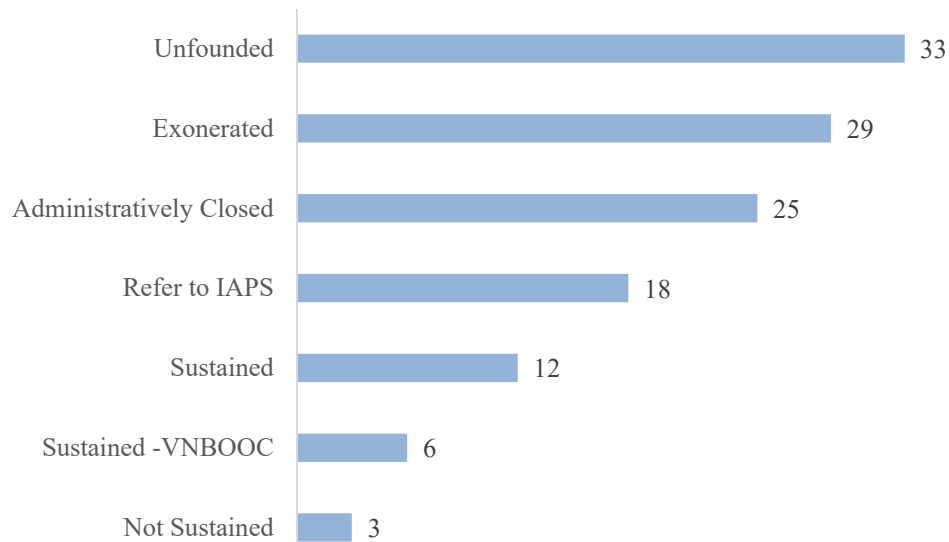
⁴ 4-5 months is approximately 121-152 days; 5-6 months is approx. 153-182 days; and 6-9 months is approx. 183-274 days.

Complaint Dispositions

Following the completion of a CPC investigation, the CPOA will determine a finding for each allegation associated with the complaint. There can be more than one allegation and more than one officer involved in one CPC. For complaints such as these, this report will incorporate the highest disposition associated with the complaint in our summary. For example, for a complaint with three allegations, the distinct findings could be Sustained, Unfounded, and Administratively Closed. In this example, this report would include the Sustained finding in our analysis because it is the highest disposition associated with the complaint.

Complaints, writ large, typically led to an unfounded or exonerated disposition during the reporting period.

Figure 5. Closed Complaint Findings



Data Source: IA Pro July 1st 2023 – December 31st 2023

Most administratively closed complaints during the reporting period were due to a lack of information, no jurisdiction, or withdrawn.

Table 1. Reasons Complaints were Administratively Closed

Reason for Admin Closed	Count
Lack of Information	7
No Jurisdiction	6
Withdrawn	6
No Officer Identified	3
Duplicative	2
No SOP Identified	1
Total	25

Data Source: IA Pro July 1st 2023 – December 31st 2023

APD SOPs Reviewed in Completed CPOA Investigations

Investigators are tasked with reviewing allegations against APD standard operating procedures (SOPs) for each officer implicated in a single complaint. In this reporting period, 85 policy directives for 29 APD SOPs came under review 230 times. SOP 1-1 (Personnel Code of Conduct) was reviewed the most (135), accounting for 58.7% of all allegations. All complaints that did not allege a violation of policy were either administratively closed or referred to IAPS.

As a note, 10 complaints were referred to IAPS but were linked to 24 allegations, so they are included in this statistic. Additionally, there were 26 complaints with more than one allegation, 15 with more than two allegations, and 18 with more than three allegations in this reporting period.

Table 2. SOPs for Completed Complaints and the Recommended Finding from CPOA

SOP Number & Title	Recommended Findings by Disposition						Total Reviews
	Refer to IAPS	Exonerated	Unfounded	Not Sustained	Sustained	Sustained VNBOOC	
1-1 Personnel Code of Conduct	15	25	82	1	10	2	135
2-60 Preliminary and Follow-up Criminal Investigations		5	5		2		12
2-16 Reports		1	4	1	3	3	12
2-8 Use of On-Body Recording Devices (OBRD)		5	2			3	10
2-10 Use of Emergency Communications	8		1				9
2-71 Search and Seizure Without a Warrant		6	1		1		8
1-4 Bias-Based Policing and/or Profiling			6				6
2-73 Collection, Submission, and Disposition of Evidence and Property			3	1	1		5
3-41 Complaints Involving Department Personnel	1	1	3				5
2-80 Arrests, Arrest Warrants, and Booking Procedures		1	1		1		3
2-46 Response to Traffic Crashes			1		1	1	3
2-21 Apparent Natural Death and Suicide of An Adult			2				2
2-78 Domestic Abuse Investigations		2					2
2-33 Rights and Safety of Onlookers		2					2
3-13 Officer's Duties and Conduct ⁵			2				2
3-14 Supervisory Leadership		1					1
1-2 Social Media			1				1
2-52 Use of Force-General			1				1
2-92 Crimes Against Children Investigations			1				1
2-22 Juvenile Delinquency		1					1
2-44 Traffic and Roadway Services		1					1
2-82 Restraints and Transportation of Individuals		1					1
2-19 Response to Behavioral Health Issues		1					1
2-41 Traffic Stop		1					1
1-78 Police Service Aid Program			1				1
2-68 Interviews and Interrogations		1					1
2-48 Towing Services		1					1
2-5 Department Vehicles							1
4-24 Civil Disputes ⁶				1			1
Finding Total	24	56	117	4	19	10	230

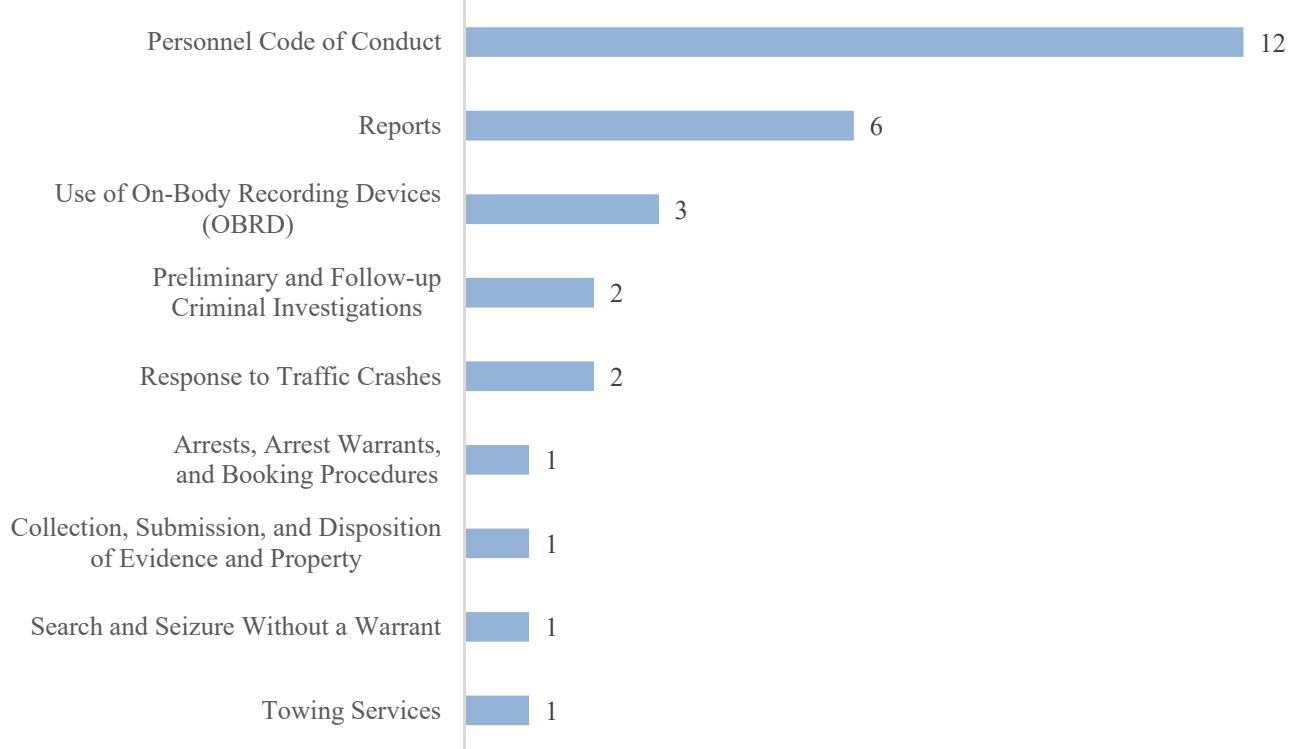
Data Source: IA Pro July 1st 2023 – December 31st 2023

⁵ No longer in effect.

⁶ Currently APD SOP 2-104 Civil Disputes

The APD SOP with the most sustained violations was SOP 1-1 Personnel Code of Conduct, representing 41.4% of all sustained recommended findings by the CPOA in the period.

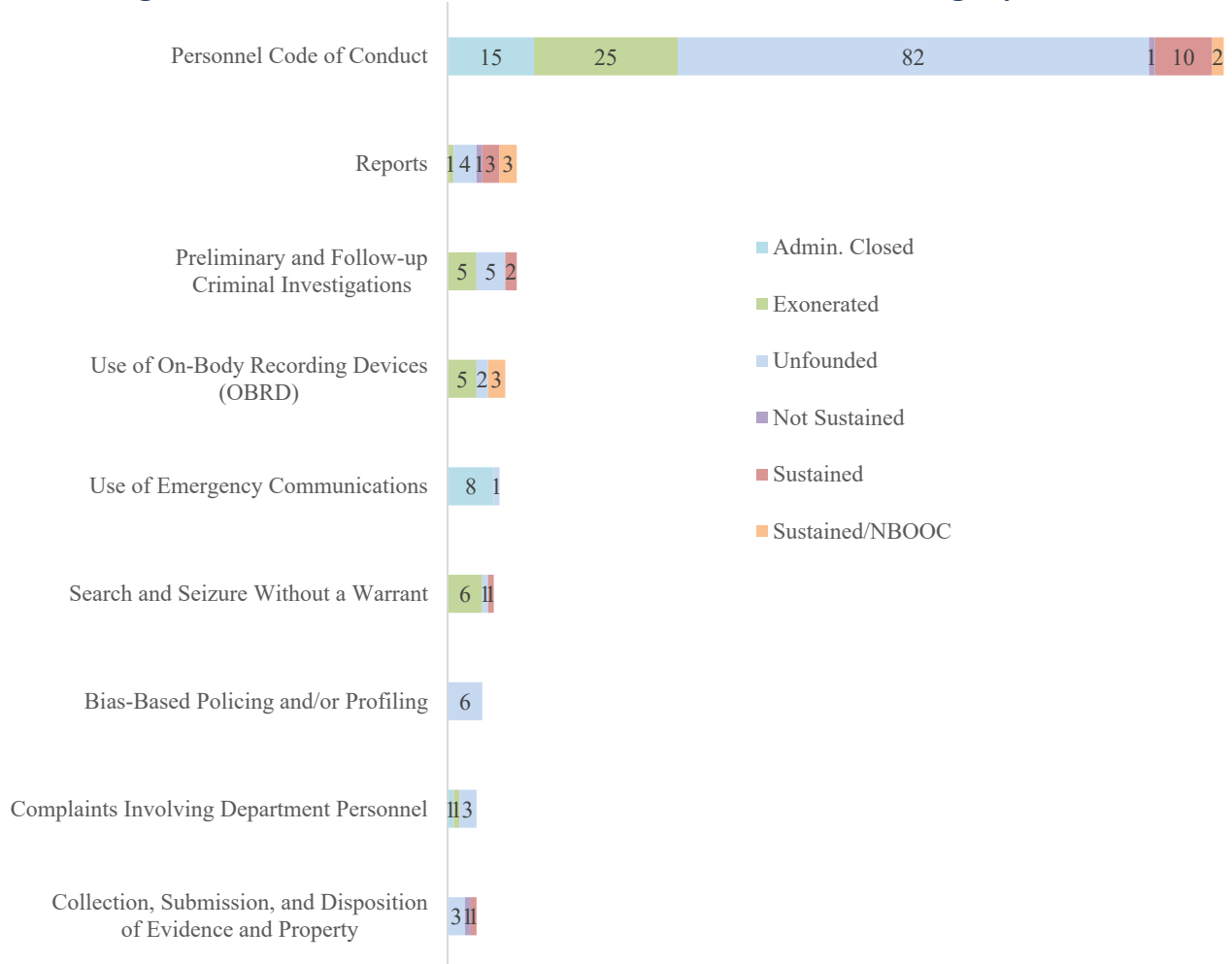
Figure 6.1. SOPs with Sustained or Sustained/NBOOC Recommended Findings by CPOA



Data Source: IA Pro July 1st 2023 – December 31st 2023

The figure below provides the most reviewed APD SOPs and their recommended findings by the CPOA in the period, with each SOP having at least 5 recommended findings.

