

CIVILIAN POLICE OVERSIGHT ADVISORY BOARD (CPOAB)

Thursday, July 11, 2024 at 5:00 PM
Vincent E. Griego Chambers

Aaron Calderon, Board Chair
Rowan Wymark, Board Vice-Chair
Zander Bolyanatz, Board Member
Gail Oliver, Board Member
Diane McDermott, Executive Director, CPOA
Ali Abbasi, Deputy Director, CPOA

Members Present:

Aaron Calderon, Chair
Rowan Wymark, Vice Chair
Zander Bolyanatz

Members Absent:

Gail Oliver
(excused)

Others Present In-Person:

Diane McDermott, CPOA
Ali Abbasi, CPOA
Valerie Barela, CPOA
Emily Selch, CPOA
Gabe Remer, CPOA
Kelly Mensah, CPC
Robert Kidd, Independent Counsel
Chris Sylvan, City Council
David Lopez, Asst. City Atty.
Cmdr. Scott Norris, APD
Cmdr. Paul Skotchdopole, APD
Lt. Troy Nicko, APD
Jeffrey Bustamante, ACS
Doug Small, Mayor's Office

Others Present via Zoom:

Dr. Omotayo (Ty) Olubiyi, CCO

MINUTES

- I. Welcome, Call to Order and Roll Call.** Chair Calderon called to order the regular meeting of the Civilian Police Oversight Advisory Board at approximately 5:01 p.m., and a roll call of members present was taken. Aaron Calderon, Zander Bolyanatz, and Rowan Wymark were present. Chair Calderon announced that Gail Oliver was excused from the meeting.
- II. Pledge of Allegiance.** Chair Calderon led the Pledge of Allegiance.

III. Approval of the Agenda

- a. **Motion.** A motion was made by Member Bolyanatz to approve the agenda as written. Vice Chair Wymark seconded the motion. The motion was carried by the following roll call vote:

For: 3 – Bolyanatz, Calderon, Wymark

IV. Review and Approval of Minutes.

For more information about minutes from prior Civilian Police Oversight Advisory Board meetings, please visit our website here:

<https://www.cabq.gov/cpoa/police-oversight-board/police-oversight-board-agenda-meeting-minutes>

a. June 13, 2024

1. A website link was distributed to each Board member to review the draft minutes from the Civilian Police Oversight Advisory Board's regular meeting on June 13, 2024.
2. **Motion.** A motion was made by Chair Calderon to approve the minutes from June 13, 2024. The motion was seconded by Member Bolyanatz. The motion was carried by the following roll call vote:

For: 3 – Bolyanatz, Calderon, Wymark

V. Public Comments

- a. None. *(See attached)*

VI. Reports from City Departments:

a. APD

1. **Internal Affairs Professional Standards (IAPS)– Acting Commander Kenneth Johnston**
 - i. A document titled APD Internal Affairs Professional Standards (IAPS) Division Monthly Report June 2024 was distributed to CPOA Board members electronically. *(See attached)*
2. **Internal Affairs Force Division (IAFD)– Commander Scott Norris**
 - i. A document titled APD Monthly Use of Force Report June 2024 was distributed to CPOA Board members electronically. *(See attached)*

- b. ACS- *Jefferey Bustamante, Deputy Director***
1. ACS Deputy Director for Policy and Administration Jeffrey Bustamante gave a verbal report on the following:
 - Update on May and June 2024 monthly reports
 - Ribbon cutting event success
 - Summer of non-violence upcoming events
 - ACS Calls
 - Newly named Director of ACS
- c. City Attorney- *Lindsey Rosebrough, Managing Attorney***
1. Assistant City Attorney David Lopez gave a verbal brief on the following:
 - APD DWI investigation
 - Monitoring period ends July 31, 2024
 - SOP 3-52 Policy Development Process compliance with the Police Oversight Ordinance
- d. City Council- *Chris Sylvan, Council Services***
1. City Council Representative Chris Sylvan gave a verbal report on the following:
 - City Council will resume meetings on August 6, 2024
 - Legislation for new CPOA Board Member
 - National night out
- e. CPC- *Kelly Mensah, CPC Liaison***
1. CPC Liaison Kelly Mensah gave a verbal report on the following:
 - CPC outreach events
 - Council of Chairs meeting
 - CPC youth outreach efforts
 - Area Command CPC meetings
- f. Mayor's Office- *Doug Small, Director of Public Affairs***
1. Director of Public Affairs Doug Small gave a verbal report in the following:
 - Constructive Conversations: A Partnership with City Council and Mayor's Office
 - Installation of CPOA Complaint form area at City Hall

- Mayor’s attendance at the summer of non-violence event
- NM Legislative special session
- State of the City Address

g. CPOA– Diane McDermott, Executive Director

1. CPC 105-24 Non-Concurrence Memo

- a.** Executive Director McDermott provided the Board with a copy of the CPC 105-24 non-concurrence memo from the APD Office of Police Reform and verbally summarized the CPC complaint along with the non-concurrence rationale from the APD Office of Police Reform.
(See attached)

2. Ms. McDermott gave a verbal report on the following:

- CPOA Complaints received from June 4, 2024 through July 1, 2024
- IMR-20 monitoring Board training period ending July 31, 2024
- MOU for Board Use of Force Review Materials
- CPOA staffing and named CPOA Deputy Director

VII. Serious Use of Force Case:

a. APD Case #: 23-0029761 – Rowan Wymark

1. Vice Chair Wymark read aloud a summary of Serious Use of Force APD Case #23-0029761.
2. Vice Chair Wymark facilitated Board member feedback on the SUOF Case #23-0029761.
3. **Motion.** A motion was made by Chair Calderon that the Civilian Police Oversight Advisory Board affirms and upholds the findings of APD Internal Force Division Investigation for APD Case 23-0029761. The motion was seconded by Member Bolyanatz. The motion was carried by the following roll call vote:

For: 3 – Bolyanatz, Calderon, Wymark

VIII. Officer-Involved Shooting Case:

a. APD Case #: 23-0038880 – Zander Bolyanatz

1. Member Bolyanatz read aloud a summary of Officer Involved Shooting APD Case #23-0038880.

2. Member Bolyanatz facilitated Board member feedback on the SUOF Case #23-0038880.
3. **Motion.** A motion was made by Chair Calderon that the Civilian Police Oversight Advisory Board affirms and upholds the findings of APD Internal Force Division Investigation for APD Case 23-0038880. The motion was seconded by Member Bolyanatz. The motion was carried by the following vote:

For: 3 – Bolyanatz, Calderon, Wymark

- b. APD Case #: 23-0039782 – *Aaron Calderon*
 1. Chair Calderon read aloud a summary of Serious Use of Force APD Case #23-0039782.
 2. Chair Calderon facilitated Board member feedback on the SUOF Case #23-0039782.
 3. **Motion.** A motion was made by Chair Calderon that the Civilian Police Oversight Advisory Board affirms and upholds the findings of APD Internal Force Division Investigation for APD Case 23-00396782. Member Bolyanatz seconded the motion. The motion was carried by the following roll call vote:

For: 3 – Bolyanatz, Calderon, Wymark

IX. Appeals

- a. None.

X. CPOA Board's Review of Garrity Materials:

- a. None.

XI. Meeting with Counsel re: Pending Litigation or Personnel Issues: [Standing Item]

a. Discussion and Possible Action re:

1. CLOSED SESSION pursuant to Section 10-15-1(H)(7), NMSA 1978, excluding meetings subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant from the requirements of the NM Open Meetings Act.
 - i. None.

XII. Reports from CPOAB Subcommittees:

a. Policy and Procedure Review Subcommittee – *Rowan Wymark*

1. Met: July 1, 2024 at 3 p.m.

2. Update on APD Policy Meetings
 - a. Member Wymark gave a verbal report on the Policy and Procedure subcommittee meeting on July 1, 2024.
3. Next Meeting: August 1, 2024 at 3 p.m.

b. Ad Hoc Rules Subcommittee – Zander Bolyanatz

1. Met: June 26, 2024 at 4 p.m.
2. Update on Ad Hoc Rules Committee meeting
 - a. Member Bolyanatz gave a verbal report on the Board’s draft policies and procedures status.
3. Next meeting: July 17, 2024 at 4 p.m.

XIII. Discussion and Possible Action:

a. Draft CPOA Semi-Annual Report, January 2023 – June 2023– Gabe Remer

1. *CPOA Data Analyst Gabe Remer gave a verbal high-level review of the CPOA Semi-Annual Report for 2023.*

b. Draft CPOA Semi-Annual Report, July 2023 – December 2023 – Gabe Remer

1. *CPOA Data Analyst Gabe Remer gave a verbal high-level review of the CPOA Semi-Annual Report for 2023.*

2. **Motion.** A motion was made by Chair Calderon for both the CPOA Draft for January 2023- June 2023 and July 2023- December 2023

XIV. Other Business

- a. None.

XV. Adjournment. Motion. A motion was made by Chair Calderon to adjourn. Member Bolyanatz seconded the motion. The motion was carried by the following roll call vote:

For: 3 – Calderon, Newton, Oliver, Wymark

- b. The meeting was adjourned at 6:29 p.m.

Aaron Calderon, Chair
Civilian Police Oversight Advisory Board

Date

CC: Isaac Padilla, City Council Staff
Ethan Watson, City Clerk
Dan Lewis, City Council President (via email)

Minutes drafted and submitted by:
Valerie Barela, Administrative Assistant

DRAFT

ATTACHMENTS

DRAFT



CIVILIAN POLICE OVERSIGHT ADVISORY BOARD
APD Use of Force Review
PUBLIC COMMENT
SIGN-IN SHEET
Thursday, July 11, 2024

NAME (PLEASE PRINT)

1. _____	11. _____
2. _____	12. _____
3. _____	13. _____
4. _____	14. _____
5. _____	15. _____
6. _____	16. _____
7. _____	17. _____
8. _____	18. _____
9. _____	19. _____
10. _____	20. _____



**ALBUQUERQUE POLICE DEPARTMENT
INTERNAL AFFAIRS PROFESSIONAL STANDARDS (IAPS)
DIVISION MONTHLY REPORT
June 2024**

Prepared by:

**Data Analytics Unit
July 5, 2024**

Note: This report presents preliminary information from departmental data. All figures in this report are subject to change as additional information becomes available.

**INTERNAL AFFAIRS PROFESSIONAL STANDARDS DIVISION
STATISTICAL DATA FOR THE MONTH OF
June 2024**



Internal Affairs Professional Standards (IAPS) is responsible for receiving and investigating allegations of misconduct made against the Albuquerque Police Department's employees. IAPS ensures a thorough, impartial, and prompt investigation of allegations to implement a transparent fact finding process and take corrective actions against the employees if investigative findings are sustained. IAPS investigates cases according to SOP 1-62: Internal Affairs Professional Standards (IAPS) Division. For more information on APD's Standard Operating Procedures, see: <https://public.powerdms.com/COA>.

The purpose of this monthly report is to provide the city administration, APD executive staff, the City Council, Civilian Police Oversight Agency Board and the residents of Albuquerque with the outcomes pertaining to IAPS Investigations. This report provides details on the investigations opened, completed, investigated by Area Commands, pending cases, and the average time taken (days) for case completion. However, this report excludes misconduct cases that originate from force investigations, given that these are investigated by Internal Affairs Force Division (IAFD). It also provides data on cases with sustained/SNBOOC findings along with the discipline imposed. The report also includes information pertaining to the SOPs that were reviewed in completed investigations during the month of June 2024.

Total Cases Opened

91

Investigations opened by Internal Affairs Professional Standards during June 2024

Total Cases Completed

86

Investigations completed by the Internal Affairs Professional Standards during June 2024

Cases Opened

[By Area Command]

38

Investigations opened by Internal Affairs Professional Standards and referred to the Area Command

Completed Cases

[By Area Command]

41

Investigations completed by the Area Command

Pending Cases

88

Investigations opened during June 2024 and are not yet completed

Average Days to Completion

76.01

Average days to completion for investigations completed during June 2024

Total Cases Completed in June 2024

86

Completed Cases with Sustained/SNBOOC Findings

Total Cases: 64

74.4% of the total completed investigations



Discipline Imposed for Investigations Completed in June 2024
(Sustained/SNBOOC Findings)

Files	Directives/SOPs	Discipline Imposed
I2023...	3.41.Complaints Involving Department Personnel	Written Reprimand
	3.41.Complaints Involving Department Personnel	Written Reprimand
	1.26.Special Victims Section	Written Reprimand
	3.41.Complaints Involving Department Personnel	Written Reprimand
	1.26.Special Victims Section	Written Reprimand
	1.26.Special Victims Section	Written Reprimand
	1.26.Special Victims Section	Written Reprimand
	1.26.Special Victims Section	Written Reprimand
I2023...	2.41.Traffic Stops	Written Reprimand
	2.45.Pursuit by Motor Vehicle	Suspension
I2023...	2.5.Department Vehicle	Written Reprimand
I2024...	2.55.Use Of Force: De-Escalation	Letter of Reprimand
	2.55.Use Of Force: De-Escalation	Suspension
I2024...	1.1.Personnel Code of Conduct	Written Reprimand
I2024...	2.73.Collection, Submission, and Disposition of Evidence and Property	Written Reprimand
	2.73.Collection, Submission, and Disposition of Evidence and Property	Written Reprimand
I2024...	2.8.Use of on-Body Recording Devices	Written Reprimand
	2.82.Restraints and Transportation of Individuals	Written Reprimand
	3.41.Complaints Involving Department Personnel	Written Reprimand
I2024...	2.52.Use of Force: General	Letter of Reprimand
I2024...	2.8.Use of on-Body Recording Devices	Written Reprimand
	2.82.Restraints and Transportation of Individuals	Written Reprimand
	2.8.Use of on-Body Recording Devices	Suspension
	2.80.Arrests,Arrest Warrants,and Booking Procedures	Suspension
I2024...	2.8.Use of on-Body Recording Devices	Written Reprimand
I2024...	2.52.Use of Force: General	Suspension
	2.52.Use of Force: General	Suspension
I2024...	2.56.Use of Force: Reporting by Department Personnel	Suspension
I2024...	2.47.Crash Involving Police Vehicles	Suspension
I2024...	2.73.Collection, Submission, and Disposition of Evidence and Property	Verbal Reprimand
I2024...	1.1.Personnel Code of Conduct	Written Reprimand
I2024...	3.41.Complaints Involving Department Personnel	Letter of Reprimand
I2024...	2.8.Use of on-Body Recording Devices	NDCA
I2024...	2.8.Use of on-Body Recording Devices	Verbal Reprimand
I2024...	2.8.Use of on-Body Recording Devices	Written Reprimand
I2024...	2.73.Collection, Submission, and Disposition of Evidence and Property	Written Reprimand
I2024...	2.8.Use of on-Body Recording Devices	Written Reprimand
I2024...	2.57.Use of Force: Review and Investigation by Department Personnel	Written Reprimand
I2024...	3.41.Complaints Involving Department Personnel	Terminated
I2024...	2.76.Court	Written Reprimand
I2024...	3.41.Complaints Involving Department Personnel	Suspension
	1.1.Personnel Code of Conduct	Suspension
I2024...	1.1.Personnel Code of Conduct	Suspension
I2024...	2.80.Arrests,Arrest Warrants,and Booking Procedures	Written Reprimand
I2024...	2.76.Court	Verbal Reprimand
I2024...	2.8.Use of on-Body Recording Devices	Verbal Reprimand