Figure 6.2. Most Reviewed SOPs and the Recommended Findings by CPOA



Data Source: IA Pro July 1st 2023 – December 31st 2023

Non-Concurrences with CPOA Findings or Disciplinary Recommendations

During this period, there were 2 instances where the APD did not concur with the CPOA's recommended findings and discipline. In one case, the APD disagreed with a sustained finding of the CPOA, while in the other, the APD sustained a finding that the CPOA recommended to Exonerate.

Table 3. Non-Concurrences

CPC Number	Policy	CPOA Finding	APD Finding	CPOA Rec. Discipline	APD Discipline
CPC2023-000130	2-8-5-A	Exonerated	Sustained	None	Verbal Reprimand
CPC2023-000216	1-1-4-A-2-d	Sustained	Exonerated	Verbal Reprimand	None

CPC2023-000130 – Non-concurrent Findings and Discipline

The CPOA recommended a finding of exonerated for a violation of the Mandatory Recording policy, determining that a phone call did not constitute an encounter within the policy because it was not a “law enforcement encounter” under the definition within the SOP, as there was no stop, detention, enforcement of the law, or action related to community caretaking. The APD, while acknowledging some lack of clarity in SOP 2-8, disagreed, stating that the policy specifically addresses recording of phone calls, and “phone calls are defined as a contact and therefore should be recorded.” The implicated officer received a Verbal Reprimand.

CPC2023-000216 – Non-concurrent Findings and Discipline

A complainant specifically alleged that an officer removed their hands from the handlebars of a motorcycle to wave at the complainant, and the complainant alleged it was unsafe. The CPOA found a violation of the City Ordinance 8-3-2-7, which stated that “*persons shall maintain control of a motorcycle and should have both hands on the handlebars, except to signal turns, or, if needed, for the operation of the vehicle.*” The officer agreed the wave was not to signal a turn, stop, or operate the motorcycle. The CPOA recommended a sustained finding and a Verbal

Reprimand. The APD disagreed, stating that “the language in the ordinance comes down to ‘*shall*’ versus ‘*should*.’ Shall indicates a requirement or a mandatory action where should indicates a suggestion or advice.” APD determined that there was no requirement to have both hands on the handlebars and no evidence the officer failed to maintain control of their motorcycle to wave at the motorist. APD exonerated the violation, resulting in no discipline.

To view redacted copies of the Non-Concurrence Letters, please see [Chief of Police/Police Reform Bureau: Non-Concurrence Letters](#) on the CPOA website for a yearly listing of the non-concurrence letters received.⁷

⁷Redacted Versions of Non-Concurrence Letters: <https://www.cabq.gov/cpoa/findings-letters/chief-of-police-non-concurrence-letters>

Sustained Findings and Discipline by APD

Upon reviewing the CPOA's investigations and recommendations, APD upheld 27 Sustained or Sustained VNBOOC findings for specific policy violations in 18 cases and sustained an additional violation that the CPOA did not recommend (addressed in the Non-Concurrences Section above), totaling 28 SOP violations. These cases involved 23 APD employees, with 5 of the employees having two violations in a single case.

Each sustained finding results in proposed discipline for the implicated employee. Beginning with the least severe, an employee could potentially receive non-disciplinary corrective action (NDCA), a verbal reprimand, a written reprimand, suspension, demotion, or dismissal from service.⁸

Table 4. Sustained Allegations and Final Discipline by SOP

Finding		SOP Number & Title	Verbal Reprimand	Written Reprimand	Suspension
Sustained	Sustained VNBOOC				
8	2	1-1 Personnel Code of Conduct		5	5
1	3	2-8 Use of On-Body Recorded Devices (OBRD)	1	3	1
3	3	2-16 Reports	5	1	
1	1	2-46 Response to Traffic Crashes		2	
	1	2-48 Towing Services	1		
	2	2-60 Preliminary and Follow-Up Criminal Investigations	1		1
1		2-71 Search and Seizure Without a Warrant		1	
	1	2-73 Collection, Submission, and Disposition of Evidence and Property		1	
1		2-80 Arrests, Arrest Warrants, and Booking Procedures			1

Per the renegotiated CBA between the City of Albuquerque and the Albuquerque Police Officers Association, if the Department begins a disciplinary investigation and does not comply with the timelines set forth within the CBA, then no disciplinary action related to the investigation shall be taken against the investigated officer(s) and investigations results may not be used for progressive discipline for any future infraction.⁹ The investigated officer(s) will receive the

⁸SOP 3-46 Discipline System, found on City of Albuquerque, Police, website; Standard Operating Procedures, <https://www.cabq.gov/police/standard-operating-procedures>

⁹ This Collective Bargaining Agreement was effective January 1, 2022 through June 30, 2023; Timelines standards set forth in CBA: (1) Every Investigation shall be concluded within one hundred and twenty (120) days from the issuance of notice to the officer or assignment of the case for investigation, whichever is later and within a 15 day time period; (2) Upon completion of the investigation, the department shall have up to forty (40) days for command level review of the investigation and to issue a pre-determination hearing notice; and (3)

investigation results, and training if requested or required. The results may be used for purposes such as mandatory training for any or all Department officers, non-disciplinary actions such as reassignment to prevent further similar misconduct, policy development, consideration for promotion for the investigated officer(s), evidence in future grievances for purposes such as notice, and as an aggravating circumstance within the applicable sanction range for future similar infractions by the investigated officer(s). During this period, APD did not issue 1 proposed disciplinary action because their evaluation of the investigation timeframe exceeded contractual timelines, and 4 proposed disciplinary violations because the employee left the department before discipline could be issued, which are shown in parenthesis in the table below.

Table 5. Sustained Allegations and Final Discipline by SOP

Proposed Discipline		Discipline Issued											
		Action Taken Total	Not Issued Total	1-1	2-8	2-16		2-46	2-48	2-60	2-71	2-73	2-80
Verbal Reprimand	8	6	(2)*		1	3	(2)		1	1			
Written Reprimand	12	12	0	5	2	1	2				1	1	
Suspension	8	5	1 (2)**	4	1	1					(1)		(1)

The CPOA primarily focuses on citizen complaints against APD employees. Therefore, the discipline addressed in this Report concerns discipline that resulted from citizen complaints. The APD publishes its Internal Affairs Report quarterly, which covers investigations into policy violations that don't arise from a complaint. This report is intended to notify the Administration of the Police Department, the City Council, the Civilian Police Oversight Advisory Board, and the citizens of Albuquerque with statistics and the status of Internal Affairs investigations within the Albuquerque Police Department. The [Internal Affairs Reports](#) are listed on the City of Albuquerque's website.¹⁰

measured from when the pre-determination hearing ends, a determination with any findings must be sent to the officer within twenty (20) days.

¹⁰ Internal Affairs Reports: <https://www.cabq.gov/police/internal-affairs/internal-affairs-reports>

Section III. Employee and Complainant Demographics

Section § 9-4-1-10-B of the Oversight Ordinance requires demographic reporting on the APD employees and civilians associated with the complaint. This section is divided into two subsections: the first provides demographic information on APD employees and the second provides demographic information on complainants for complaints completed during the reporting period. This information can aid in identifying the trends and biases of employees and can also inform the CPOAB on their policy, training, and/or procedural recommendations for APD. We use the employee records in IA Pro as they are exported and do not impute missing values, nor do we correct values.

Complaints can be filed against both sworn and non-sworn APD employees. A total of *143* APD employees were identified in the *126* completed investigations during this reporting period. Out of the *126* completed investigations, *22* complaints did not implicate an APD employee. All complaints without an APD employee were administratively closed or referred to IAPS.

A complaint can involve more than one employee and an employee can be cited in multiple complaints. As seen in Table 8., during the reporting period, most complaints only implicate one APD employee. Further, most employees were implicated in a single complaint for this reporting period, while 9 APD employees were implicated in more than one complaint, represented in Table 9.

Table 6.1. Number of Complaints Associated with Multiple Employees

Number of Complaints	Number of Employees Involved
84	1
32	2
8	3
1	4
1	6

Data Source: IA Pro July 1st 2023 – December 31st 2023

Table 6.2. Number of Employees Associated with Multiple Complaints

Number of Employees	Times Involved
126	1
17	2

Data Source: IA Pro July 1st 2023 – December 31st 2023

Employee Demographics

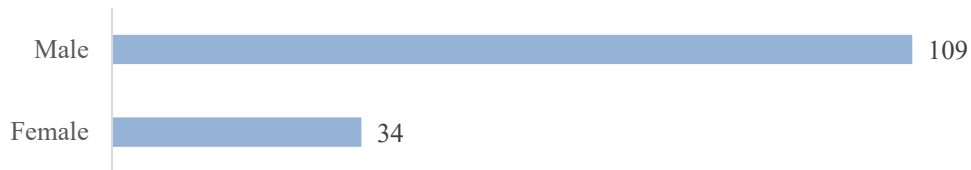
As of December 31st, 2023, APD reported 853 sworn employees. This is a decrease of 23 sworn employees since June 30th, 2023 (876), and 16 sworn employees since December 31st, 2022 (869).

Employee Gender, Race, and Ethnicity in Completed Complaints

As seen in Figures 8.1 – 8.3, for APD employees implicated in a complaint:

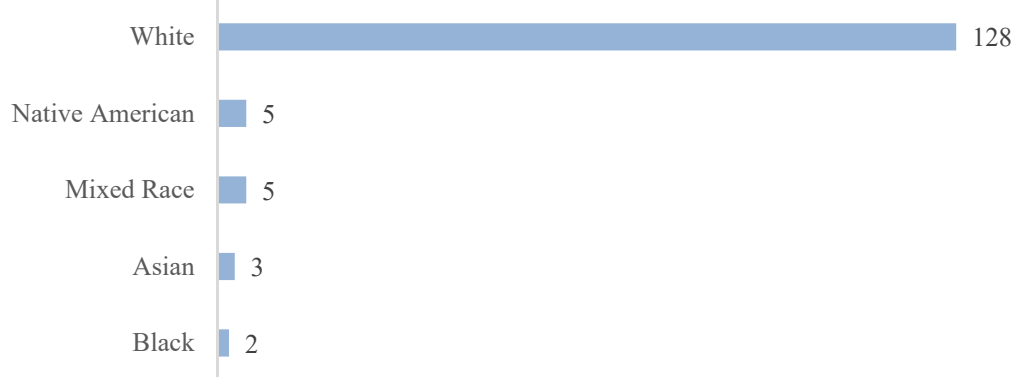
- 76.2% identify as male,
- 89.4% identify as White,
- 47.6% identify as Hispanic

Figure 7.1. Gender of APD Employees Cited in a Completed Complaint



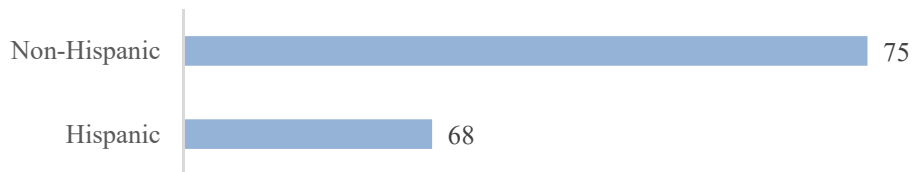
Data Source: IA Pro July 1st 2023 – December 31st 2023

Figure 7.2. Race of APD Employees Cited in a Completed Complaint



Data Source: IA Pro July 1st 2023 – December 31st 2023

Figure 7.3. Ethnicity of APD Employees Cited in a Completed Complaint

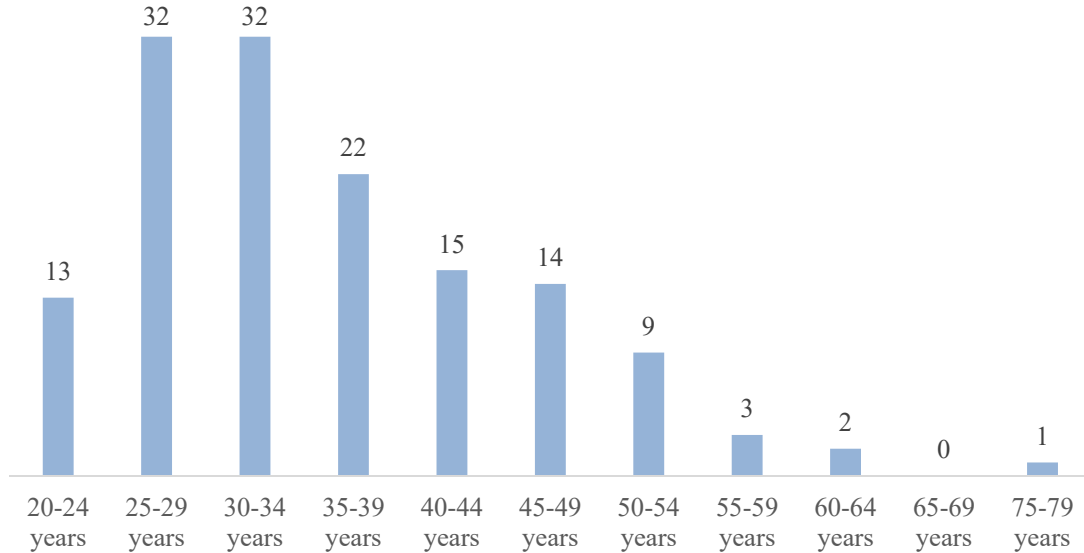


Data Source: IA Pro July 1st 2023 – December 31st 2023

Employee Median Age

The majority of employees cited in a complaint fall in the 25-29 and 30-34 age ranges (44.8% combined), followed by the 35-39 age range (15.4%). The youngest APD employees identified in a closed CPOA investigation during this reporting period were 20 years old, and the oldest employee was 78 years old at the time when the incident occurred.

Figure 7.4. Age for APD Employees Cited in a Completed Complaint

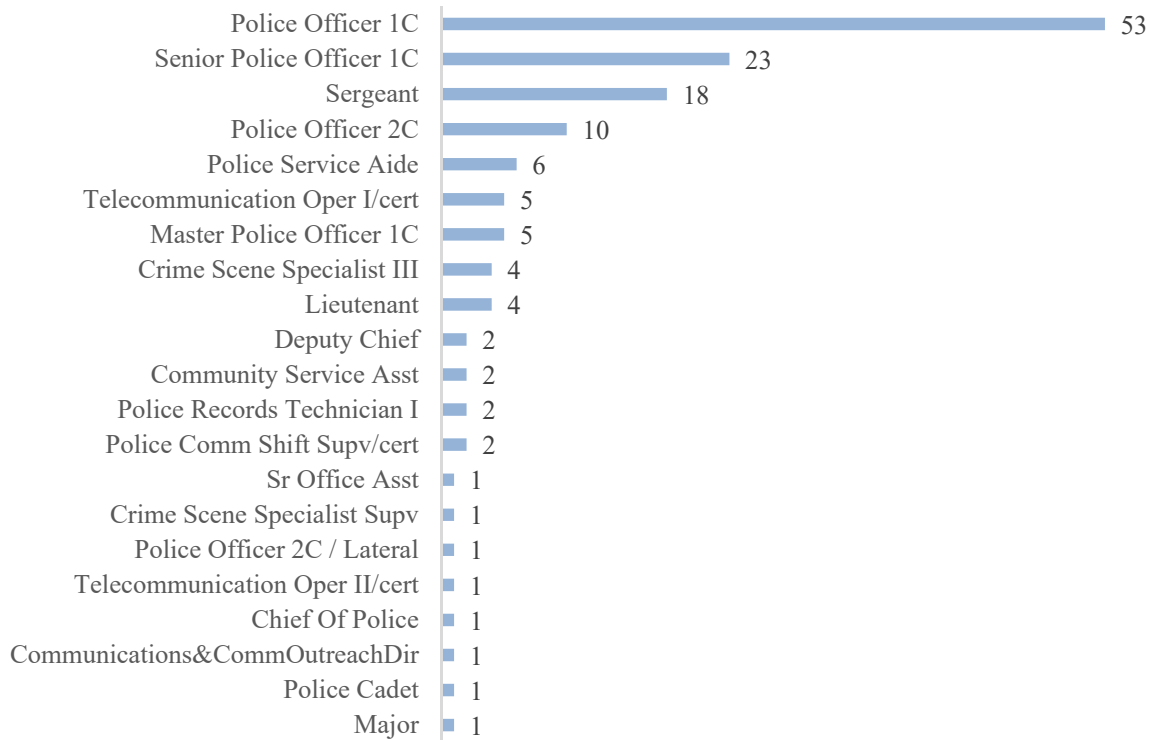


Data Source: IA Pro July 1st 2023 – December 31st 2023

Employee Rank

Among the 143 employees identified in complaints completed during the reporting period, the largest number of employees were Police Officer 1st class (36.8%), followed by Senior Police Officer (16.0%). 1 employee was implicated in two separate complaints and was a Police Officer 1st Class in an earlier incident and a Police Officer 2nd Class in a later incident.

Figure 7.5. Employee Rank Breakdown for APD Employees Cited in a Complaint

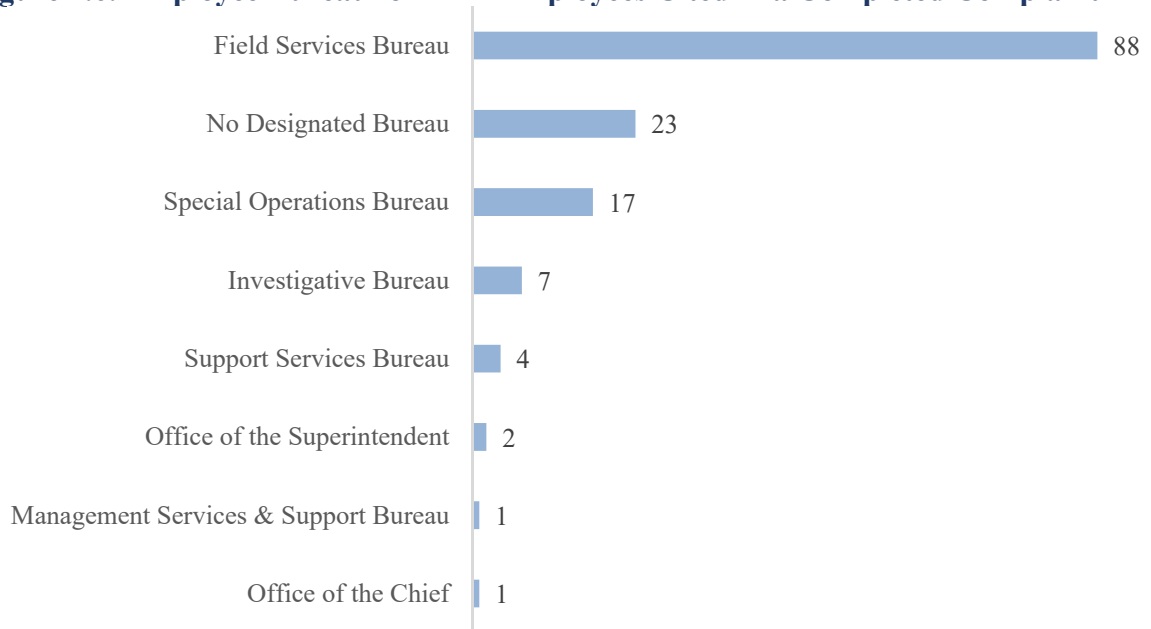


Data Source: IA Pro July 1st 2023 – December 31st 2023

Employee’s Assigned Bureau

The majority of the complaints identified employees from the Field Services Bureau. 23 employees, most of whom were police service aids, telecommunication operators, or crime scene specialists, did not have information regarding their assigned bureau in the IA database.

Figure 7.6. Employee Bureau for APD Employees Cited in a Completed Complaint

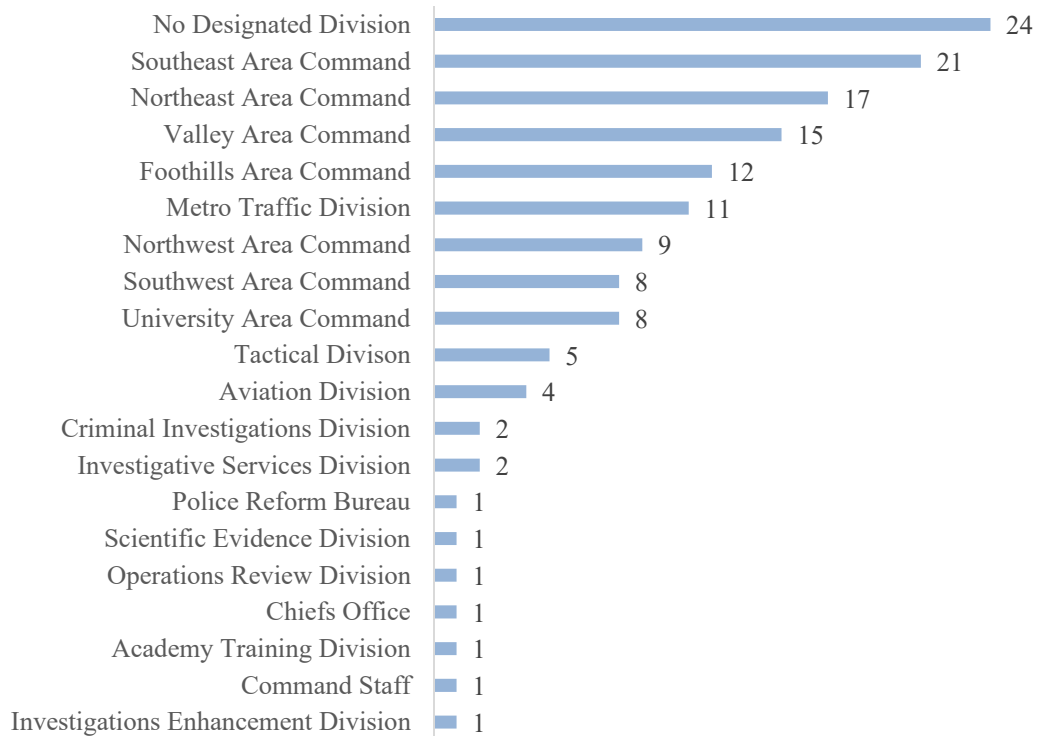


Data Source: IA Pro July 1st 2023 – December 31st 2023

Employee Assigned Division

Many employees implicated in completed complaints were assigned to the Southeast and Northeast APD Area Commands. 2 employees who were implicated in separate complaints had different assigned divisions at the time of the incident, with one employee having been assigned to the Southwest in one incident and University in another, and another employee having been assigned Southeast in one incident and Northwest in another. Similar to Assigned Bureaus, 24 employees did not have a designated Division at the time of the incident, most being Police Service Aids, Telecommunication Operators, or Crime Scene Specialists.

Figure 7.7. Employee Division for APD Employees Cited in a Completed Complaint



Data Source: IA Pro July 1st 2023 – December 31st 2023

Demographics of Employees Cited in Sustained Complaints

After evaluating the CPOA's investigation and recommendation, the APD identified 18 cases involving 27 sustained or sustained VNBOOC findings for specific policy violations.

Demographics of the 23 implicated employees are presented below.

Gender of Employees Cited in Sustained Complaints

The majority of employees cited in a sustained complaint identify as male (82.6%).

Figure 8.1. Gender of Employees Cited in Sustained Complaints

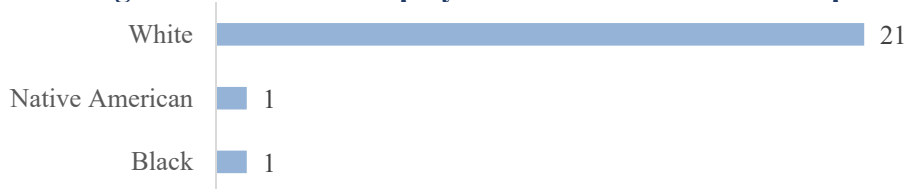


Data Source: IA Pro July 1st 2023 – December 31st 2023

Race of Employees Cited in Sustained Complaints

The majority of the employees cited in a sustained complaint identified as White (91.3%).