Discipline Imposed for Investigations Completed in June 2024 (Sustained/SNBOOC Findings)

Files	Directives/SOPs	Discipline Imposed
I2024...	3.41.Complaints Involving Department Personnel	Suspension
	3.41.Complaints Involving Department Personnel	Suspension
	1.1.Personnel Code of Conduct	Suspension
I2024...	2.8.Use of on-Body Recording Devices	Written Reprimand
I2024...	2.42.DWI Investigations and Revoked/Suspended License	Verbal Reprimand
I2024...	2.76.Court	Written Reprimand
I2024...	2.76.Court	Verbal Reprimand
I2024...	1.94.Training Division	Written Reprimand
I2024...	2.76.Court	Written Reprimand
I2024...	2.8.Use of on-Body Recording Devices	Written Reprimand
I2024...	2.76.Court	Written Reprimand
I2024...	2.76.Court	Written Reprimand
I2024...	3.32.Performance Evaluations	Written Reprimand
I2024...	1.1.Personnel Code of Conduct	Written Reprimand
I2024...	2.76.Court	Verbal Reprimand
I2024...	2.76.Court	Written Reprimand
I2024...	2.76.Court	Verbal Reprimand
I2024...	1.5.Harassment/Sexual Harassment in the Workplace	Terminated
I2024...	2.8.Use of on-Body Recording Devices	Written Reprimand
I2024...	1.1.Personnel Code of Conduct	Verbal Reprimand
I2024...	1.1.Personnel Code of Conduct	Written Reprimand
I2024...	1.1.Personnel Code of Conduct	Suspension
I2024...	2.8.Use of on-Body Recording Devices	Verbal Reprimand
I2024...	2.5.Department Vehicle	Verbal Reprimand
I2024...	2.76.Court	Verbal Reprimand
I2024...	2.8.Use of on-Body Recording Devices	Verbal Reprimand
I2024...	2.76.Court	Written Reprimand
I2024...	2.76.Court	Verbal Reprimand
I2024...	2.76.Court	Written Reprimand
I2024...	2.76.Court	Written Reprimand
I2024...	2.76.Court	Verbal Reprimand
I2024...	1.1.Personnel Code of Conduct	Suspension
I2024...	2.76.Court	Verbal Reprimand
I2024...	3.30.Line Inspection Process	Verbal Reprimand
I2024...	1.1.Personnel Code of Conduct	Verbal Reprimand
I2024...	2.8.Use of on-Body Recording Devices	Verbal Reprimand
I2024...	1.1.Personnel Code of Conduct	Terminated

TOP 5 Standard Operating Procedures with Sustained/SNBOOC Findings during June 2024

Directives/SOPs	Count
2.76.Court	17
2.8.Use of on-Body Recording Devices	15
1.1.Personnel Code of Conduct	12
1.26.Special Victims Section	5
2.80.Arrests,Arrest Warrants,and Booking Procedures	2



Standard Operating Procedures Reviewed in Completed Investigations during June 2024

Directives/SOPs	Count
1.1.Personnel Code of Conduct	43
2.76.Court	27
2.52.Use of Force: General	21
2.8.Use of on-Body Recording Devices	21
3.41.Complaints Involving Department Personnel	12
1.62.Internal Affairs Professional Standards (IAPS Division)	10
2.82.Restraints and Transportation of Individuals	8
2.54.Use of Force: Intermediate Weapon Systems	7
2.5.Department Vehicle	6
2.73.Collection, Submission, and Disposition of Evidence and Property	6
1.26.Special Victims Section	5
2.56.Use of Force: Reporting by Department Personnel	5
2.19.Response to Behavioral Health Issues	4
2.45.Pursuit by Motor Vehicle	3
2.57.Use of Force: Review and Investigation by Department Personnel	3
1.5.Harassment/Sexual Harassment in the Workplace	2
2.105.Destruction/Capture of Animals	2
2.55.Use Of Force: De-Escalation	2
2.80.Arrests,Arrest Warrants,and Booking Procedures	2
1.46.Field Training and Evaluation Program (FTEP)	1
1.78.Police Service Aide (PSA) Program	1
1.94.Training Division	1
2.2.Department Property	1
2.3.Firearms and Ammunition Authoriaztion	1
2.41.Traffic Stops	1
2.42.DWI Investigations and Revoked/Suspended License	1
2.47.Crash Involving Police Vehicles	1
2.78.Domestic Violence	1
3.14.Supervision	1
3.30.Line Inspection Process	1
3.32.Performance Evaluations	1
3.33.Performance Evaluation and Management System (PEMS)	1

Albuquerque Police Department Monthly Use of Force Report

June 2024



Prepared by:

**Data Analytics Unit
July 9, 2024**

Note: This report presents preliminary information from departmental data. All figures in this report are subject to change as additional information becomes available.



Total Use of Force Events - June 2024

This report provides a monthly overview of use of force events involving Albuquerque Police Department (APD) personnel. APD is committed to using force to achieve lawful objectives in instances where use of force is objectively reasonable, necessary, minimal, and proportional given the totality of circumstances (see SOP 2-52: Use of Force – General). When force is not consistent with these standards of conduct (SOP 2-52: Use of Force-General), APD takes corrective actions which may include discipline.

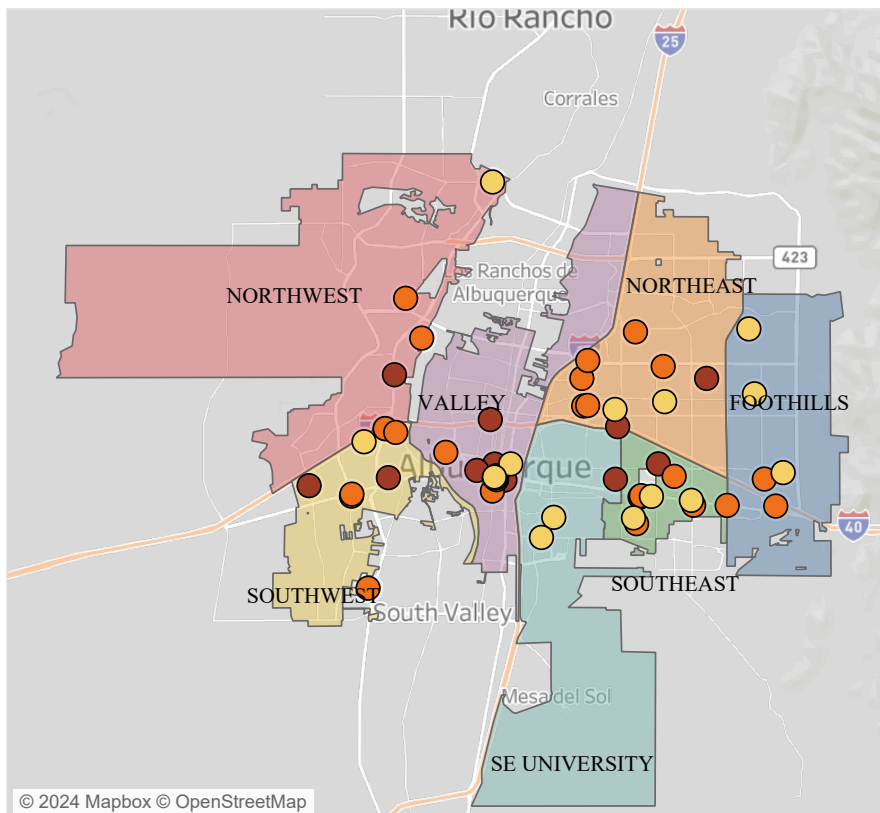
APD's jurisdiction includes the City of Albuquerque which is divided into six Area Commands. In the map below, Southeast Area Command is split into "SE University" and "Southeast". University Area Command is a Pilot Area Command and their force cases are combined with Southeast Area Command in this report.

Force is categorized into three levels based on APD policy. For more information on APD's Standard Operating Procedures, see: <https://public.powerdms.com/COA>

Total Use of Force Cases by Area Command and Level of Force

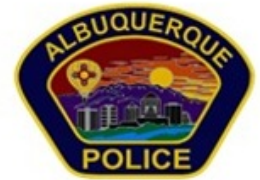
	Force Level			Grand Total
	Level 1	Level 2	Level 3	
Foothills	3	2	0	5
Northeast	2	6	2	10
Northwest	1	2	1	4
Southeast	5	6	2	13
Southwest	1	6	2	9
Valley	2	7	4	13
Grand Total	14	29	11	54

Locations of Use of Force Cases



- Highest Force-Case Level
- Level 1
 - Level 2
 - Level 3

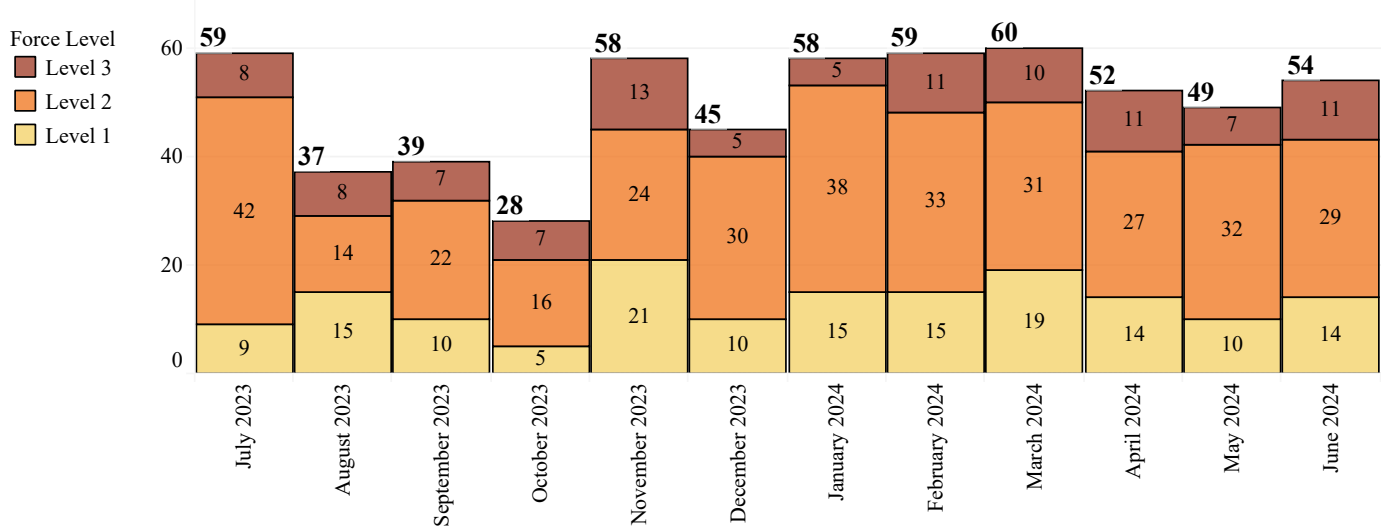
Note: Most force investigations in this report are open investigations since it reflects the previous month of data. As such, figures in this report are preliminary and subject to change as use of force investigations progress.



Use of Force Totals by Month - Past 12 Months

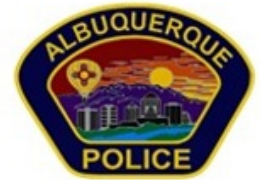
APD tracks use of force data over time to examine trends in use of force. For annual trends, see APD's Annual Use of Force Reports. This page reports monthly totals of all use of force for APD.

Total Uses of Force by Month and Level of Force



Total Uses of Force by Month and Area Command

		July 2023	August 2023	September 2023	October 2023	November 2023	December 2023	January 2024	February 2024	March 2024	April 2024	May 2024	June 2024	Grand Total
Foothills	Level 1	1	2	2	2	4	2	2	0	3	1	1	3	23
	Level 2	2	0	6	1	3	2	3	2	2	2	3	2	28
	Level 3	2	0	0	1	1	1	1	0	1	2	0	0	9
Northeast	Level 1	2	2	1	1	8	2	2	5	4	2	1	2	32
	Level 2	10	2	2	2	3	4	7	7	4	2	4	6	53
	Level 3	0	1	1	1	2	1	1	2	3	2	0	2	16
Northwest	Level 1	1	1	1	0	0	0	1	1	1	0	0	1	7
	Level 2	7	2	1	1	0	0	3	3	6	3	3	2	31
	Level 3	0	0	1	3	2	0	0	2	2	1	0	1	12
Southeast	Level 1	3	6	3	1	4	2	7	6	5	3	5	5	50
	Level 2	9	4	5	7	11	13	15	13	10	9	13	6	115
	Level 3	4	3	1	1	4	2	1	4	1	3	3	2	29
Southwest	Level 1	0	3	1	1	1	3	2	1	1	2	0	1	16
	Level 2	4	1	2	2	2	3	8	5	4	6	6	6	49
	Level 3	0	3	0	0	2	0	0	0	2	0	2	2	11
Valley	Level 1	2	1	2	0	4	1	1	2	5	4	2	2	26
	Level 2	10	5	6	3	5	9	3	3	5	6	2	7	64
	Level 3	2	1	4	1	3	1	2	3	1	2	2	4	26
Out of Area	Level 1	0	0	0	0	1	0	0	0	0	2	1	0	4
	Level 2	0	0	0	0	0	0	0	0	0	0	2	0	2
	Level 3	0	0	0	0	1	0	0	0	2	1	0	0	4
Grand Total		59	37	39	28	58	45	58	59	60	52	49	54	598



Use of Force Benchmarked Against Calls For Service and Arrests - June 2024

Officers are required to only use force when necessary to achieve a lawful objective. When officers have more contacts with individuals, it is likely that there will be more uses of force. To control for factors that may contribute to higher or lower uses of force in a given month, this page shows the number of uses of force relative to the number of calls for service and the number of arrests made. For a detailed discussion of the method used on this page, see APD's 2022 Annual Use of Force Report.

Calls for Service

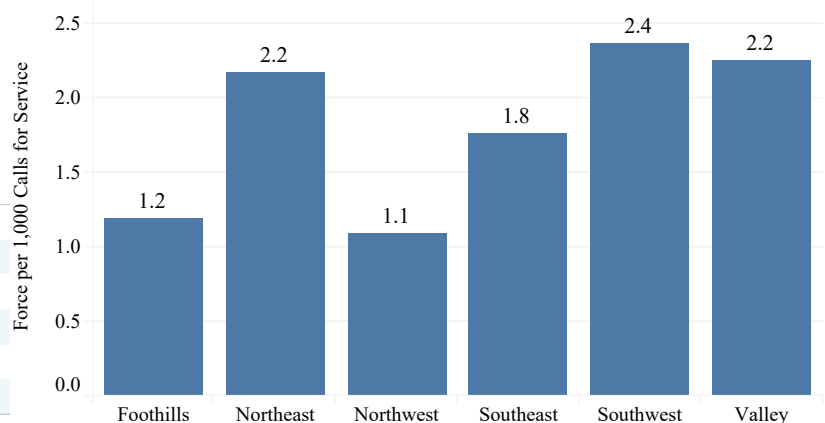
Total Calls for Service for Area Commands

Excludes calls for service where contact with an individual was unlikely, see Annual Use of Force report for full methodology

CAD Calls by Area Command, June 2024

Area Command	Total Force Cases	Total CAD Calls	Force per 1,000 Calls
Foothills	5	4,199	1.2
Northeast	10	4,625	2.2
Northwest	4	3,667	1.1
Southeast	13	7,413	1.8
Southwest	9	3,823	2.4
Valley	13	5,779	2.2

Force Rate per 1,000 Calls For Service



Arrests

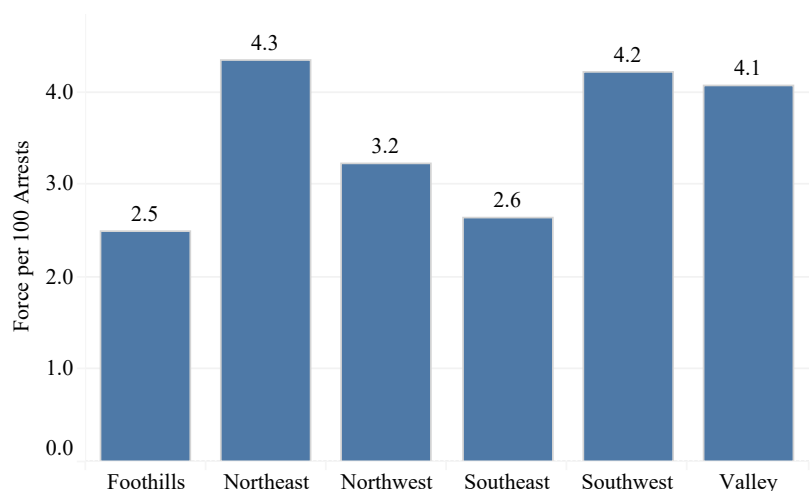
Total Arrests for Area Commands

Arrests include custodial arrests and summonses.

Force per Arrest by Area Command, June 2024

Area Command	Total Force	Total Arrests	Force Per 100 Arrests
Foothills	5	200	2.5
Northeast	10	230	4.3
Northwest	4	124	3.2
Southeast	13	494	2.6
Southwest	9	213	4.2
Valley	13	319	4.1
Out of Area	0	18	0.0

Force Rate per 100 Arrests

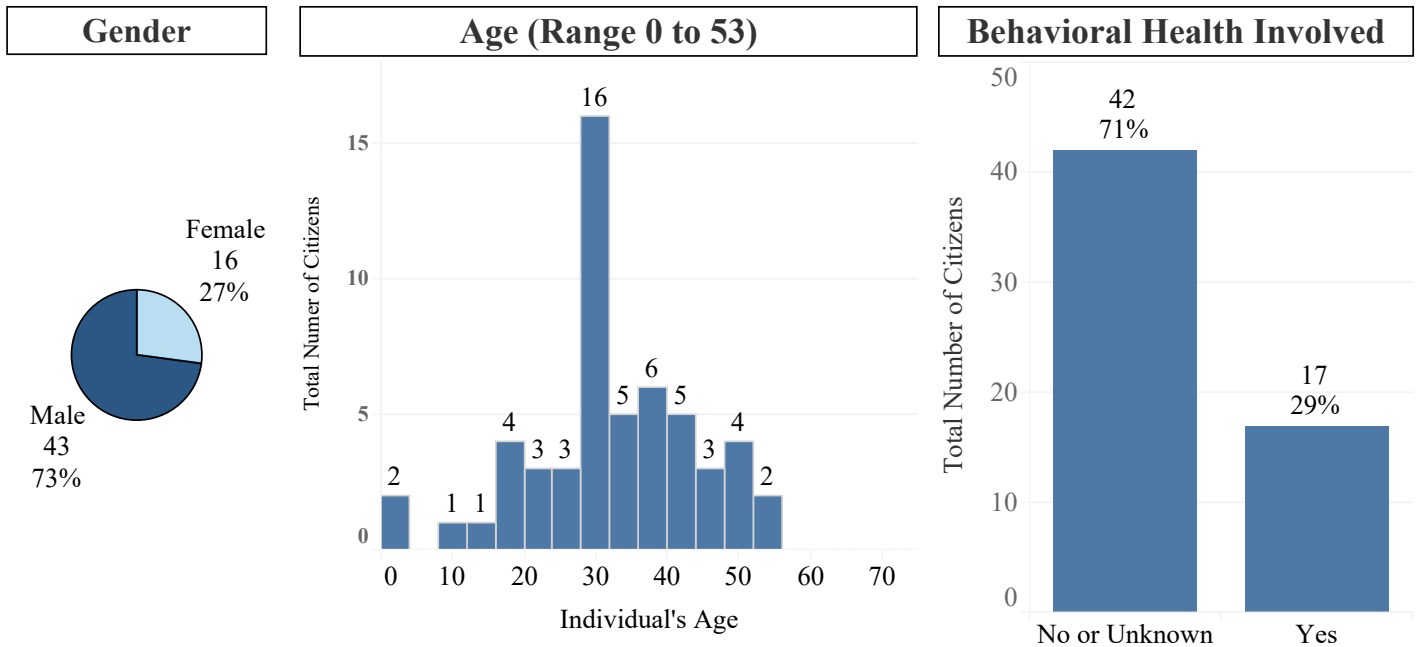




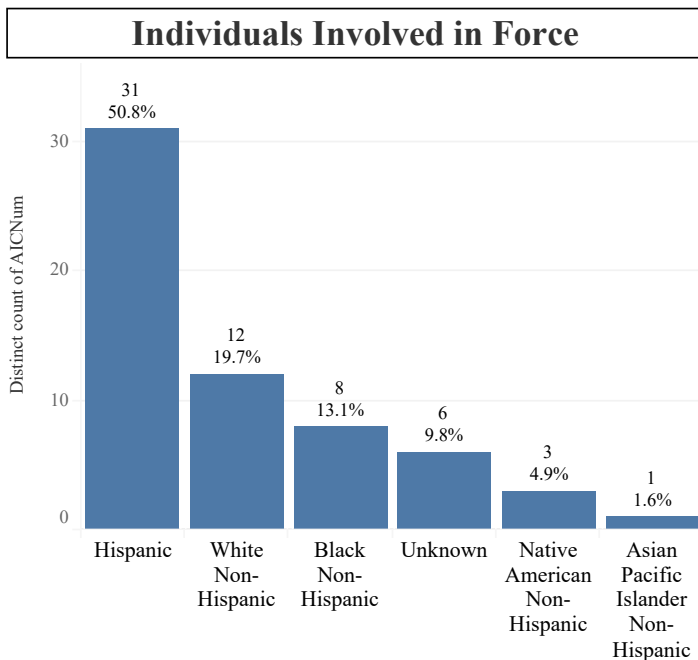
Demographics of Individuals Involved in Force - June 2024

APD records information about individuals involved in use of force incidents. Citizen information is based on what the individual reported or, if not reported by the individual, on the investigators observations on scene and through review of body-worn camera video. Information may change as investigations progress.

Note: Totals on different characteristics may differ due to missing values being excluded.



Race and Ethnicity



Force Rate per 100 Arrests, June 2024

Race/Ethnicity	Total Force	Total Arrests	Force Rate per 100 Arrests
Asian Pacific Islander Non-Hispanic	1	20	5.0
Black Non-Hispanic	8	145	5.5
Hispanic	31	647	4.8
Native American Non-Hispanic	3	128	2.3
Unknown	6	114	5.3
White Non-Hispanic	12	594	2.0

Note: This table is a count of total sum of force, not a count by individuals.



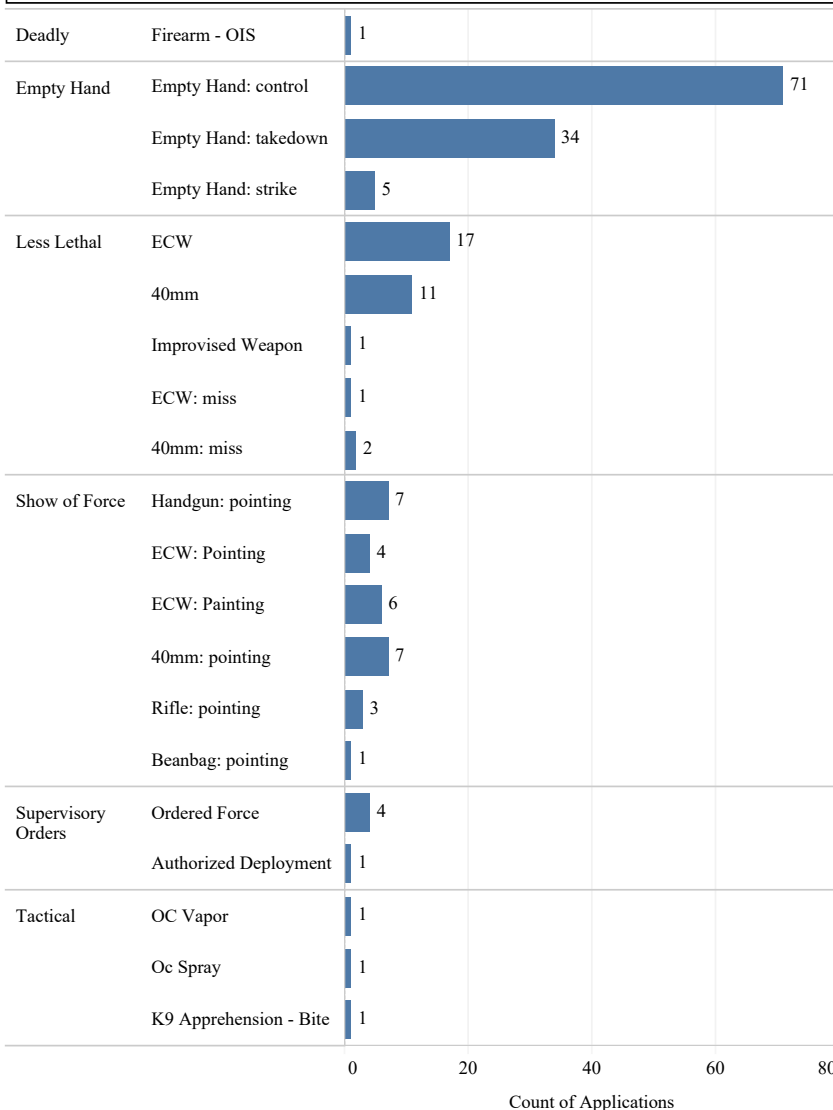
Final Call Types and Types of Force Used - June 2024

Officers are dispatched to calls for service and the original and final type of call for service are tracked. The table on the right shows the final call types for all calls involving force during the month.

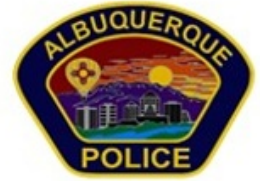
Below, the total number of force applications for each type of force is shown. In any single force case, multiple officers are usually involved and each time a force technique is used, it is counted. For instance, if three officers were involved in a takedown technique with one person, that would be counted as three applications of an "Empty Hand: takedown".

Final Call Types Associated with Force Events	
Aggravated Assault/Battery	5
BAIT Vehicle Theft	1
Burglary Committed	1
Disturbance	7
Family Dispute	12
Fight In Progress	1
Narcotics	1
Onsite Auto Theft	1
Onsite Disturbance	1
Onsite Suspicious Person/Vehicle	12
P-Watch	1
Shots Fired	1
Stolen Vehicle Found	1
Suicide	1
Suspicious Person/Vehicle	4
Vandalism	1
Wanted Person	3
Grand Total	54

Total Force Applications for Each Type of Force Used



During June 2024, there were 54 Force Cases with a total of 179 Force Applications.



Completed Force Investigations - June 2024

APD has two processes for force investigations based on the level of force. Level 1 force is investigated by the Level 1 force investigation unit. The Level 1 unit is required to complete investigations within 24 days (if all extensions are requested and approved).

Level 2 and Level 3 force are investigated by the Internal Affairs Force Division (IAFD). IAFD also investigated any Level 1 force where a Lieutenant or above was involved or Level 1 force if another person at the same event had a higher level of force used. These investigations must be completed within 90-days. All force investigations are investigated to determine whether the actions of the officer(s) involved were consistent with department policy.

Level 1 Unit		IAFD (Level 2 and Level 3)	
Total Completed Investigations		Total Completed Investigations	
10		41	
Average Days to Completion		Average Days to Completion	
11.3		86.8	
Minimum Days to Completion	Maximum Days to Completion	Minimum Days to Completion	Maximum Days to Completion
4	22	81	90

All Force Cases

APD strives to only use force that is objectively reasonable, necessary to achieve lawful objectives, and proportional to the resistance from the individual involved, and minimal based on the totality of the circumstances. APD uses a preponderance of evidence standard to determine whether the force met policy requirements. After investigation, force is deemed in policy when every force technique is used correctly and was found to be reasonable, necessary, proportional, and minimal as defined in SOP 2-52: Use of Force - General. If any officer's force techniques used were determined to be out of policy, the entire force case or interaction is considered to be out of policy.