Figure 8.2. Race of Employees Cited in Sustained Complaints



Data Source: IA Pro July 1st 2023 – December 31st 2023

Ethnicity of Employees Cited in Sustained Complaints

Over half of the employees cited in a sustained complaint identified as Hispanic (60.1%).

Figure 8.3. Ethnicity of Employees Cited in Sustained Complaints

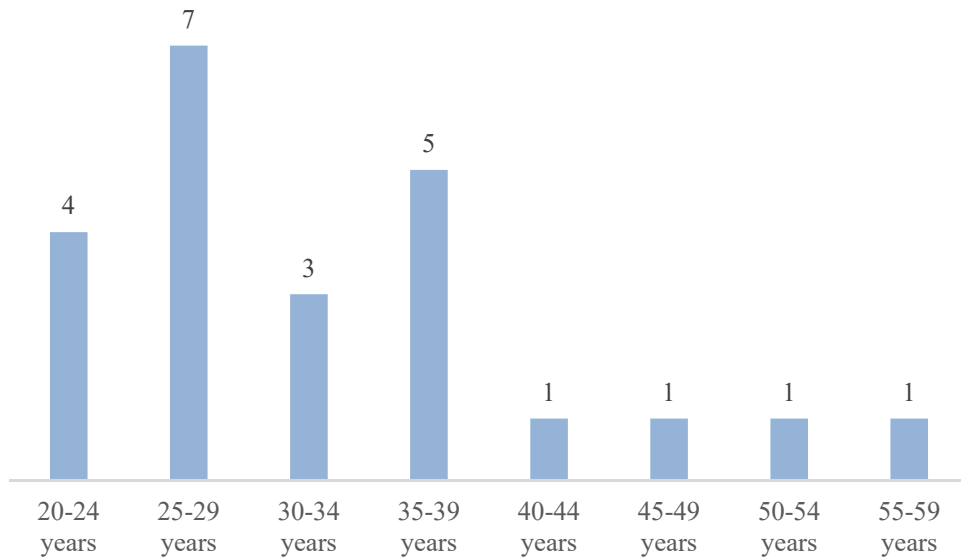


Data Source: IA Pro July 1st 2023 – December 31st 2023

Age of Employees Cited in Sustained Complaints

Many of the employees cited in a sustained complaint fall in the 25-34 age range (43.4%), followed by the 35-44 age range (26.1%). The youngest APD employee identified in a sustained finding during this reporting period was 21 years old, and the oldest employee was 59 years old at the time when the incident occurred.

Figure 8.4. Age of Employees Cited in Sustained Complaints

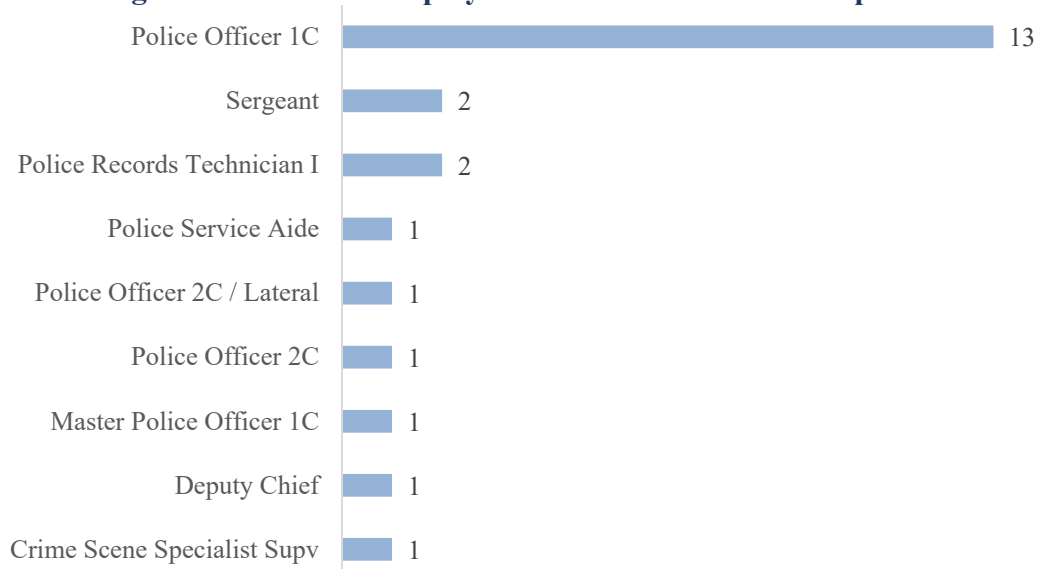


Data Source: IA Pro July 1st 2023 – December 31st 2023

Rank of Employees Cited in Sustained Complaints

Over half of employees cited in a sustained complaint were Police Officer 1st Class (56.6%).

Figure 8.5. Rank of Employees Cited in Sustained Complaints

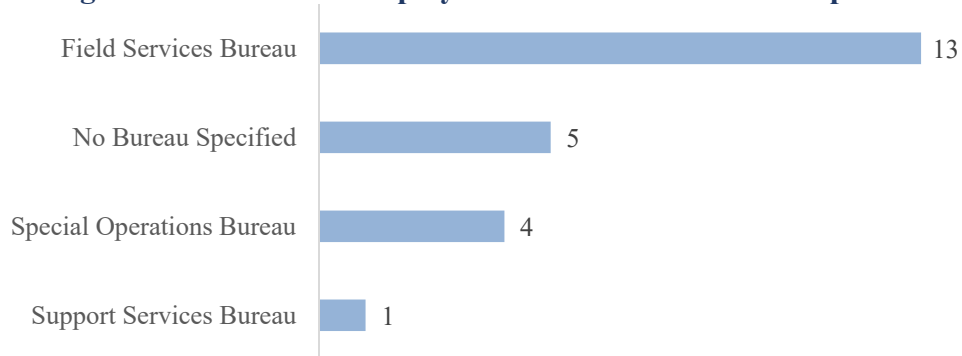


Data Source: IA Pro July 1st 2023 – December 31st 2023

Assigned Bureau of Employees Cited in Sustained Complaints

Over half of the sustained complaints cited employees from the Field Services Bureau (56.6%). 5 employees did not have information regarding their assigned bureau at the time of the incident in the IA database, consisting of 1 Police Officer 1st Class, 1 Crime Scene Specialist supervisor, 1 Police Service Aid, and 2 Police Records Technicians.

Figure 8.6. Bureau of Employees Cited in Sustained Complaints

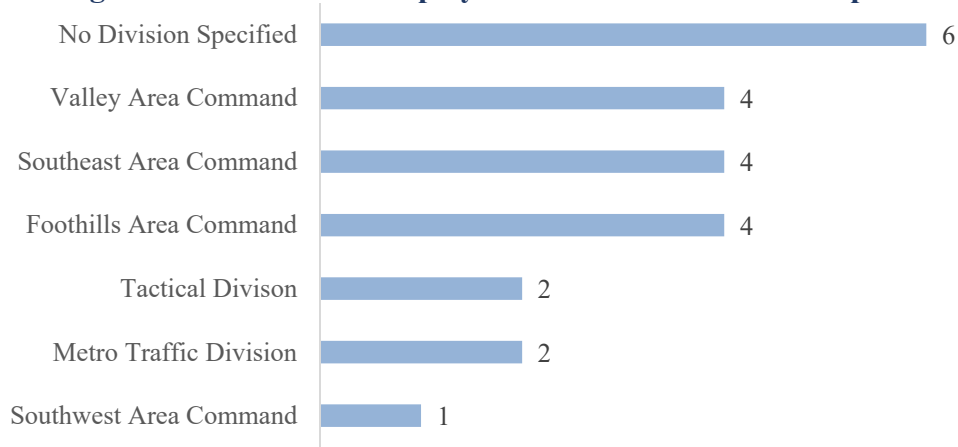


Data Source: IA Pro July 1st 2023 – December 31st 2023

Division of Employees Cited in Sustained Complaints

Most employees cited in sustained complaints were assigned to the Valley, Southeast, and Foothills Area Command. 6 employees did not have information regarding their assigned bureau at the time of the incident in the IA database, consisting of 1 Police Officer 1st Class, 1 Crime Scene Specialist supervisor, 1 Police Service Aid, 2 Police Records Technicians, and 1 Deputy Chief.

Figure 8.7. Division of Employees Cited in Sustained Complaints



Data Source: IA Pro July 1st 2023 – December 31st 2023

Complainant Demographics

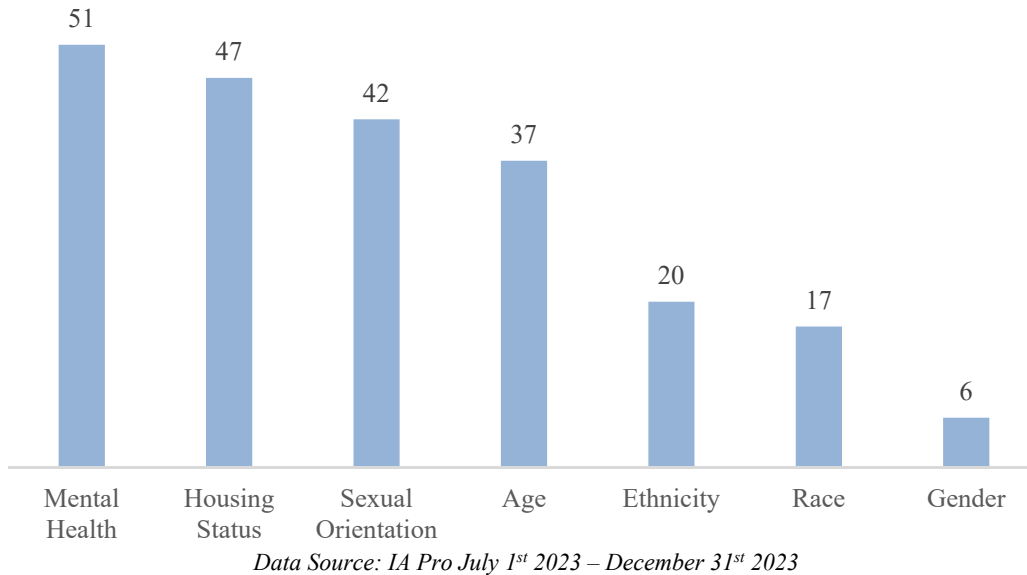
As required by the CASA, the data in this section provides information on complainants' self-reported gender, race, ethnicity, sexual orientation, mental health status, age, housing status, and primary language, which originates from the 'Optional Demographic Section' of the complaint form. Collecting this data and analyzing demographic trends helps to detect evidence of discrimination against specific groups and harnesses policymakers with the data needed to make informed, evidence-based decisions.

The CPOA has maintained the self-reported information without any alterations. For instance, a complainant may initially assert the absence of a mental illness and the subsequent investigation may reveal underlying mental health issues. Despite this, our analysis will encompass the complainant's initial response indicating the absence of a mental illness.

Additionally, some complainants do not respond to all demographic questions, skip the demographic section entirely, or were not given an opportunity to provide demographic information if the complaint was received via direct email, Blue Team, an old complaint form, or was filled out by someone on behalf of the complainant. The CPOA does not impute unreported information, so the complainant demographic section is subject to missingness and may, rarely, reflect the demographics of the individual filling out the complaint, not the complainant themselves.

For non-anonymous complainants (112), the figure below illustrates the observed gaps in the demographic data.

Figure 9. Complaints Missing Demographic Information



For the reporting period, the CPOA completed 126 CPC investigations on behalf of 112 identifiable complainants and 9 anonymous complainants. There were 2 complaints with 2 named complainants, 3 named complainants that filed 2 separate complaints, and 2 named complainants that filed 3 separate complaints.

For these descriptive summary statistics, anonymously reported complainants will be excluded from the analysis because it is possible for a complainant to submit multiple complaints, including an anonymous complaint. Additionally, the analyst cannot know whether multiple anonymous complaints come from the same person. As such, anonymously reported complainants are excluded to avoid overcounting demographic statistics.