Dispositions of Force Investigations Completed in June 2024

	Total Force Cases
In Policy	48
Out of Policy	3
Grand Total	51

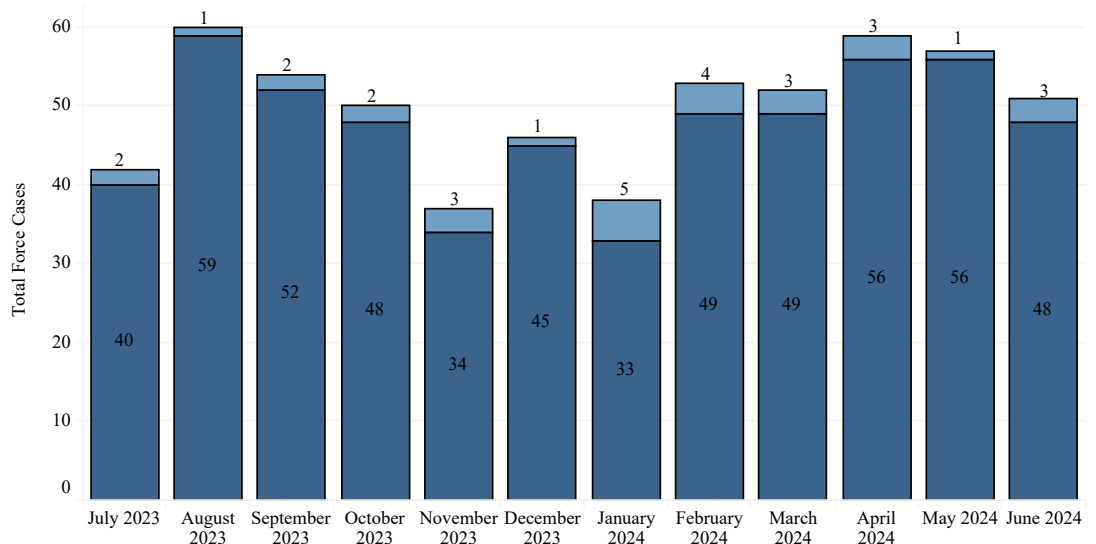
Out of Policy Force Cases by Area Command

Northwest	1
Out of Area	1
Southwest	1
Grand Total	3

Case Disposition

- Out of Policy
- In Policy

Policy Outcomes Prior 12 Months

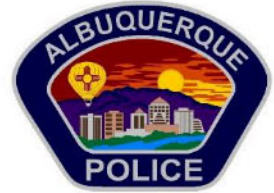




Timothy M. Keller
Mayor

City of Albuquerque

Albuquerque Police Department



Eric J. Garcia
Superintendent of Police Reform

July 5, 2024

Interoffice Memorandum

To: Diane McDermott, Executive Director, CPOA

From: Jimmy Collins, Major, Office of the Superintendent

Subject: Non-Concurrence of Action re: CPC-105-2024

This memorandum serves to convey the articulation for APD’s points of non-concurrence in the above captioned administrative investigation conducted by the Civilian Police Oversight Agency.

Policy	CPOA Finding	APD Finding
2-40-6-C-1-a	Sustained/Verbal Reprimand	Sustained/NDCA

Rationale for non-concurrence of action for 1-1-5-A-1:

Professional integrity concurred with the sustained finding of the investigation but concluded issuing the PSA a Non-Disciplinary Corrective Action (NDCA) was more appropriate. The primary reason for this conclusion was the fact the PSA was engaged in on-the-job training (OJT) and, with all training environments, there is a reasonable expectation mistakes might occur with performance or procedural matters and should be corrected without disciplinary action. Generally, when policy violations come to the attention of Professional Integrity and it involves an officer or PSA on OJT (also known as a recruit officer or recruit PSA) a NDCA will be issued for a minor infraction. It is worth noting the recruit PSA noticed the handicap placard in the vehicle and attempted to review the SOP while still on-scene and also spoke with a supervisor. Therefore, the citation was issued but it was voided prior to it being processed for adjudication. Additionally, this recruit PSA had no prior discipline or NDCA’s on their discipline record.

Conclusion:

The recruit PSA was issued an NDCA based on the circumstances of the violation and the training status the recruit was engaged in at the time of the violation.

Respectfully,

Major Jimmy Collins,
Deputy Superintendent of Reform
Albuquerque Police Department

Cc: Eric Garcia, Superintendent of Police Reform



ALBUQUERQUE
CIVILIAN POLICE
OVERSIGHT

Civilian Police Oversight Agency

Semi-Annual Report

January 1st 2023 - June 30th 2023

Mission Statement

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

Diane McDermott

Interim Executive Director

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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 346 complaint notifications and opened 158 complaint investigations against APD personnel during the reporting period starting January 1st 2023 through June 30th 2023.
- ❖ The Agency completed 115 civilian police complaint investigations during this reporting period, which is almost identical to the 116 complaints completed in the last reporting period.
- ❖ The CPOA experienced the onboarding and subsequent departure of the Executive Director during this period. 77.4% of the civilian police complaints closed in this reporting period were closed within 120 days.
- ❖ During this period, CPOA investigators reviewed 212 policy violation allegations.
- ❖ 65.2% of completed complaints were self-reported online submissions.
- ❖ In this period, the CPOA completed investigations involving 120 APD employees on behalf of 112 identifiable complainants and 11 anonymous complainants.
- ❖ 29 APD Standard Operating Procedures (SOPs) came under review 254 times in the 115 completed complaint investigations. SOP 1-1 Personnel Code of Conduct was reviewed 90 times, which is the most of any SOP in this reporting period.
- ❖ 3 notifications of non-concurrences were received from the Police Reform Bureau; 1 concerned the recommended discipline and 2 cases disagreed on the finding and discipline.
- ❖ Of the 120 APD employees identified in completed complaint investigations during this reporting period, 49 (40.8%) were Police Officer 1st class.
- ❖ 87.5% of the APD employees identified in complaint investigations were White, 47.5% were Hispanic, and 72.5% were male. 51.8% of known complainants identified as White, 29.5% were Hispanic, and 50.0% were female.
- ❖ According to the IA Pro database, 49 Level 3 uses of force occurred during this reporting period.
- ❖ The CPOA received 40 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 January 1, 2023 through June 30, 2023.

This report is divided into the following sections:

- I. Legislative Amendments and CPOA Internal Changes
- 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 legislative amendments that occurred during the reporting period.

The second section, ‘Complaint Details,’ identifies the total number of complaints investigated (assigned CPC numbers) and closed (case investigation completed) during the first six months of 2023. This section covers complaint closure timelines, complaint sources, the number of complaints 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 January 2022, 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 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) 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 data from use of force cases. 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

During this reporting period, several substantive legislative amendments to the Ordinance were made. In early January, City Councilors Brook Bassan, Isaac Benton, Pat Davis, and Renee Grout co-sponsored a bill to reform the CPOAB. This proposal passed and was adopted on January 18, 2023. The significant changes are as follows:

- General training, administrative, and procedural changes
 - Items that went to the Chief for review to go to the Office of Police Reform
 - The jointly made CPOA and APD CPOAB training calendar to be provided to City Council within 90 days of its creation, changes, or updates
 - CPOA no longer obligated to report to the Mayor on the status of long-term planning processes or CPOAB member training progress
 - Complainant and officer are to operate in good faith during mediation, or the CPOA will proceed with an investigation
 - City Council may amend the CPOAB job description as is appropriate
- The Contract Compliance Officer role was created, and this individual assumes the following responsibilities from the CPOAB or Executive Director
 - Notifies any CPOAB member of their automatic termination
 - Establishes the Director's compensation in concert with City Human Resources
 - Tracks CPOAB members' training progress
 - Handles Director candidate applications
- CPOAB training, composition, and responsibilities changes
 - Replaced the Civilian Police Oversight Agency Board with the Civilian Police Oversight Advisory Board
 - CPOAB size decreased from nine at-large members to five at large-members
 - Training concepts presented to the CPOAB by the APD Civilian Police Academy are now pre-determined
 - Members now receive professionalism training on how to interact with Agency staff, City employees, the public, and other CPOAB members

- CPOAB members now receive \$500 upon completion of their initial orientation, \$250 upon completion of annual required ongoing training, and \$100 per regular meeting
- Upon receiving a majority vote, may apply to review complaints pertaining to Garrity information
- Subcommittees now required to comply with New Mexico Open Meetings Act
- Need to have 14 (previously 10) business days between the receipt of the request for the appeal hearing and the next CPOAB meeting
- Director responsibilities and tenure changes
 - No longer needs to provide an “active role in the community”
 - No longer reports to the CPOAB
 - No longer has term limits
 - Does not need approval from the CPOAB before submitting recommendations to the Office of Police Reform
 - May issue a subpoena without a simple majority vote of the CPOAB
 - May be removed with a 2/3 City Council majority vote and no longer need a CPOAB recommendation for removal

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 346 complaints and opened (assigned CPC numbers in the IA database) 158 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**

346

**Complaints Opened
in the IA database**

158

Complaints Closed

115

*Data Source: IA Pro January 1st
2023 – June 30th 2023*

The CPOA completed 115 complaint investigations during this reporting period, which is nearly identical to the 116 complaint investigations completed in the last reporting period. Of the 115 completed investigations:

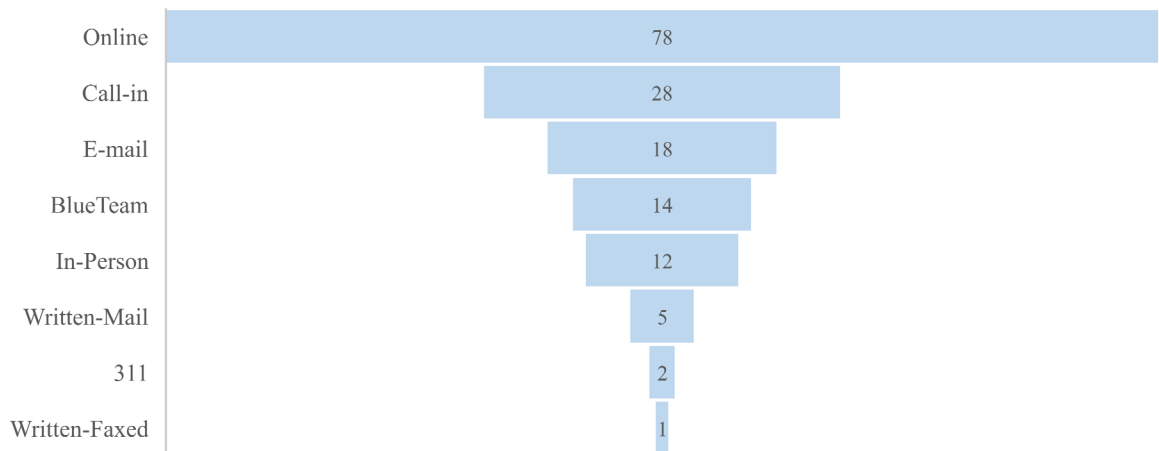
- 85 were received before this reporting period, while 30 were received and closed during this reporting period,
- 25.2% were closed administratively,
- 16.5% were received in September of 2022.

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 158 complaints received and opened during the reporting period were submitted online (49.4%).

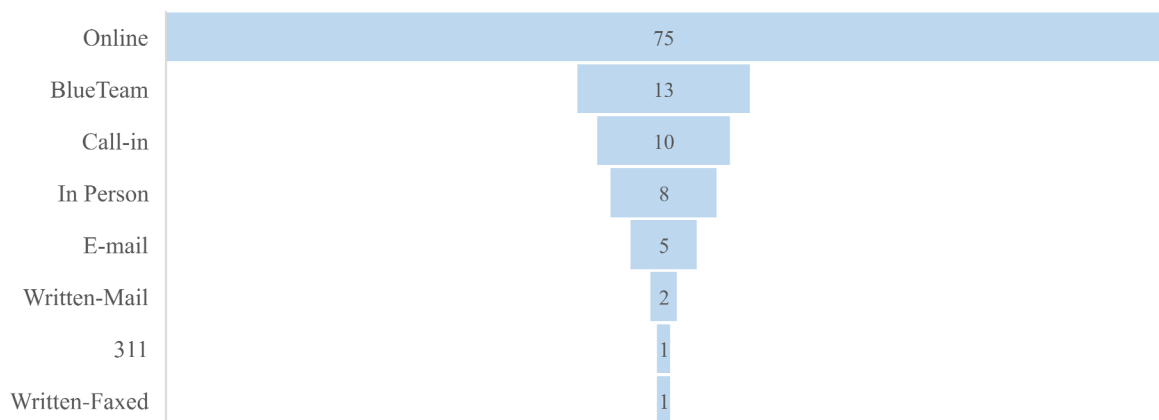
Figure 1.1. Source of Received Complaints



Data Source: IA Pro January 1st 2023 – June 30th 2023

Most of the 115 complaints completed during the reporting period were submitted online (65.2%).