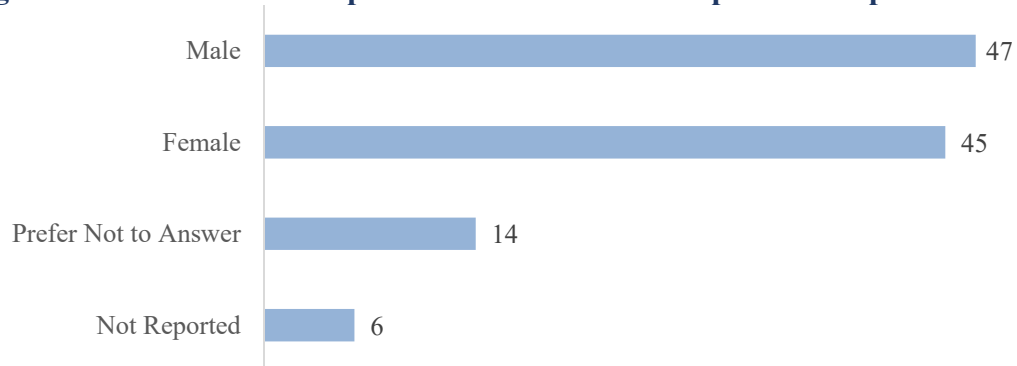
Table 7. Demographic Information in Anonymous Complaints

Race	Ethnicity	Age	Gender	Sexual Orientation	Homeless at Time of Incident	Mental Health Issue
5 Not Reported	6 Not Reported	5 Not Reported	4 Not Reported	4 Not Reported	5 Not Reported	6 Not Reported
2 White	1 Hispanic	4 Ages 27 - 32	3 Male	1 Heterosexual	3 No	2 No
1 Mixed Race	2 Prefer Not to Answer		2 Prefer Not to Answer	3 Prefer Not to Answer	1 Yes	1 Yes
1 Prefer Not to Answer						

Complainant Gender

Of the total 112 complainants that reported their gender, males represented 42.0% and females 40.2%.

Figure 10.1. Gender of Complainants that Filed a Completed Complaint

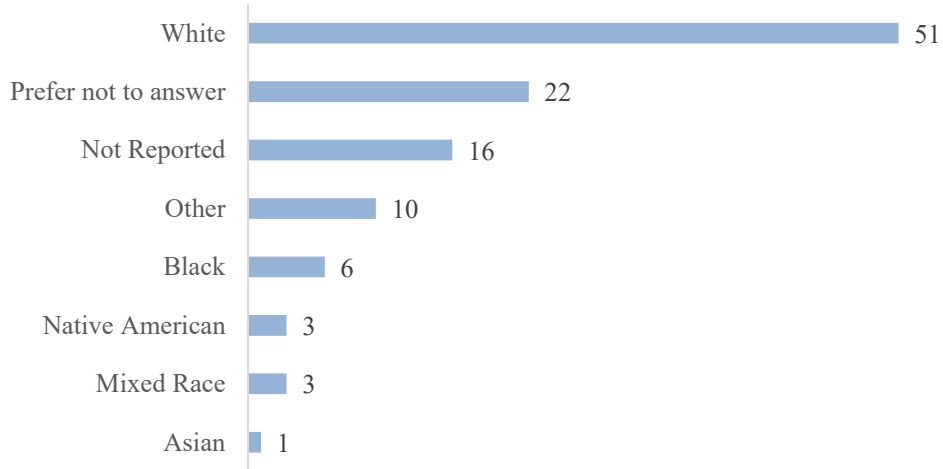


Data Source: IA Pro July 1st 2023 – December 31st 2023

Complainant Race & Ethnicity

Many of the 112 identifiable complainants identify as White (45.5%).

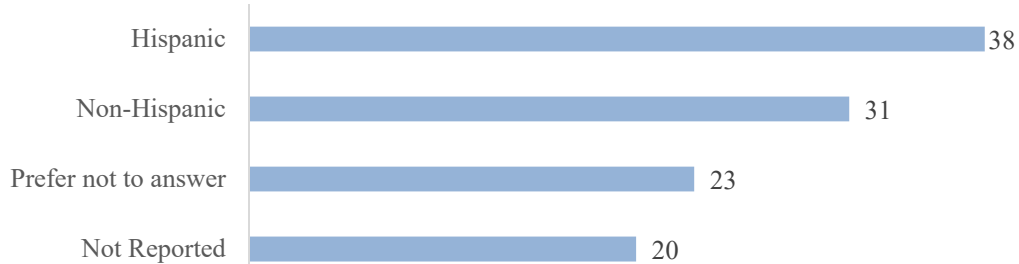
Figure 10.2. Race of Complainants that Filed a Completed Complaint



Data Source: IA Pro July 1st 2023 – December 31st 2023

Slightly over one-third of identifiable complainants identify as Hispanic (33.9%).

Figure 10.3. Ethnicity of Complainants that Filed a Completed Complaint

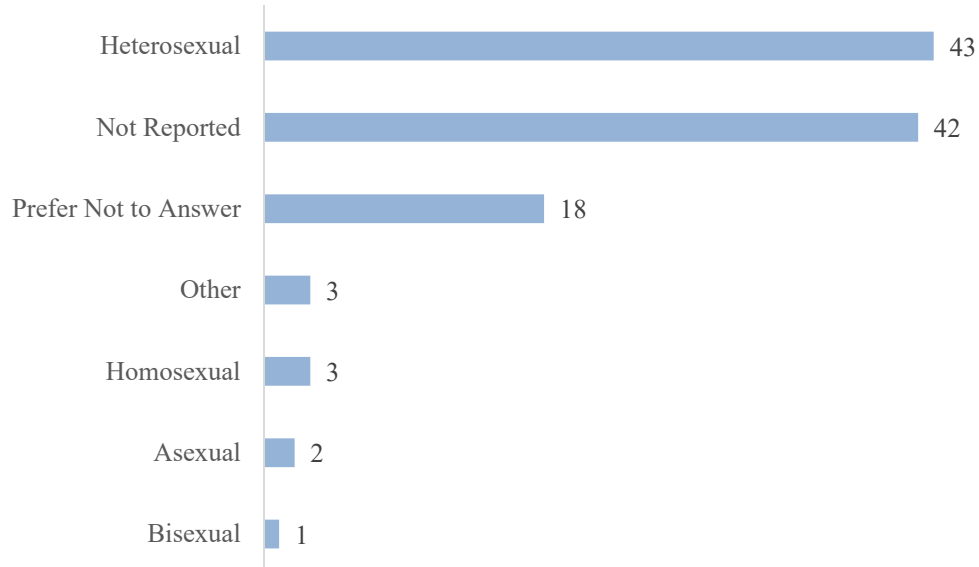


Data Source: IA Pro July 1st 2023 – December 31st 2023

Complainant Sexual Orientation

For the complaint investigations completed during this period, 43 (58.4%) of the complainants identified as heterosexual, while 60 (53.6%) of the complainants did not provide information regarding their sexual orientation (42 did not report, 18 preferred not to answer).

Figure 10.4. Sexual Orientation of Complainants that Filed a Completed Complaint



Data Source: IA Pro July 1st 2023 – December 31st 2023

Complainant Mental Health and Housing Status

According to Paragraph 175 of the CASA, the CPOA is expected to collect information on the mental health and housing status of complainants. It states: *“APD and the Civilian Police Oversight Agency shall track allegations regarding misconduct involving individuals who are known to be homeless or have a mental illness, even if the complainant does not specifically label the misconduct as such.”* In order to comply with this stipulation, the CPOA added questions to the complaint form that ask whether the complainant experiences mental health issues, has struggled with homelessness, or was homeless at the time of the incident.

For this reporting period, most complainants self-reported having not experienced mental health issues or homelessness. 4.5% of complainants stated they had experienced mental health issues, while half (50.0%) reported not having experienced mental health issues. 45.5% of complainants did not answer this question on the form.

Figure 10.5. Mental Health Status of Complainants that Filed a Completed Complaint



Data Source: IA Pro July 1st 2023 – December 31st 2023

The majority of complainants (57.1%) stated they were not unhoused at the time of the incident. 1 complainant (0.9%) stated they were unhoused when the incident occurred. Again, a large number of complainants (42.0%) did not answer whether or not they were unhoused at the time of the incident.

Figure 10.6. Homelessness Status of Complainants that Filed a Completed Complaint

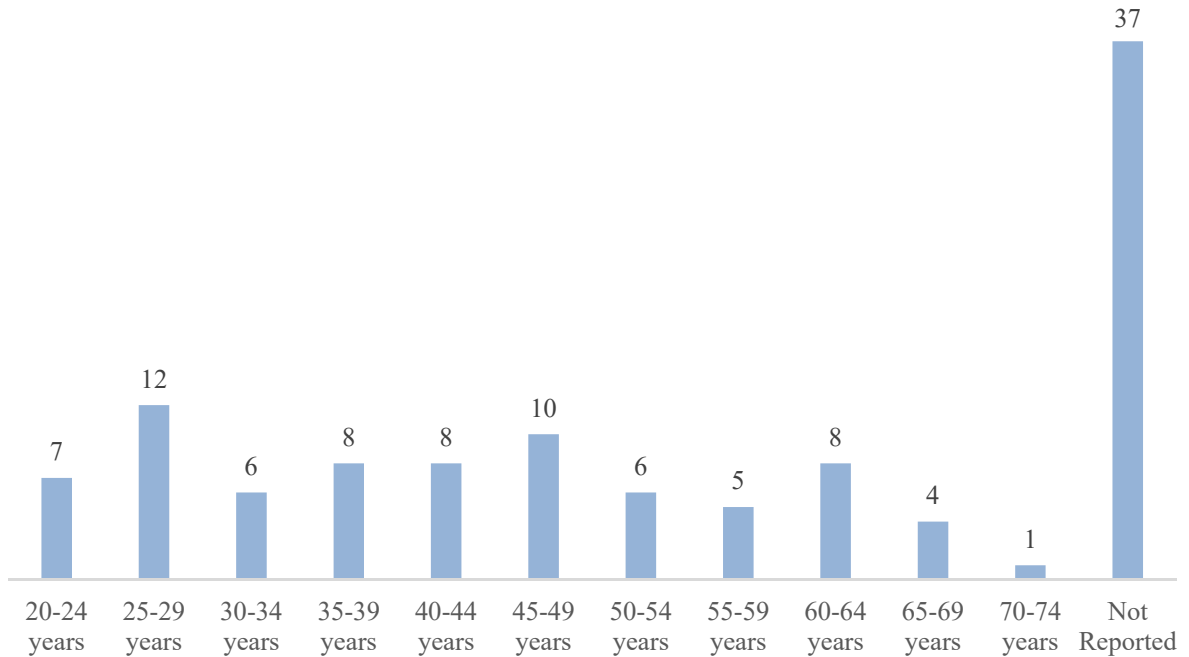


Data Source: IA Pro July 1st 2023 – December 31st 2023

Complainant Median Age

Many complainants submitting complaints completed during the reporting period did not share age information. For complainants that do report, the age distribution at the time of the incident is highest for the 25-34 (16.1%), and the 35-44 and 45-54 (14.3%) age buckets. The youngest complainant was 20 years old, while the oldest was 73 years old.

Figure 10.7. Age Breakdown of Complainants that Filed a Completed Complaint



Data Source: IA Pro July 1st 2023 – December 31st 2023

Section IV. APD Use of Force Interactions

Internal Affairs Force Division (IAFD) at APD is tasked with investigating UOF/OIS interactions. The CPOA/CPOAB reviews the investigative materials created by IAFD, prepares findings, and may recommend disciplinary action for UOF/OIS interactions when appropriate. This process begins at the FRB, where the CPOA Executive Director is an attendee with commenting authority in order to review a sampling of serious use of force interactions and quarterly use of force analytics. FRB members receive investigatory materials and assess whether the use of force was in or out of policy. The CPOA/CPOAB then reviews select redacted materials to comply with the CBA presented at the FRB, and a full case file when requested, for a selection of UOF Level 3 and Level 2 interactions. Upon review, the CPOA Executive Director and CPOAB confer and jointly submit their findings on these select interactions to APD.

Use of Force Definitions

SOP 2-53 (Use of Force-Definitions), which was revised on January 26th, 2023, outlines the list of all events classified among these three force levels. The different levels of force are defined as:

- a. **Level 1 Use of Force:** Any use of force that is likely to cause only temporary pain, disorientation, and/or discomfort during its application as a means of gaining compliance; or any show of force.
 - a. Any Level 1 use of force against an individual in handcuffs remains a Level 1 use of force.
- b. **Level 2 Use of Force:** Any use of force that causes injury, that could reasonably be expected to cause injury, or that results in a complaint of injury greater than temporary pain, regardless of whether the use of force was unintentional or unavoidable. A Level 2 use of force includes:
 - a. Discharge of an ECW, including where an ECW is fired at an individual but misses;
 - b. Use of a beanbag shotgun or 40-millimeter impact launcher, including when it is fired at an individual but misses;
 - i. The use of a 40-millimeter impact launcher as a tool to defeat a window of a commercial or residential structure or a window of an occupied vehicle or another type of barrier will not be investigated as a use of force unless it strikes an individual.

- c. Use of oleoresin capsicum (OC) spray, including when it is sprayed at an individual but misses;
 - d. Use of empty-hand techniques that result in injury or complaint of injury (e.g., strikes, kicks, takedowns or leg sweeps);
 - e. Strikes and attempted strikes with impact weapons;
 - i. This excludes strikes to the head, neck, throat, chest, or groin, with a beanbag shotgun or 40-millimeter impact launcher and strikes to the head, neck, throat, chest, or groin with a baton or improvised impact weapon, which are considered deadly force.
 - f. Deployment of a noise flash diversionary device (NFDD) inside a structure;
 - i. If an NFDD is deployed outside of a structure or outside an enclosed vehicle and is used as a means to gain the attention of an individual, it will not be considered a use of force.
 - g. Use of a horse rein strike on an individual's extremities; and
 - h. Use of the PIT maneuver at 35 mph or below.
- c. **Level 3 Use of Force:** Any use of force that results in, or could reasonably result in, serious physical injury, hospitalization, or death, regardless of whether the use of force was unintentional or unavoidable. Level 3 use of force includes:
- a. Use of deadly force;
 - b. Critical firearm discharge;
 - c. Force resulting in hospitalization, serious medical episode, loss of consciousness, and/or a seizure;
 - d. Police service dog (PSD) directed bite;
 - e. Three (3) or more ECW discharges on an individual during a single interaction, regardless of the mode or duration of the discharge, and regardless of whether the discharges are by the same or different officers;
 - f. An ECW discharge on an individual during a single interaction for longer than fifteen (15) seconds, whether continuous or consecutive, regardless of the mode of discharge;
 - g. Four (4) or more strikes with a baton or improvised impact weapon;
 - h. Any Level 2 use of force against a handcuffed individual;

- i. Use of the PIT maneuver thirty-five (35) mph or below that results in, or could reasonably result in, serious physical injury, hospitalization, or death; and
- j. Use of the PIT maneuver above thirty-five (35) mph.

A force interaction, or incident, is an encounter involving a single individual at a specific time and place. A single force case may involve multiple force interactions, occurring either with different individuals or at various locations involving the same individual. A force interaction can also involve multiple officers, each using various force techniques with an individual. In the second half of 2023, APD used force in 266 cases, which included a total of 281 force interactions.

For a detailed review of UOF data from 2023, please see “Annual Use of Force Report 2023” prepared by the APD Analytics Division, found on the City of Albuquerque and APD websites.¹¹

According to the IA database, there were 281 UOF incidents during the reporting period, 231 Level 1 and Level 2 incidents, and 49 Level 3 (SUOF) incidents. There was also 1 incident that occurred in July 2023 but was unreported until March 2024. The investigation for this incident has not been concluded, and no force level has been found and confirmed; thus, the incident is not included in some of the figures below.¹²

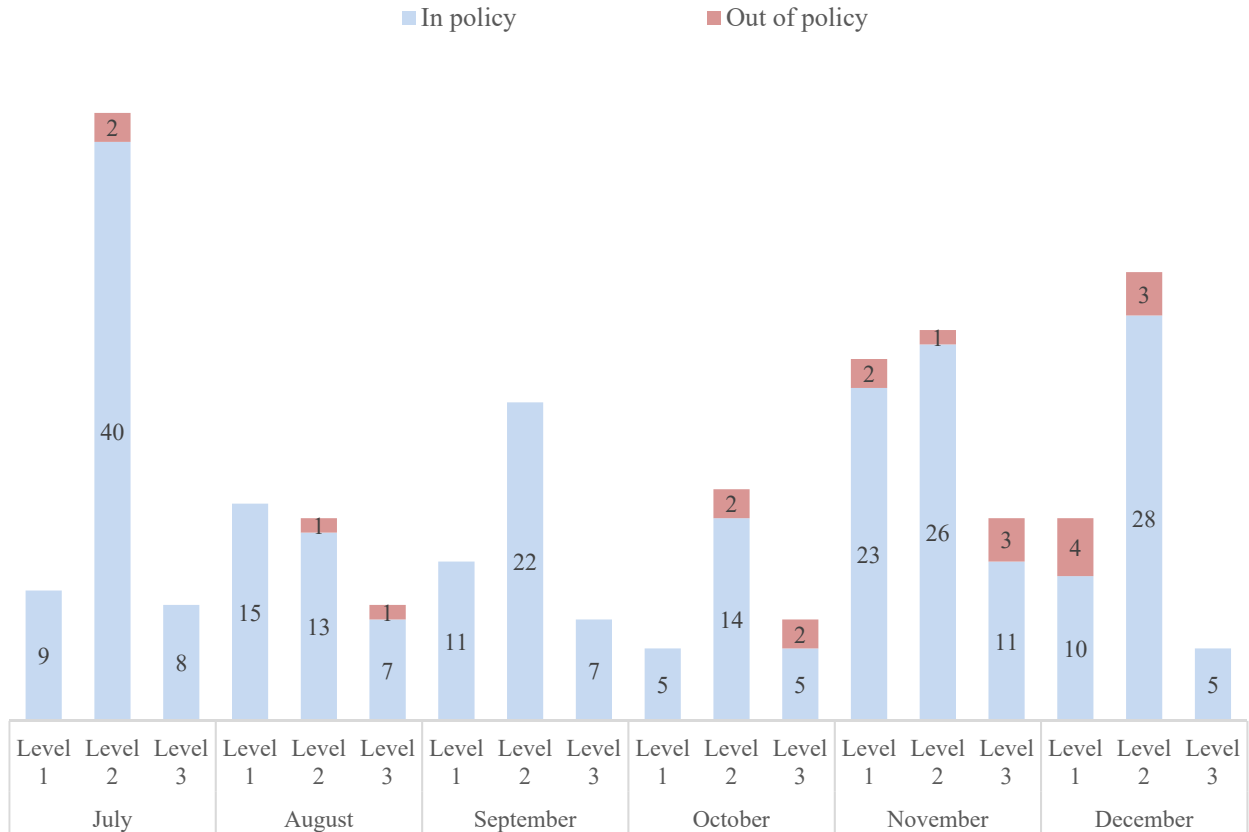
¹¹ APD Use of Force Report 2023: https://www.cabq.gov/police/documents/apd-2023-annual-use-of-force-report_final.pdf

¹² Please note that the data regarding the use of force presented in this report is subject to change upon further review and investigation. The numbers may differ from those published in other public reports based on when the data is retrieved from the IA Pro database. The use of force data presented in this report was exported from the IA Pro database on July 1st, 2024.

Use of Force by Level and Month

July (60 incidents) and June (66 incidents) had the most UOF incidents in the period of July 1st, 2023, through December 31st, 2023. July also had the highest counts of Level 2 and Level 3 incidents in the period. Please note that the 1 UOF incident with a pending investigation is not listed in the figure below.

Figure 11. Force Incidents by Level, Month, and Policy Disposition

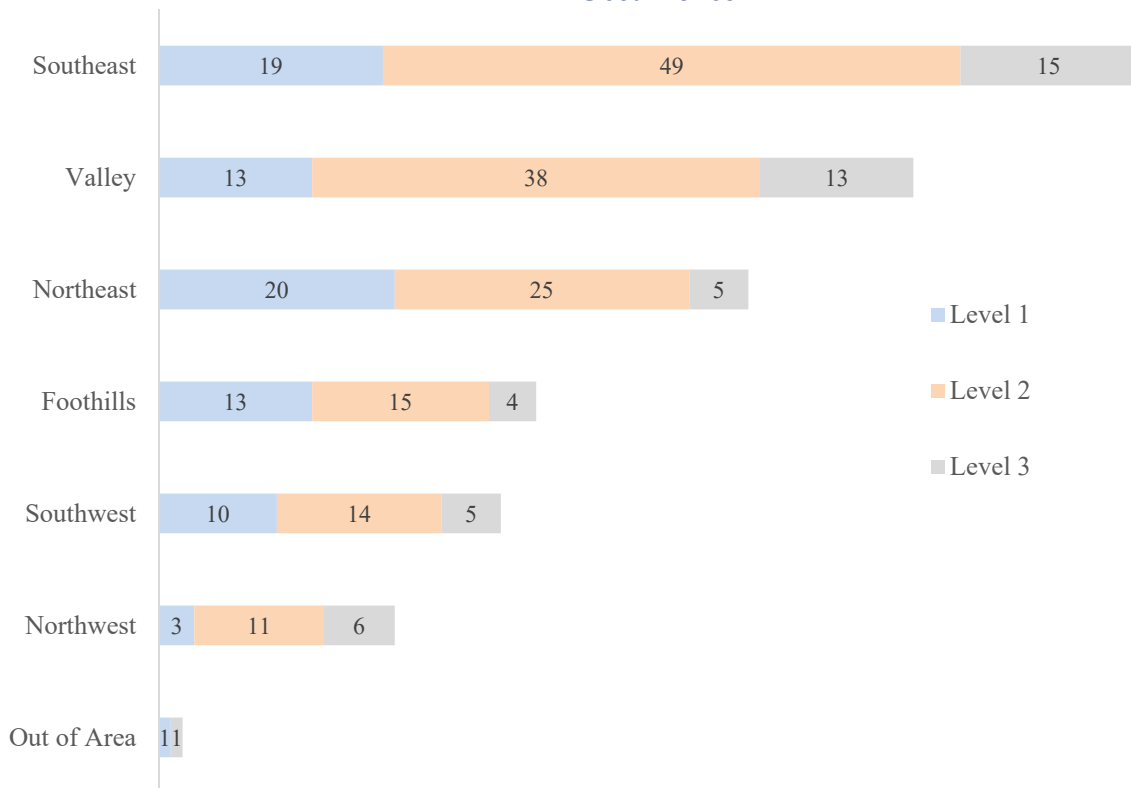


Data Source: IA Pro July 1st 2023 – December 31st 2023

Level of Force Used by Area Commands/Location of Occurrence

The Southeast Area Command had the most UOF incidents in this period, with 83, accounting for 29.5% of all UOF incidents in the period. Please note that the 1 incident with a pending investigation is not included in the figure below.

Figure 12. Force Incidents by Level and APD Area Commands/Location of Occurrence

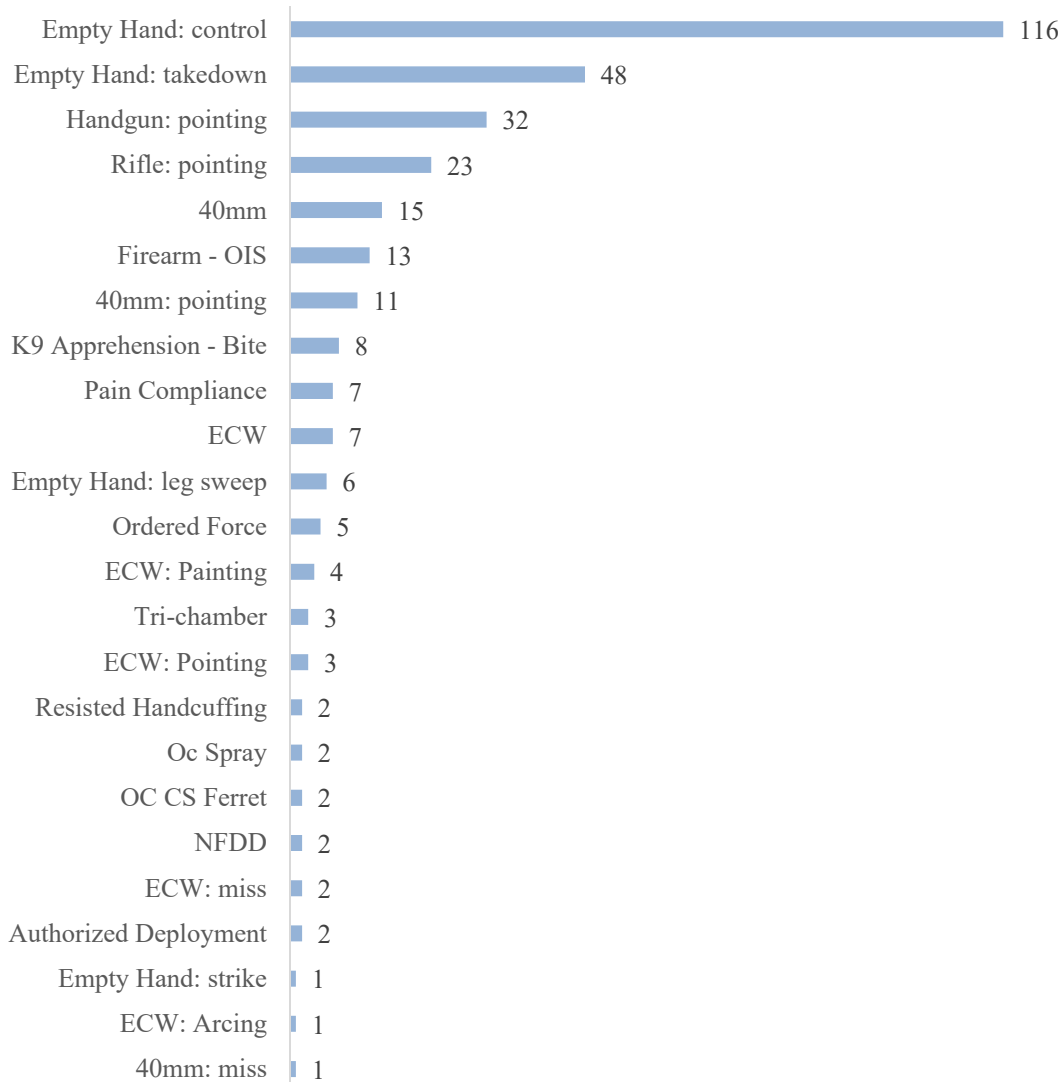


Data Source: IA Pro July 1st 2023 – December 31st 2023

Types of Force Used – Level 3 Interactions (Serious Use of Force Incidents)