Figure 1.2. Source of Completed Complaints

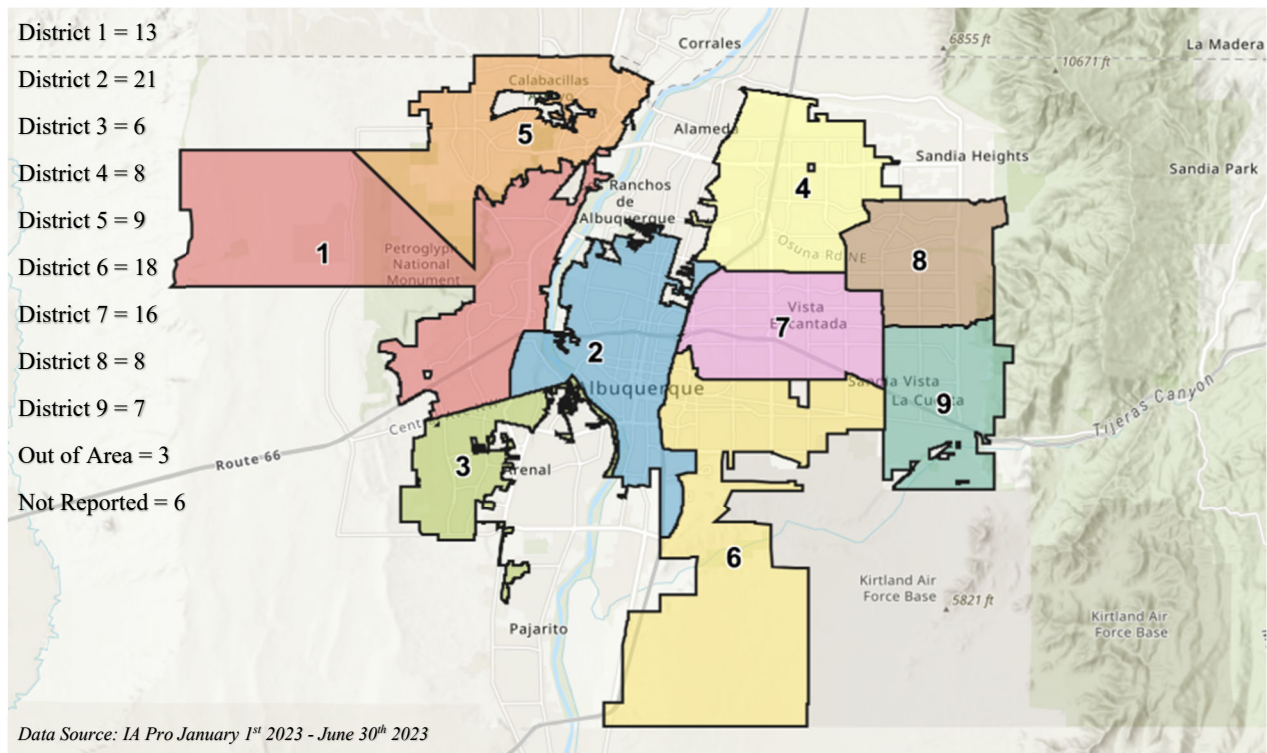


Data Source: IA Pro January 1st 2023 – June 30th 2023

Complaints by City Council Districts

Most incidents resulting in a complaint completed during this reporting period occurred in City Council Districts 2, 6, and 7, with 18.3% occurring in District 2. The City Council District with the least number of complaints was District 3, with 6. Additionally, 6 complaints did not identify an incident location, so the City Council District is unknown and is reflected in Figure 3. as “Not Reported.” 3 complaints stemmed from incidents outside of the City Council’s jurisdiction. These are labeled in Figure 3. 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 and closed has increased each January – June reporting period since 2021.

Figure 3.1 Complaints Received by Year (2017 – 2022)

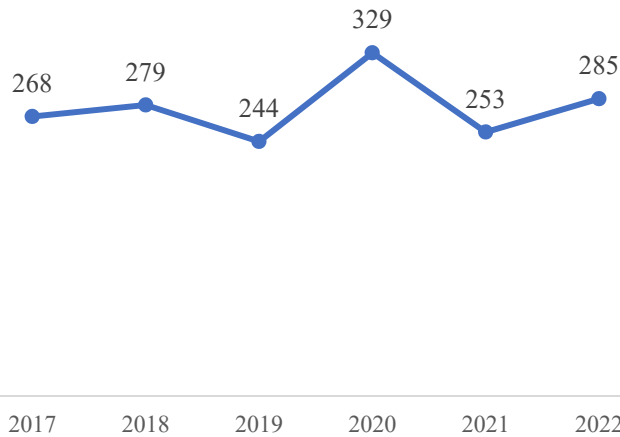


Figure 3.2 Complaints Closed by Year (2017 – 2022)

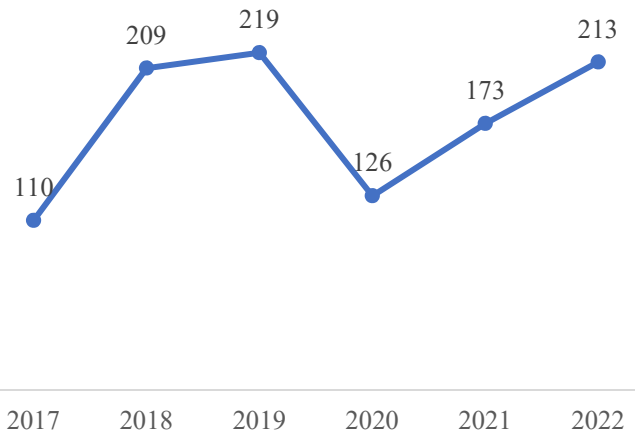


Figure 3.3. Complaints Received in January – June Reporting Period by Year (2018-2023)

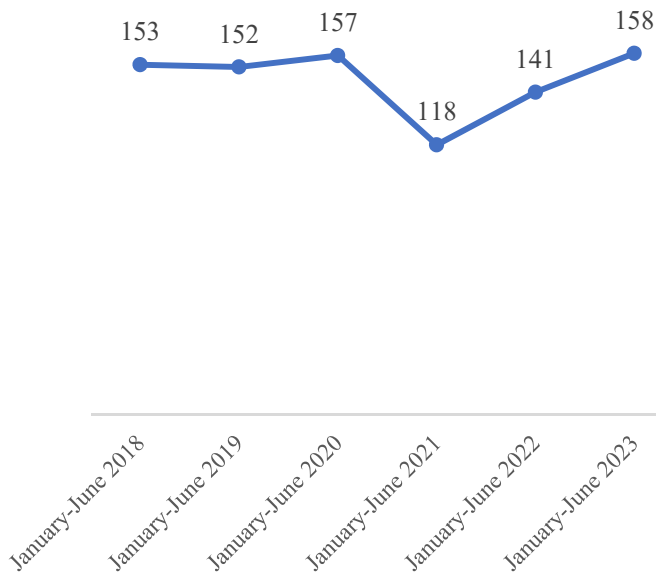
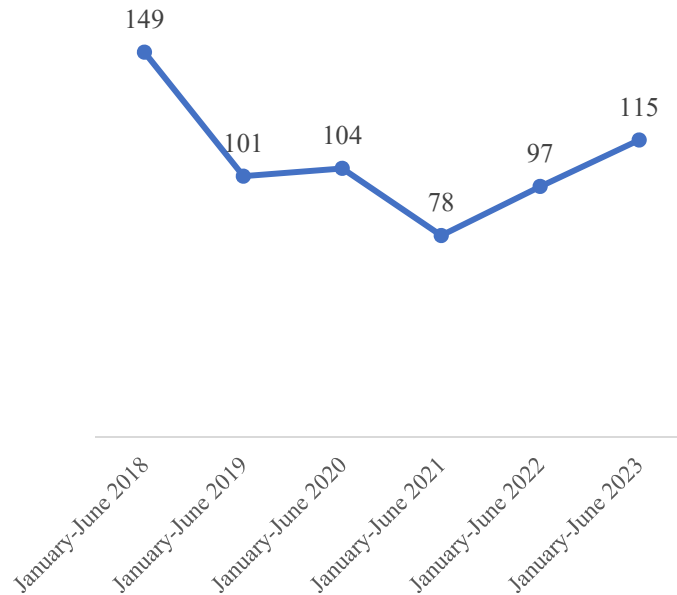


Figure 3.4. Complaints Closed in January – June Reporting Period by Year (2018-2023)

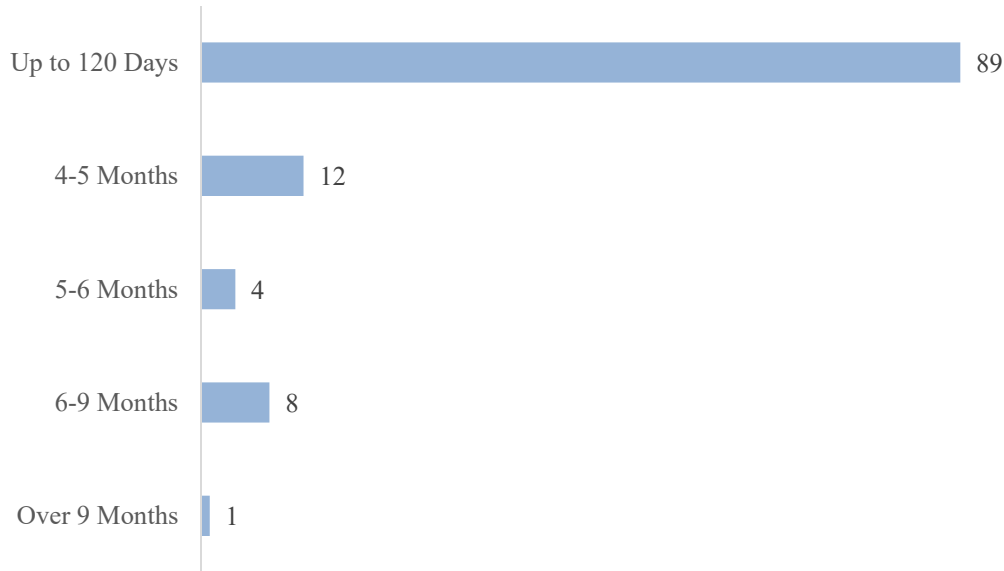


Data Source: Past CPOA Reports and IA Pro January 1st 2023 – June 30th 2023

Investigation Completion Timelines

Per the renegotiated January 2022 CBA, every investigation shall be concluded within 120 days. For this reporting period, 89 (77.4%) investigations were completed within 120 days.

Figure 4. Investigation Completion Timelines⁴



Data Source: IA Pro January 1st 2023 – June 30th 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.

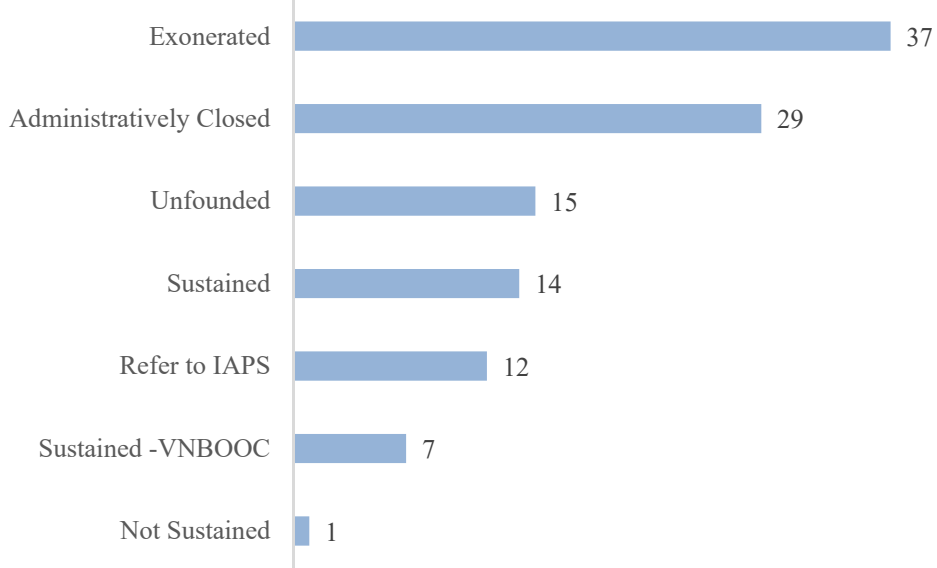
⁴ 4-5 months is approximately 121-152 days; 5-6 months is approx. 153-182 days; and 6-9 months is approx. 183-274 days.

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 exonerated disposition during the reporting period.

Figure 5. Closed Complaint Findings



Data Source: IA Pro January 1st 2023 – June 30th 2023

Most administratively closed complaints during the reporting period were due to a being withdrawn, a lack of information, or being outside this jurisdiction.

Table 1. Reasons Complaints were Administratively Closed

Reason for Admin Closed	Count
Withdrawn	9
No Jurisdiction	6
Lack of Information	6
No Officer Identified	5
Duplicative	3
Total	29

Data Source: IA Pro January 1st 2023 – June 30th 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, 75 policy directives in 29 APD SOPs came under review 212 times in 115 completed investigations. All complaints that did not allege a violation of policy were either administratively closed or referred to IAPS. SOP 1-1 (Personnel Code of Conduct) was reviewed the most (90), accounting for 42.5% of all allegations.

As a note, 3 complaints were administratively closed or referred to IAPS but were linked to 8 allegations, so they are included in this statistic. Additionally, there were 26 complaints with more than one allegation, 13 with more than two allegations, and 13 with more than three allegations in this reporting period.