The total counts of the types of force used in the 49 Level 3 interactions during the period are presented below. Please note that multiple types of force, including types of Level 1 and Level 2 force, can be used in a single Level 3 interaction. The figure below includes all force types involved in Level 3 use of force interactions, including the lesser types of force that also may have occurred in the interaction. For instance, in one interaction during this period, there were 12 types of force used, however, only 1 of those uses of force was a Level 3 type of force – “K9 Apprehension – Bite.” All 12 types of force are presented below because they were involved in an interaction with a Level 3 application of force.

Figure 13. Types of Level 3 Force Used and Policy Disposition



Data Source: IA Pro July 1st 2023 – December 31st 2023

CPOAB UOF/OIS Review

Since the CPOAB was not meeting during this reporting period, they did not review any use of force cases. However, the CPOA continued to participate in the FRB process to review the use of force cases.

Even though the CPOAB did not review any OIS incidents during the period, the table below lists the Officer-Involved Shootings that occurred between July 1st, 2023, and December 31st, 2023. APD conducted reviews of all OIS cases between January and June 2023, and the report can be found on the [City's website](#).¹³

Table 8. OIS Incidents January - June 2023

Date of Occurrence	Was the incident Fatal	Was the Individual Armed*	Call Type	IAFD Investigation Status
07/20/2023	Yes	Yes – gun	SWAT	In Policy
08/17/2023	No	Yes – gun	Suspicious Person/ Vehicle	In Policy
11/16/2023	No	Yes – gun	Stolen Vehicle Found	In Policy
11/21/2023	Yes	Yes – gun	Aggravated Assault/ Battery	In Policy
11/25/2023	No	Yes – gun	Shooting	Out of Policy
12/07/2023	Yes	Yes – gun	Wanted Person	In Policy
12/30/2023	Yes	Yes - Knife	ALPR Hit ¹⁴	Out of Policy

Data Source: APD Use of Force Report 2023

¹³ APD July-December OIS Review: <https://www.cabq.gov/police/documents/2023-2nd-6-month-ois-review.pdf/>

¹⁴ ALP - Automated License Plate Reader

Section V. Public Outreach

Given the legislative action to the Ordinance enacted in January 2023, the CPOAB was not meeting nor engaging in public outreach during this reporting period. While the Community Engagement Specialist position remained unfilled, the community policing councils (CPCs) continued their ongoing community engagement efforts, culminating in a total of 55 events during the reporting period. Notably, the CPCs spearheaded the following select public outreach activities during this reporting period:

- Hosted a Youth CPC event in July 2023
- Attended the opening of the University APD Substation and interviewed with the KAZQ 32 station in August 2023
- Tabled at the Rio Rancho home show and Manzano Mesa CC accreditation, attended the annual consent decree amici meeting, interviewed with the KRQE Morning show, and went to the APD Meet Your Special Units event in September 2023
- Attended a women's self-defense class and an ECHO public safety meeting, and hosted a fall training event in October 2023
- Tabled at a Singing Arrow housing fair and attended an ECHO public safety meeting in November 2023
- Attended the Albuquerque Justice 40 Climate Reduction Grant meeting, tabled at a Goodwill job fair, hosted the year-end dinner, and interviewed with the 99.9 station

Section VI. CPOA/CPOAB Policy Activities, Policy Recommendations provided to APD, CPOAB Training Status

The CPOAB/CPOA are deeply committed to the APD policy development and review process. In their first year of existence, the CPOAB created a set of operating procedures designed to meet policy obligations and later created the Policy and Procedures Review Sub-Committee (PnP) to review and make recommendations on APD policies and procedures to ensure compliance and consistency with the CPOA mission. CPOAB members, the CPOA Executive Director, and staff regularly participate in PnP meetings, during which APD subject matter experts present new policies and modifications to existing policies for review. In this forum, members have the opportunity to ask questions and recommend policy changes. In addition to PnP meetings, the CPOAB designee and the CPOA Executive Director also attend the Policy and Procedures Review Board (PPRB) meetings to finalize and vote on the SOPs before they reach the CPOAB for an additional 30-day review and commentary on further modifications before final approval prior to publishing.

Although the CPOAB is no longer required to dedicate a majority of their time to policy review and analysis, the CPOAB is still a voting member for the APD policy review processes and may still discuss policy issues formally at their meetings. The CPOAB was not actively meeting, so the CPOA undertook all the policy obligations during this reporting period.

The CPOA/CPOAB holds that establishing and implementing sound policies are essential to ensuring quality public safety services because effective police accountability necessitates clear, consistent, and detailed policies. When policies fail, officer and public safety may be affected, which can result in a weakened police-community relationship or bodily harm. In recognizing the magnitude of this charge, the CPOA/CPOAB maintains a good policy recommendation has several features:

- It identifies a problem and proposes a solution,
- It is supported by data,
- It is transparent to the community,
- It is clear, understandable, trainable, and acceptable to the Police Department, and

- It has a good chance of being adopted.

During the reporting period, there were a total of 12 PnP meetings. The SOPs presented and discussed at those meetings are as follows:

Policies presented at Policy and Procedures Review Unit (PnP)			
1	SOP 1-16: Auto Theft Unit	36	SOP 1-48: Fiscal Division
2	SOP 1-70: Open Space Unit	37	SOP 1-46: Field Training and Evaluation Program (FTEP)
3	SOP 1-91: Tactical Emergency Medical Support (TEMS)	38	SOP 2-38: Daily Staffing and Briefings
4	SOP 1-97: Data Analysis Division	39	SOP 3-30: Line Inspection Process
5	SOP 2-78: Domestic Violence	40	SOP 1-65: Metropolitan Court Protection Unit
6	SOP 2-95: Undercover High-Risk Vehicle Containment Procedures	41	SOP 2-40: Misdemeanor, Traffic, and Parking Enforcement
7	SOP 3-52: Policy Development Process	42	SOP 2-51: Safe Driver Award Program
8	SOP 1-13: Armed Robbery Unit	43	SOP 2-64: Violence Intervention Program (VIP) Custom Notification Deliveries
9	SOP 2-32: Exposure to Blood and Bodily Fluids	44	SOP 2-110: Facial Recognition
10	SOP 2-41: Traffic Stops	45	SOP 3-12: Awards and Recognition
11	SOP 2-42: DWI Investigations and Revoked or Suspended License	46	SOP 1-11: Transit Safety Section (TSS)
12	SOP 2-48: Towing Services	47	SOP 1-20: Behavioral Sciences Section
13	SOP 2-109: Criminal Investigations Division (CID) Tracker Program	48	SOP 1-41: Evidence Unit
14	SOP 1-30: Community Ambassador Program	49	SOP 1-56: Horse Mounted Unit
15	SOP 1-61: Internal Affairs Force Division	50	SOP 1-59: Impact Teams
16	SOP 1-90: Investigative Services Division	51	SOP 2-31: Emergency Medical and Trauma Services
17	SOP 2-76: Court	52	SOP 2-74: Submission of Felony Cases to the District Attorney
18	SOP 2-105: Destruction or Capture of Animals	53	SOP 2-100: Emergency Communications Center (ECC) Division
19	SOP 2-106: Lost and Found Government-Issued Identification Cards and Driver's Licenses	54	SOP 3-21: Scheduled and Unscheduled Leave
20	SOP 3-32: Performance Evaluations	55	SOP 2-7: Damage to Civilian Property
21	SOP 1-6: Patrol Ride-Along Program	56	SOP 2-15: Small Unmanned Aircraft Systems (SUAS) Operations
22	SOP 1-52: Homeland Security Unit	57	SOP 2-101: Department-Vehicle Grapppler Device
23	SOP 1-66: High-Risk Victims Unit	58	SOP 3-33: Performance Evaluation and Management System
24	SOP 1-92: Sepcial Weapons and Tactics (SWAT)	59	SOP 3-44: Review of Completed Administrative Investigation Cases
25	SOP 1-96: Crisis Negotiation Team (CNT)	60	SOP 3-51: Department Orders
26	SOP 2-2: Department Property	61	SOP 1-10: Peer Support Division
27	SOP 2-58: Force Review Board (FRB)	62	SOP 1-17: Aviation Division
28	SOP 1-87: Scientific Evidence Division	63	SOP 1-26: Special Victims Section
29	SOP 2-3: Firearms and Ammunition	64	SOP 1-66: High-Risk Victims Unit
30	SOP 2-43: Roadblocks and Checkpoints	65	SOP 1-80: Prisoner Transport Unit (PTU)
31	SOP 2-46: Response to Traffic Crashes	66	SOP 2-82: Restraints and Transportation of Individuals
32	SOP 2-59: Extreme Risk Firearm Protection Order (ERFPO)	67	SOP 2-103: Trespass Notification
33	SOP 2-71: Search and Seizure Without a Warrant	68	SOP 2-14: Use of Cell Site Simulator Technology

34	SOP 2-73: Collection, Submission, and Disposition of Evidence and Property	69	SOP 2-34: Notification of Significant Incidents
35	SOP 2-104: Civil Disputes	70	SOP 3-40: Civil Litigation Process

A total of 13 APD Policy and Procedures Review Board (PPRB) meetings were held during this reporting period. The SOPs presented and discussed at those meetings are as follows:

Policies, Forms, Patches presented at Policy and Procedures Review Board (PPRB)			
1	SOP 2-49: Vehicle Identification Number (VIN) Inspections	40	SOP 2-78: Domestic Abuse Investigations
2	SOP 2-88: Bait Car Program	41	SOP 2-95: Undercover High-Risk Vehicle Containment Procedures
3	SOP 2-6: Use of Emergency Warning Equipment	42	SOP 2-109: Criminal Investigations Division (CID) Tracker Program
4	SOP 2-11: Use of Tire Deflation Devices	43	SOP 3-14: Supervision
5	SOP 2-22: Juvenile Delinquency	44	SOP 1-30: Community Ambassador Program
6	SOP 2-79: Law Enforcement Assisted Diversion (LEAD) Program	45	SOP 1-52: Homeland Security
7	MCST Unit Patch	46	SOP 1-70: Open Space Unit
8	SOP 1-25: Chaplain Unit	47	SOP 1-96: Crisis Negotiation Team (CNT)
9	SOP 1-28: Downtown Unit	48	SOP 2-41: Traffic Stops
10	SOP 1-34: Crime Prevention Unit (CPU)	49	SOP 2-42: DWI Investigations and Revoked or Suspended License
11	SOP 1-37: Crisis Intervention Division and Program	50	SOP 3-50: Forms Control
12	SOP 1-60: Interagency Task Force Operations	51	SOP 3-52: Policy Development Process
13	SOP 1-85: Recruiting Unit	52	SOP 1-48: Fiscal Division
14	SOP 2-19: Response to Behavioral Health Issues	53	SOP 2-2: Department Property
15	SOP 2-93: Child Abduction and Missing Child Investigations	54	SOP 2-59: Extreme Risk Firearm Protection Order
16	SOP 1-4: Bias-Based Policing and/or Profiling	55	SOP 2-62: Criminal Background Investigations
17	SOP 1-71: Operations Review Section	56	SOP 2-71: Search and Seizure Without a Warrant
18	SOP 3-17: Duty Assignments and Transfers	57	SOP 2-76: Court
19	SOP 1-72: Organized Crime Unit	58	SOP 3-32: Performance Evaluations
20	SOP 2-8: Use of On-Body Recording Device (OBRD)	59	SOP 3-43: Relief of Duty
21	SOP 2-20: Hostage Situations, Barricaded Individuals, and Tactical Threat Assessments	60	SOP 1-67: Multi-Agency Task Force (MATF)
22	SOP 3-24: In the Line-of-Duty Death Notifications and Benefits	61	SOP 1-87: Scientific Evidence Division
23	SOP 3-53: Self-Assessments	62	SOP 1-92: Special Weapons and Tactics
24	PMU Patch	63	SOP 2-46: Response to Traffic Crashes
25	SOP 1-16: Auto Theft Unit	64	SOP 2-73: Collection, Submission, and Disposition of Evidence and Property
26	SOP 1-91: Tactical Emergency Medical Support (TEMS)	65	SOP 2-104: Civil Disputes
27	SOP 2-44: Traffic and Roadway Services	66	Armed Robbery Unit Patch
28	SOP 2-96: Clandestine Drug Laboratory and Indoor Marijuana Grow Site Investigations	67	SOP 2-58: Force Review Board
29	SOP 3-47: Acceptance of Disciplinary Action and Right to Appeal	68	SOP 1-6: Ride-Along Program

30	SOP 1-97: Data Analysis Division	69	SOP 1-46: Field Training and Evaluation Program (FTEP)
31	SOP 2-32: Exposure to Blood and Bodily Fluids	70	SOP 1-61: Internal Affairs Division
32	SOP 2-96: Clandestine Drug Laboratory and Indoor Marijuana Grow Site Investigations	71	SOP 1-90: Investigative Services Division
33	SOP 2-105: Destruction or Capture of Animals	72	SOP 1-90: Investigative Services Division
34	SOP 2-106: Lost and Found ID Cards and Driver's License	73	SOP 2-3: Firearms and Ammunition Authorization
35	SOP 3-11: Command Staff Responsibilities	74	SOP 2-41: Traffic Stops
36	SOP 3-20: Overtime, Compensatory Time, and Work Shift Designation	75	SOP 2-42: DWI Investigations and Revoked or Suspended License
37	SOP 1-13: Armed Robbery Unit	76	SOP 2-43: Roadblocks and Checkpoints
38	SOP 1-78: Police Service Aide (PSA) Program	77	SOP 2-92: Crimes Against Children Investigations
39	SOP 2-48: Towing Services	78	SOP 3-52: Policy Development Process

Policy Recommendations Provided to APD

During this reporting period, the CPOA and CPCs made 9 formal policy recommendations for APD policy. These recommendations are as follows:

- SOP 2-8: The Use of On-Body Recording Devices (OBRD)
 - Define community caretaking function and its associated doctrines, investigative encounter, and scientific evidence division
 - Add clarifying language
 - Add relevant SOPs to related SOP list
 - Lengthen OBRD storage retention period to better resolve complaints
- SOP 2-40: Misdemeanor, Traffic, and Parking Enforcement
 - Ensure this policy is consistent with 2-22: Juvenile Delinquency because currently 2-22 states juveniles are to be cited into court and not sign a penalty assessment, which is at odds with the process outlined in 2-40

CPOAB Appointments

Although the CPOAB did not meet during this reporting period, City Council confirmed two members in December 2023. These members are: Gail Oliver and Zander Bolyanatz. By the end of this reporting period, one seat on the CPOAB remained unfilled.

Section VII. Commendations

The CPOA also receives and processes commendations for APD employees that are received by the CPOA. Commendations can be submitted in the same ways as complaints: by form (online or written), email, mail/fax, call-in, and in person.

Commendations can be submitted directly to the APD, and the APD is not required to share commendations they receive with the CPOA. Therefore, the information presented in this section only pertains to commendations received by the CPOA.

During the reporting period, the CPOA received 27 commendations for APD personnel. A total of 19 APD employees were named in the commendation submission, while 8 commendations stated that the employee's names were unknown when filed, 5 of which were driving commendations.

The most common reason (10 commendations) cited in the commendation form was "Kindness/Patience" There were 6 commendations citing "Exceptional Service," a category that represents situations where APD personnel went beyond expectations to lend service or assistance. Figures are displayed on the next page.

Figure 14.1. Situations Cited in Commendations

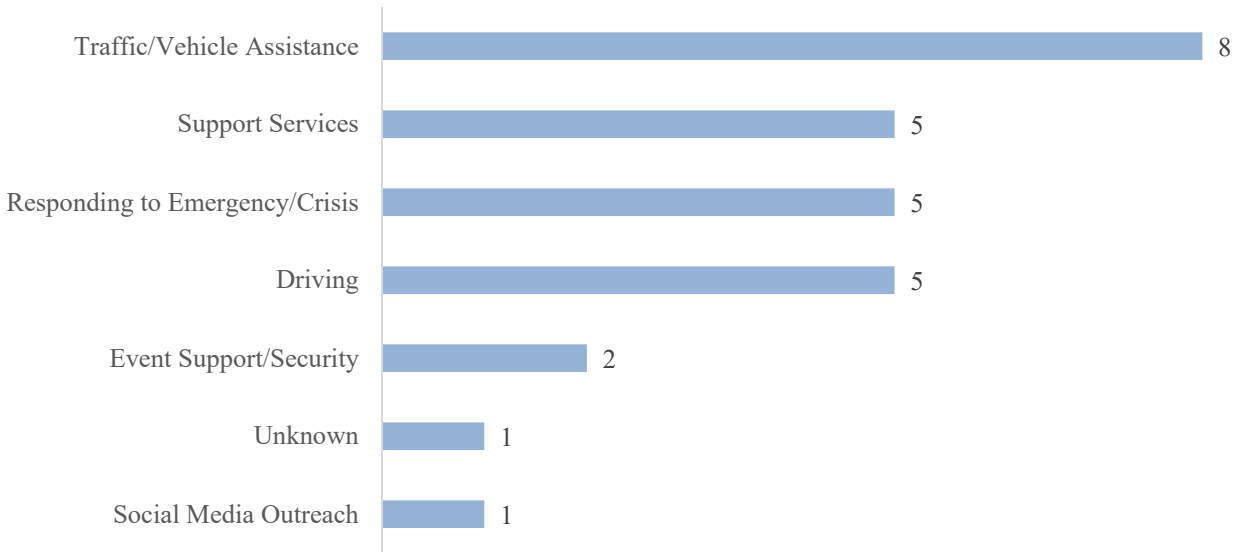
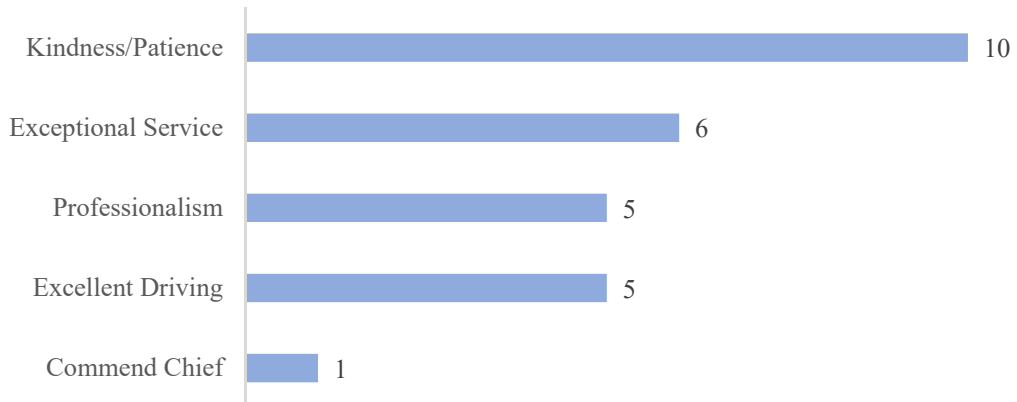


Figure 14.2. Reasons Cited in Commendations



Data Source: Commendation Intake July 1st 2022 – December 31st 2022

The primary source of commendations came through the submission of the online Complaint/Commendation Forms. While most pertinent to complaints, many people submitting a commendation form included their demographic information.

Table 10. Demographics of Citizens that Filed a Commendation

<i>Age</i>	<i>Gender</i>	<i>Race</i>	<i>Ethnicity</i>	<i>Sexual Orientation</i>	<i>Mental Illness</i>	<i>Homeless</i>
18 Unknown	6 Unknown	8 Unknown	11 Unknown	9 Unknown	13 No	13 No
3 19-34	11 Female	10 White	6 Non-Hispanic	8 Heterosexual	8 Unknown	9 Unknown
0 35-44	5 Male	7 Prefer Not to Answer	9 Prefer Not to Answer	9 Prefer Not to Answer	6 Prefer Not to Answer	5 Prefer Not to Answer
2 45-54	5 Prefer Not to Answer	1 Mixed Race	1 Hispanic	1 Other		
0 55-64		1 Other				
2 65-74						
1 75-84						

Data Source: Commendation Intake July 1st 2022 – December 31st 2022

Appendix

I. Civilian Police Oversight Agency (CPOA) Staff

Diane L. McDermott

Interim Executive Director/Lead
Investigator

Tressler J. Stephenson

Investigator

Misael Palalay

Investigator

Toni Rodriguez

Investigator

Antonio Coca

Investigator

Robert Grooms

Investigator

Juan Sotres

Investigator

Angelica Sanchez

Investigator

Wesley LaCuesta

Investigator

Jonita Jaramillo

Investigator

Gabe Rember

Data Analyst

Emily Selch

Policy Analyst

Valerie Barela

Administrative Assistant

Katrina Sigala

Senior Administrative Assistant

Marteessa Billy

CPC Administrative Assistant

II. Civilian Police Oversight Agency Advisory Board Profiles – Appointments

Zander Bolyanatz

Zander Bolyanatz, a senior project manager, brings a wealth of experience and a deep commitment to community service, making him uniquely qualified for this role. Beyond his professional endeavors, he has dedicated over five years to volunteering with local coops, Backcountry Hunters and Anglers, and served as an assistant cheer coach in the Chicago area. His interest in serving on the CPOAB arises from a longstanding commitment to Albuquerque, police tactics, and the public perception of law enforcement. Zander emphasizes a unique perspective, highlighting his ability to view situations from multiple angles and manage large timelines for improvement and change. Recognizing the cornerstone of "good" community relationships as communication, Mr. Bolyanatz emphasizes the need for open dialogue between law enforcement and all communities in Albuquerque. His extensive experience equips him with the skills to understand the intricacies of collaborative discussions, emphasizing the importance of raising awareness of both points of view to communities and their leaders. In acknowledging the challenges within the current period, Mr. Bolyanatz proposes a proactive approach: "It's not to excuse law enforcement's actions but to explain." He firmly believes that fostering understanding will contribute to more effective communication and, ultimately, improve community-police relationships.

Email: zbolyanatz.oab@cabq.gov

Term: Initial Appointment 12-04-2023, Expires 02-02-2024

Gail Oliver

Ms. Oliver, a retired Board member and chairman of Gordon Bernell Charter School at the Albuquerque Metropolitan Detention Center and a Board Member of Peanut Butter and Jelly Family Services, offers a distinctive perspective on the significance of impartiality. Drawing from her experience in the Corrections Department, she underscores the recognition of multiple sides to every story and the capacity to perceive situations from different angles. Ms. Oliver takes pride in her impartial approach, free from preconceived ideas, positioning herself as a valuable resource that listens without judgment. She draws attention to her background in a dynamic Corrections Department setting, acknowledging the tendency to neglect communication with the public during intense situations. Ms. Oliver confidently asserts her proficiency in effectively communicating with diverse segments of the public.

Email: goliver.oab@cabq.gov

Term: Initial Appointment 12-04-2023, Expires 02-02-2026