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

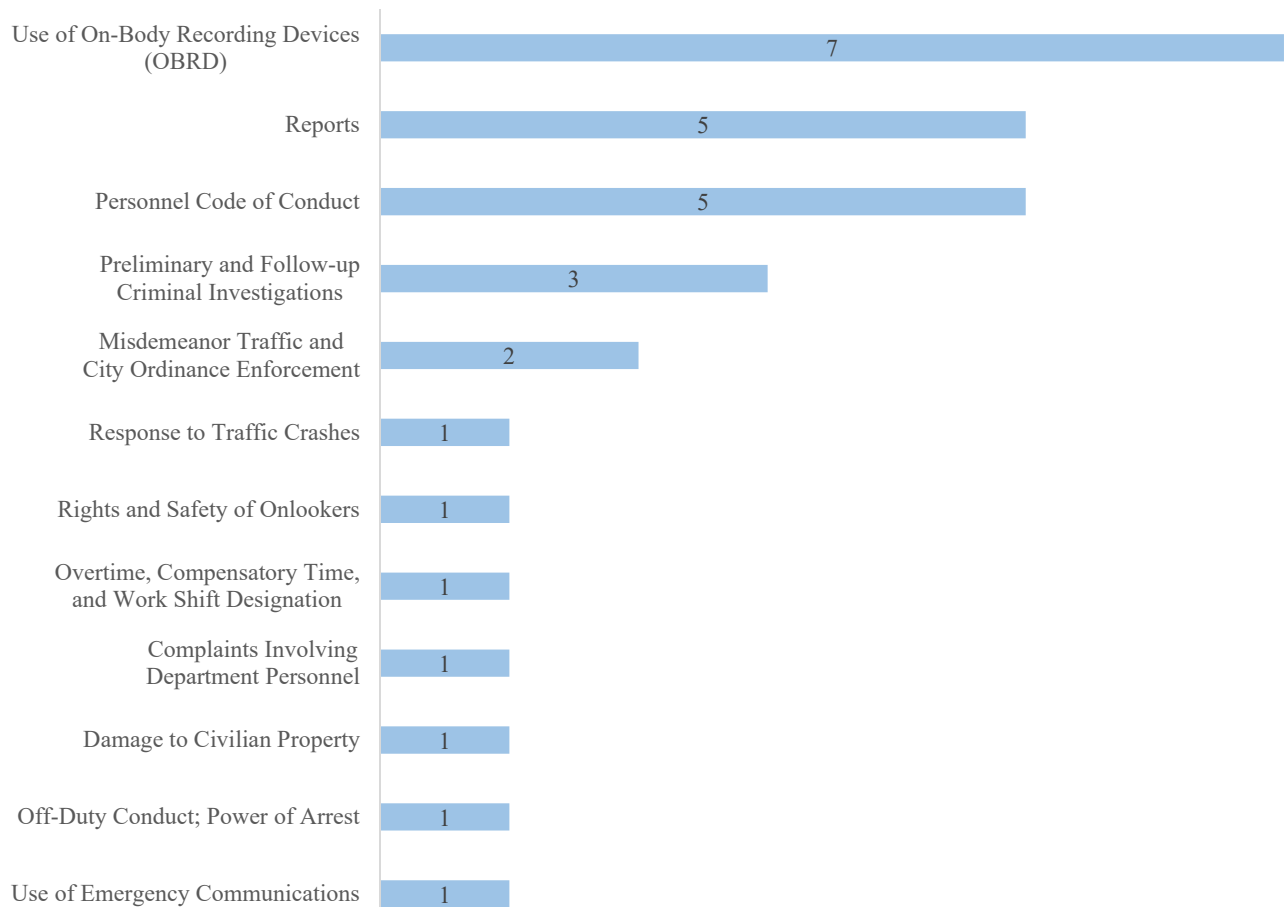
SOP Number & Title	Recommended Findings by Disposition						Total Reviews
	Admin. Closed	Exonerated	Unfounded	Not Sustained	Sustained	Sustained VNBOOC	
1-1 Personnel Code of Conduct	2	29	53	1	5		90
2-60 Preliminary and Follow-up Criminal Investigations		10	7	3	1	2	23
2-8 Use of On-Body Recording Devices (OBRD)		1	8		2	5	16
2-52 Use of Force-General	5		8				13
2-78 Domestic Abuse Investigations		2	9				11
2-16 Reports		1	2	1	3	2	9
2-71 Search and Seizure Without a Warrant		7	1				8
2-40 Misdemeanor Traffic and City Ordinance Enforcement		3			2		5
2-10 Use of Emergency Communications		2	1		1		4
2-73 Collection, Submission, and Disposition of Evidence and Property	1	1	1				3
2-22 Juvenile Delinquency		1	2				3
2-48 Towing Services		3					3
2-42 DWI Investigations and Revoked/Suspended License		1	2				3
2-81 Off-Duty Conduct; Power of Arrest		1			1		2
2-7 Damage to Civilian Property			1			1	2
3-14 Supervisory Leadership		1	1				2
1-4 Bias-Based Policing and/or Profiling			2				2
3-41 Complaints Involving Department Personnel			1			1	2
1-95 Metro Traffic Division			1				1
2-80 Arrests, Arrest Warrants, and Booking Procedures		1					1
2-41 Traffic Stops		1					1
3-20 Overtime, Compensatory Time, and Work Shift Designation					1		1
1-16 Auto Theft Unit		1					1
4-23 Trespass Notifications ⁵			1				1
2-1 Uniforms		1					1
1-78 Police Service Aid Program		1					1
1-62 Internal Affairs Professional Standards (IAPS) Division		1					1
2-33 Rights and Safety of Onlookers					1		1
2-46 Response to Traffic Crashes					1		1
Finding Total	8	69	101	5	18	11	212

Data Source: IA Pro January 1st 2023 – June 30th 2023

⁵ Currently SOP 2-103 Trespass Notifications

The APD SOP with the most sustained violations was SOP 2-8 Use of On-Body Recording Devices (OBRD), representing 24.1% of all sustained recommended findings by the CPOA in the period.

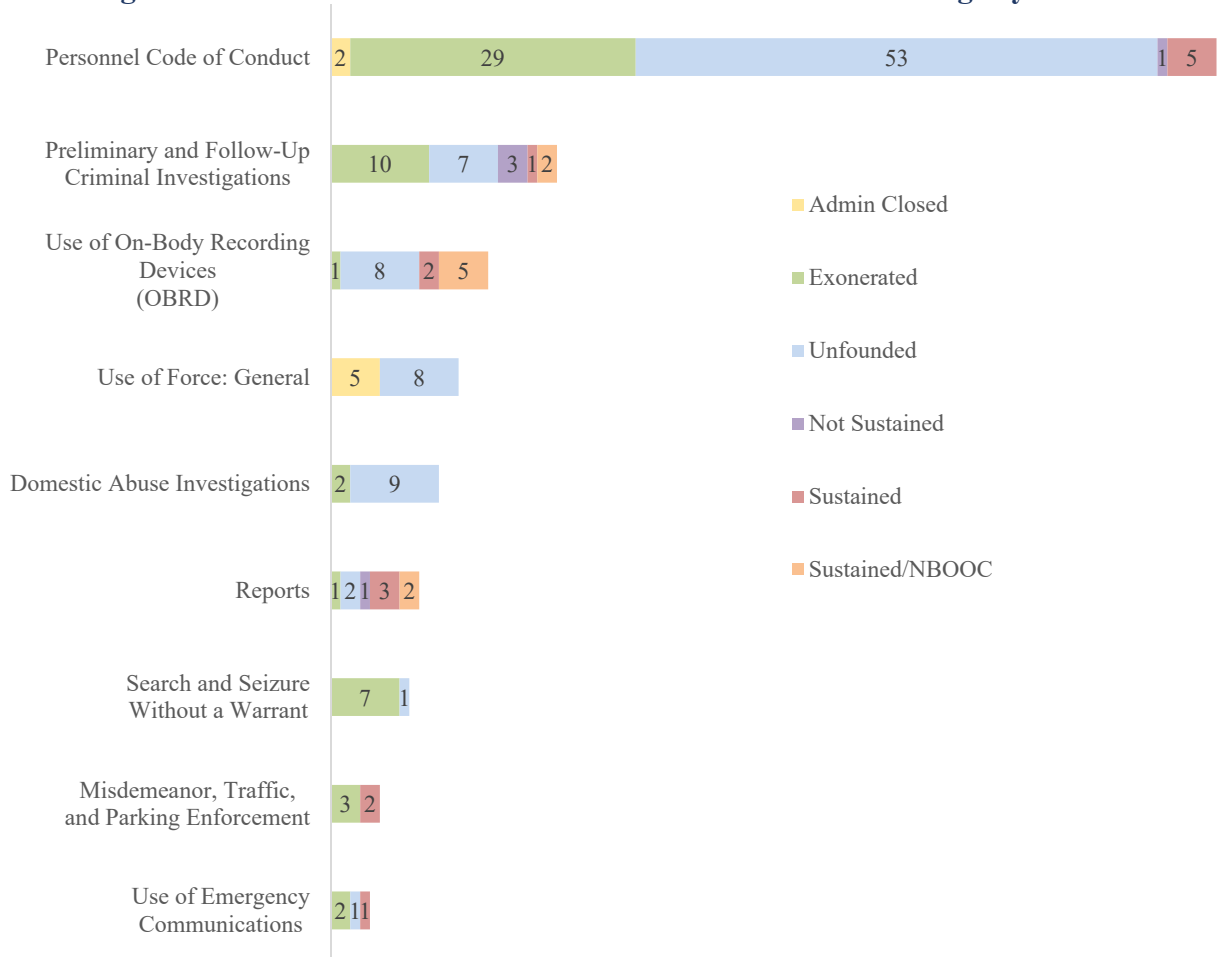
Figure 6.1. SOPs with Sustained or Sustained/NBOOC Recommended Findings by CPOA



Data Source: IA Pro January 1st 2023 – June 30th 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 4 recommended findings.

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



Data Source: IA Pro January 1st 2023 – June 30th 2023

Non-Concurrences with CPOA Findings or Disciplinary Recommendations

In this period, there were 3 instances where APD did not concur with the recommended findings or discipline of the CPOA. 1 non-concurrence pertained only to the recommended discipline, while 2 cases had a disagreement over the finding and discipline.

Table 3. Non-Concurrences

CPC Number	Policy	CPOA Finding	APD Finding	CPOA Rec. Discipline	APD Discipline
<i>CPC2022-000192</i>	1-1-6-C-1	Sustained	Exonerated	Written Reprimand	None
<i>CPC2022-000242</i>	3-41-5-B-1b	Sustained VNBOOC	Unfounded	Written Reprimand	None
<i>CPC2022-000264</i>	2-60-4-A-5- b&f	Sustained	Sustained	Verbal Reprimand	NDCA

CPC2022-000192 – Non-concurrent Findings and Discipline

The CPOA found that an officer violated policy by not adequately investigating an alleged assault – not taking witness statements, issuing a summons, nor writing a report – so that the complainant could obtain a restraining order. APD disagreed, stating that the officer did complete a police report and “made reasonable attempts to contact the alleged offender and witnesses” but was unable to reach any of the parties, making the officer “unable to file the summons correctly.” As a result, the APD exonerated this violation, and no discipline was imposed.

CPC2022-000242 – Non-concurrent Findings and Discipline

The CPOA sustained a violation not based on the original complaint regarding an incident’s reporting. The CPOA found that the officer did not inform the complainant on how to file a complaint against an officer or APD. APD disagreed, stating that a review of the OBRD videos shows that the “citizen never discusses filing a complaint,” making the complaint policy inapplicable. APD also noted that the case was beyond the CBA timelines, so discipline could not be imposed. The final disposition was unfounded, resulting in no discipline.

CPC2022-000264 – Non-concurrent Discipline

The CPOA recommended the presumptive level of discipline for this violation, a Verbal Reprimand, but APD applied the minimum level of correction allowable, a Non-Disciplinary Corrective Action (NDCA). APD reached this conclusion because of APD Special Order 22-100, which allowed some incidents to be documented only in the CAD. They also noted that the officer was “relatively new to the profession,” lacking any prior disciplinary history.

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.⁶

⁶Redacted 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 policy violations in 21 cases. These cases involved 21 APD employees; 1 employee had two violations in two separate cases, and 3 other employees had two violations in a single case.

Each sustained finding results in a 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.

Table 4. Sustained Allegations and Final Discipline by SOP

Finding		SOP Number & Title	Discipline			
Sustained	Sustained VNBOOC		NDCA	Verbal Reprimand	Written Reprimand	Suspension
4		1-1 Personnel Code of Conduct			1	3
	1	2-7 Damage to Civilian Property		1		
2	5	2-8 Use of On-Body Recorded Devices (OBRD)		2	5	
1		2-10 Use of Emergency Communications			1	
3	2	2-16 Reports	1	3	1	
1		2-33 Rights and Safety of Onlookers		1		
2		2-40 Misdemeanor, Traffic, and Parking Enforcement		2		
1		2-46 Response to Traffic Crashes			1	
1	2	2-60 Preliminary and Follow-Up Criminal Investigations	1	2		
1		2-81 Off-Duty Conduct: Power of Arrest		1		
1		3-20 Overtime, Compensatory Time, and Work Shift Designation				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 investigation results may not be used for progressive discipline in any future infraction. The investigated officer(s) will receive the 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 14 proposed disciplinary actions because their evaluation of the investigation timeframe exceeded contractual timelines and 2 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		SOP Number										
		Action Taken Total	Not Issued Total	1-1	2-7	2-8	2-10	2-16	2-33	2-40	2-46	2-60	2-81	3-20
NDCA	2	2	0					1				1		
Verbal Reprimand	12	4	7 (1)*		1	2		2 (1)	1	2		2	1	
Written Reprimand	9	4	5	1		1 4	1	1			1			
Suspension	4	1	2 (1)**	1 (1)										1

Issued discipline is shown in blue, and non-issued discipline is shown in orange.

Any not-issued number in parenthesis represents discipline that could not be issued because the employee left the department before it could be issued. Discipline that could not be issued due to exceeding contractual timelines does not have parenthesis.

*Example 1: 1 Verbal Reprimand, for 2-16, was not issued because the employee left the department before they could be issued. The 7 other Verbal Reprimands were not issued due to contractual timelines.

**Example 2: 1 Suspension, for 1-1, was not issued due to contractual timelines. 2 Suspensions, for 1-1 and 3-20, were not issued due to the employees leaving before discipline could be issued.

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.⁷

⁷ Internal Affairs Reports: <https://www.cabq.gov/police/internal-affairs/internal-affairs-reports>

Section III. Employee and Complainant Demographics

Section § 9-4-1-11-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 *120* APD employees were identified in the *115* completed investigations during this reporting period. Out of the *115* completed investigations, *27* 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 6.1., during the reporting period, most complaints only implicate one APD employee. Further, most employees were implicated in a single complaint while 9 APD employees were implicated in more than one complaint, as represented in Table 6.2.

Table 6.1. Number of Complaints Associated with Multiple Employees

Number of Complaints	Number of Employees Involved
88	1
19	2
5	3
2	5
1	6

Data Source: IA Pro January 1st 2023 – June 30th 2023

Table 6.2. Number of Employees Associated with Multiple Complaints

Number of Employees	Times Involved
111	1
8	2
1	3

Data Source: IA Pro January 1st 2023 – June 30th 2023

Employee Demographics

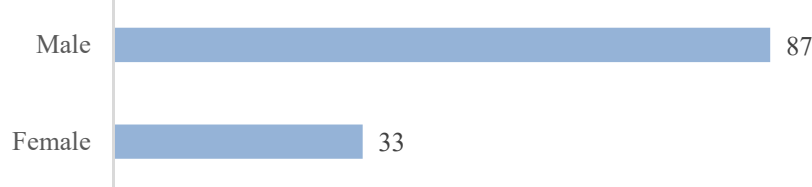
As of June 30th, 2023, APD reported 876 sworn employees. This is a slight increase of 7 employees from the 869 sworn employees reported as of December 31st, 2022.

Employee Gender, Race and Ethnicity in Completed Complaints

As seen in Figures 7.1 – 7.3, for APD employees implicated in a complaint:

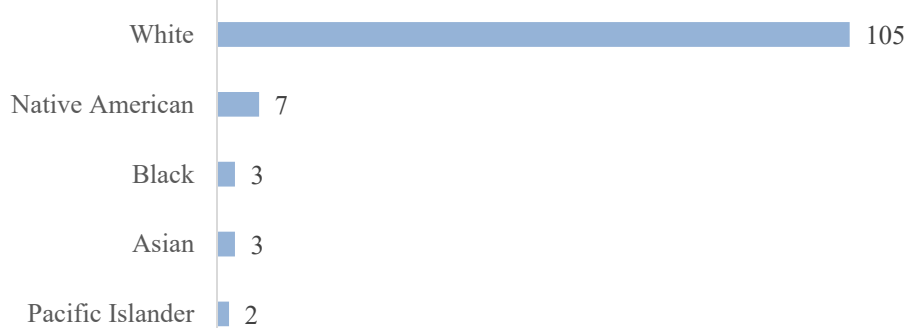
- 72.5% identify as male,
- 87.5% identify as White,
- 47.5% identify as Hispanic

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



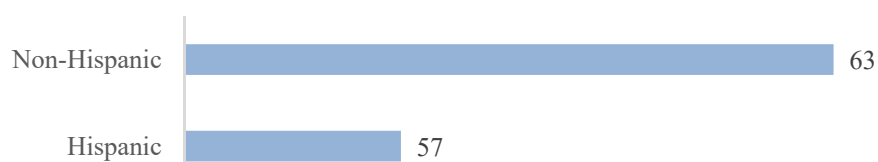
Data Source: IA Pro January 1st 2023 – June 30th 2023

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



Data Source: IA Pro January 1st 2023 – June 30th 2023

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

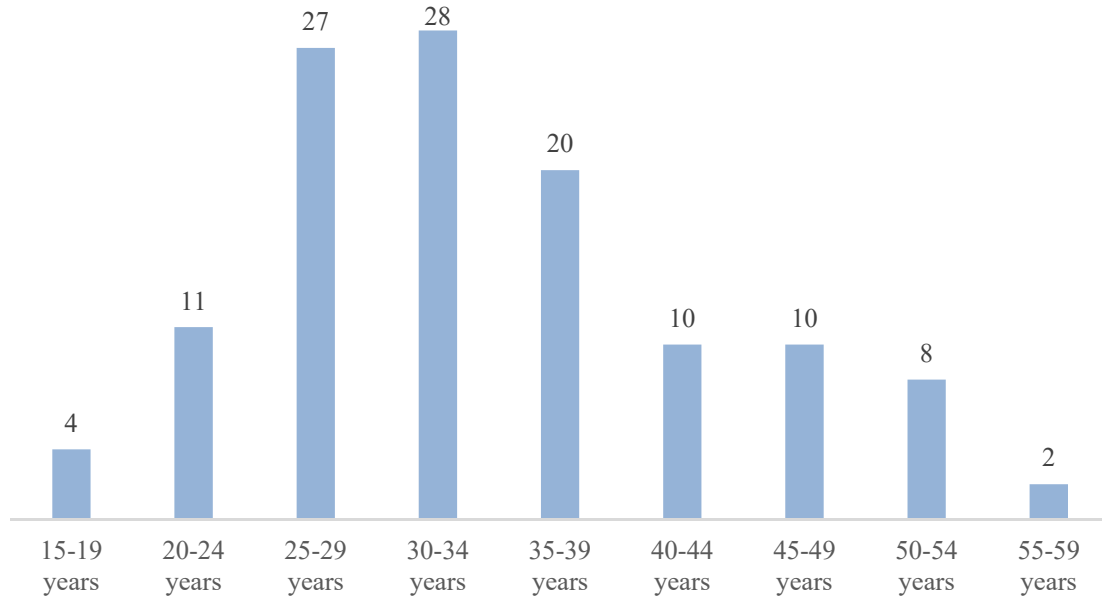


Data Source: IA Pro January 1st 2023 – June 30th 2023

Employee Median Age

Many employees cited in a complaint fall in the 30-34 age range (23.3%), followed by the 25-29 age range (22.5%). During this reporting period, the youngest APD employees identified in a closed CPOA investigation were 19 years old, and the oldest employee was 58 years old when the incident occurred.

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

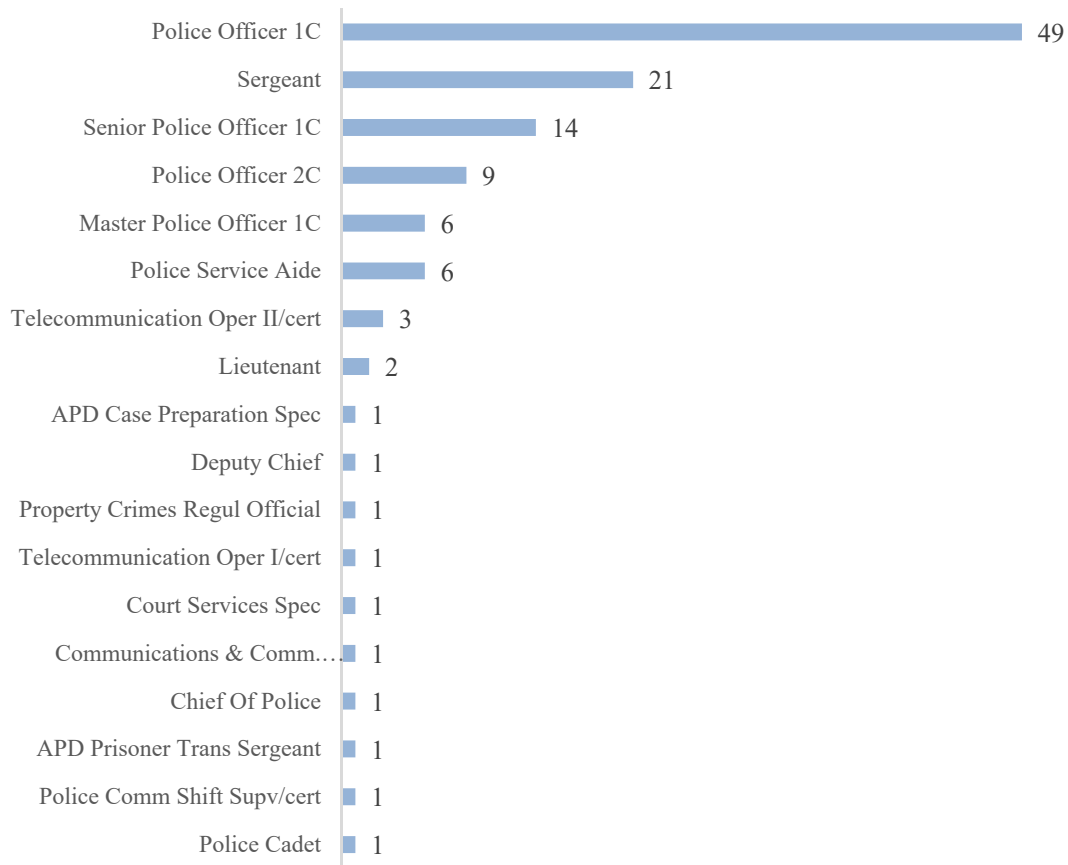


Data Source: IA Pro January 1st 2023 – June 30th 2023

Employee Rank

Among the 120 employees identified in complaints completed during the reporting period, the largest number of employees were Police Officer 1st class (40.8%), followed by Sergeant (19.2%) at the time of the incident.

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

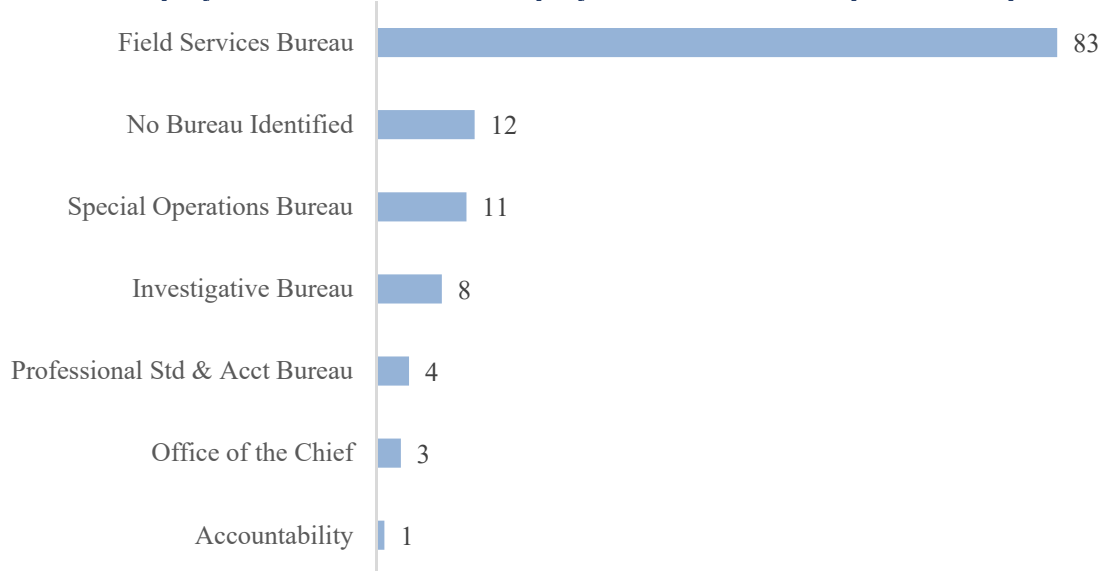


Data Source: IA Pro January 1st 2023 – June 30th 2023

Employee’s Assigned Bureau

The majority of the complaints identified employees from the Field Services Bureau. 12 employees did not have information regarding their assigned bureau in the IA database. 2 employees, each involved in two separate complaints, were assigned to the Field Services Bureau in one instance and the Special Operations Bureau in another.

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

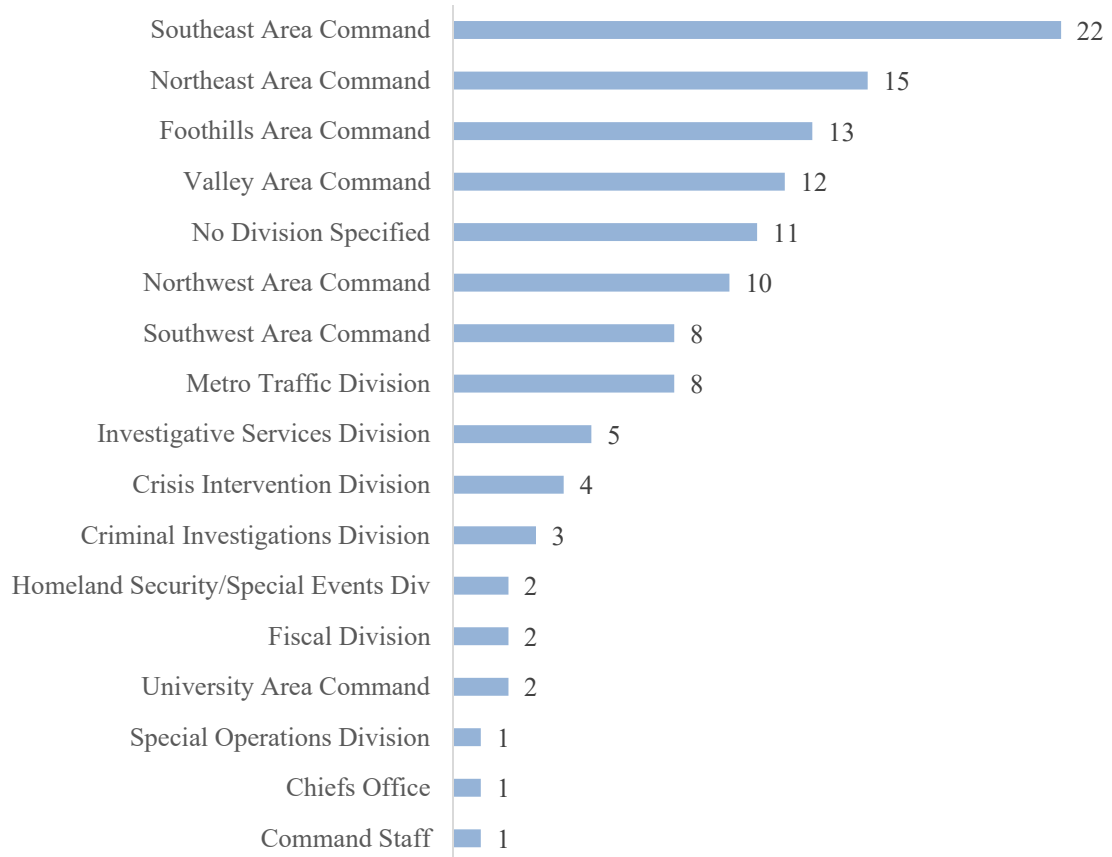


Data Source: IA Pro January 1st 2023 – June 30th 2023

Employee Assigned Division

Most employees implicated in completed complaints were assigned to the Southeast and Northeast APD Area Commands.

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



Data Source: IA Pro January 1st 2023 – June 30th 2023

Demographics of Employees Cited in Sustained Complaints

After evaluating the CPOA's investigation and recommendation, the APD identified 21 cases involving 27 sustained or sustained VNBOOC findings for specific policy violations.

Demographics of the 21 implicated employees are presented below. Although the number of implicated employees matches the number of cases with sustained violations (21), it should be noted that 1 employee was involved in two separate complaints with sustained violations, while 1 complaint implicated 2 employees with separate sustained violations.

Gender of Employees Cited in Sustained Complaints

The majority of employees cited in a sustained complaint identify as male (81.0%).

Figure 8.1. Gender of Employees Cited in Sustained Complaints



Data Source: IA Pro January 1st 2023 – June 30th 2023

Race of Employees Cited in Sustained Complaints

Almost all of the employees cited in a sustained complaint identified as White (95.2%).

Figure 8.2. Race of Employees Cited in Sustained Complaints



Data Source: IA Pro January 1st 2023 – June 30th 2023

Ethnicity of Employees Cited in Sustained Complaints

Over half of the employees cited in a sustained complaint identified as Hispanic (61.9%).

Figure 8.3. Ethnicity of Employees Cited in Sustained Complaints

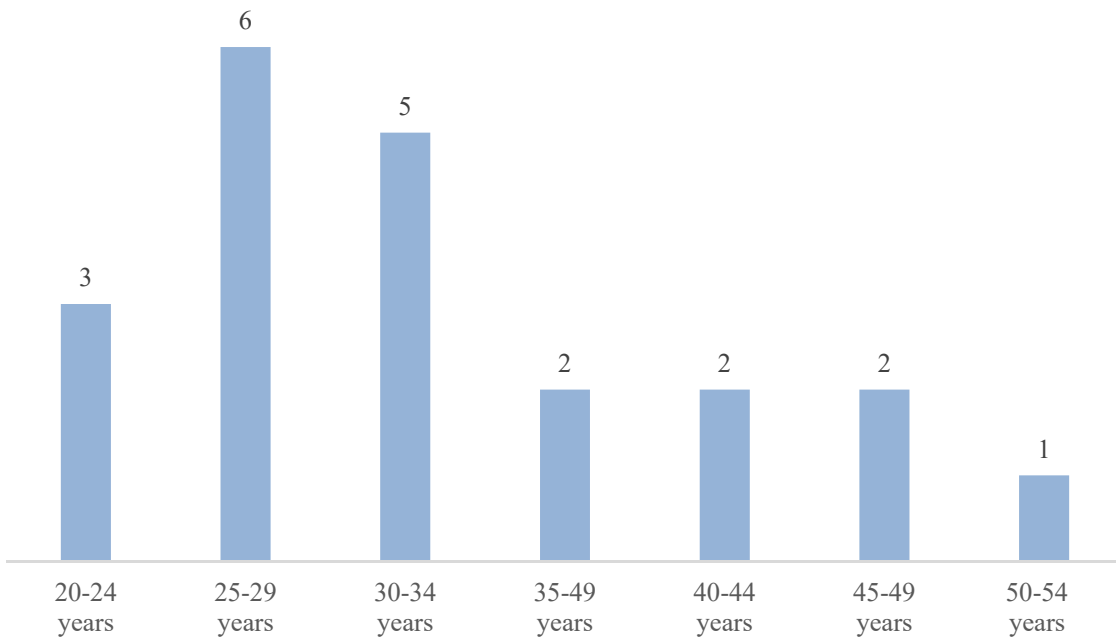


Data Source: IA Pro January 1st 2023 – June 30th 2023

Age of Employees Cited in Sustained Complaints

The majority of employees cited in a sustained complaint fall in the 25-29 or 30-34 age range (52.4% combined) The youngest APD employee identified in a sustained finding during this reporting period was 20 years old, and the oldest employee was 50 years old at the time when the incident occurred.

Figure 8.4. Age of Employees Cited in Sustained Complaints

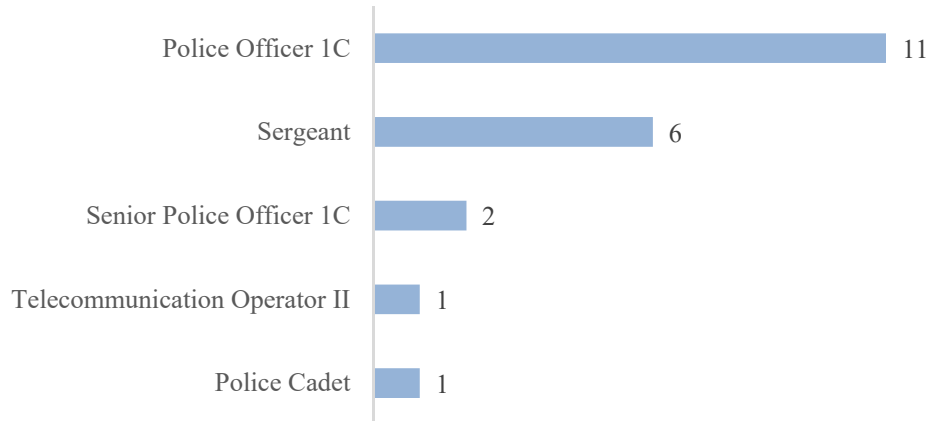


Data Source: IA Pro January 1st 2023 – June 30th 2023

Rank of Employees Cited in Sustained Complaints

Just Over half of employees cited in a sustained complaint were Police Officer 1st Class (52.4%).

Figure 8.5. Rank of Employees Cited in Sustained Complaints

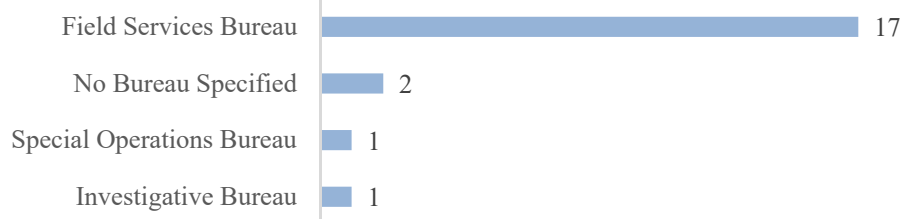


Data Source: IA Pro January 1st 2023 – June 30th 2023

Assigned Bureau of Employees Cited in Sustained Complaints

The majority of the sustained complaints cited employees from the Field Services Bureau (81.0%). 2 employees did not have information regarding their assigned bureau at the time of the incident in the IA database.

Figure 8.6. Bureau of Employees Cited in Sustained Complaints

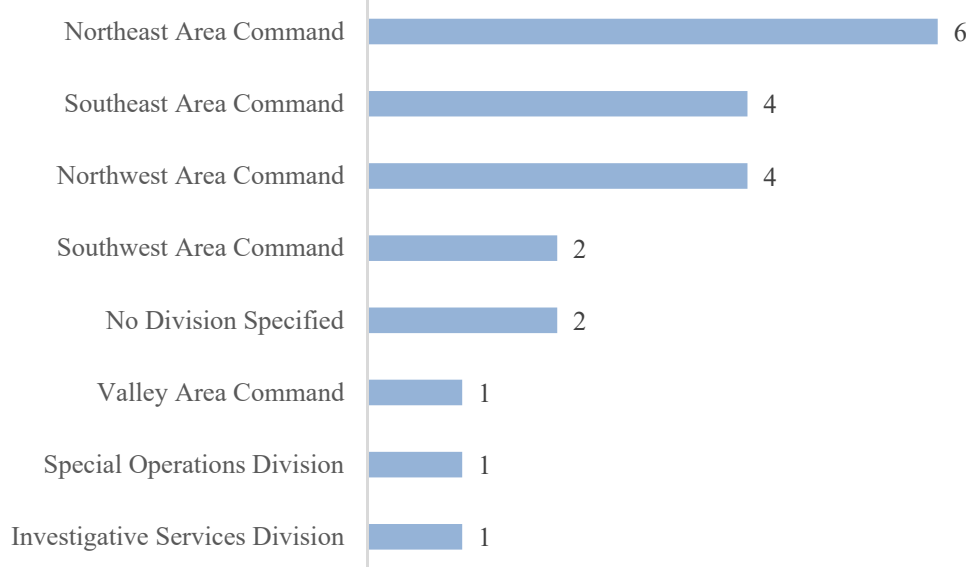


Data Source: IA Pro January 1st 2023 – June 30th 2023

Division of Employees Cited in Sustained Complaints

Most employees cited in sustained complaints (28.6%) were assigned to the Northwest Area Command. 2 employees did not have information regarding their assigned bureau at the time of the incident in the IA database.

Figure 8.7. Division of Employees Cited in Sustained Complaints



Data Source: IA Pro January 1st 2023 – June 30th 2023

Complainant Demographics

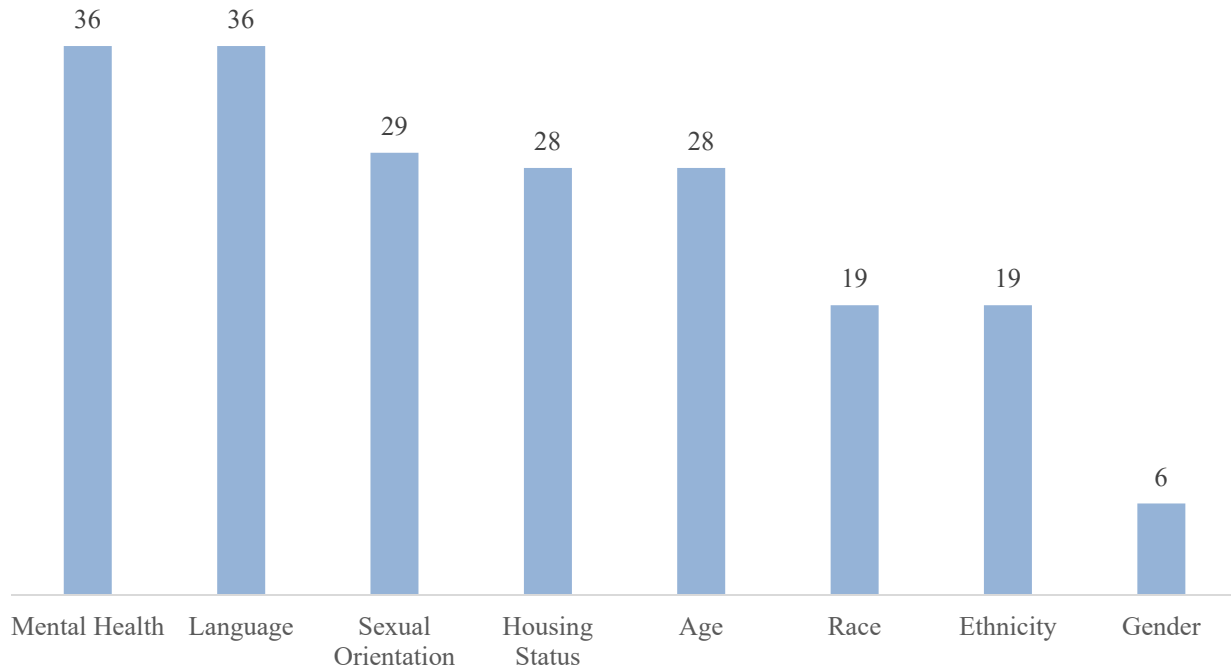
As required by the CASA, the data in this section provides information on complainants' self-reported gender, race, ethnicity, sexual orientation, mental health status, age, housing status, and primary language, which originates from the 'Optional Demographic Section' of the complaint form. Collecting 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



Data Source: IA Pro January 1st 2023 – June 30th 2023

For the reporting period, the CPOA completed 115 CPC investigations on behalf of 112 identifiable complainants and 11 anonymous complainants. There were 4 complaints with 2 named complainants, 1 complaint with 4 named complainants, and 1 complaint with 4 named complainants and 2 anonymous complainants (6 total complainants). Additionally, 1 named complainant filed 2 separate complaints, and 1 named complainant 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.

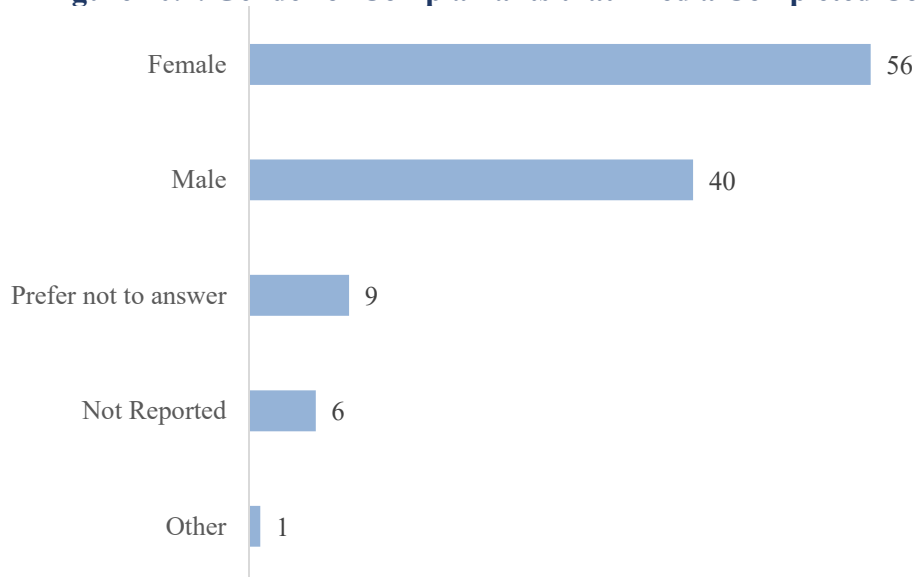
Table 7. Demographic Information in Anonymous Complaints

Race	Ethnicity	Age	Gender	Sexual Orientation	Homeless at Time of Incident	Mental Health Issue
7 Not Reported	9 Not Reported	10 Not Reported	4 Not Reported	5 Not Reported	8 Not Reported	9 Not Reported
2 White	1 Non-Hispanic	1 Age - 17	3 Male	2 Heterosexual	3 No	2 No
1 Black	1 Prefer Not to Answer		1 Female	1 Bisexual		
1 Prefer Not to Answer			1 Prefer Not to Answer	3 Prefer Not to Answer		

Complainant Gender

Of the total 112 complainants, half of the complainants (50.0%) identified as female.

Figure 10.1. Gender of Complainants that Filed a Completed Complaint

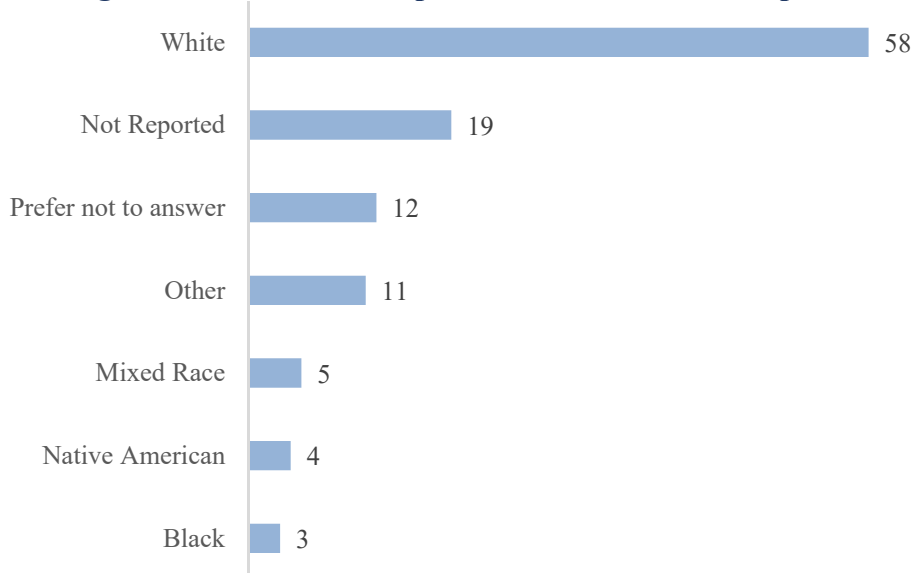


Data Source: IA Pro January 1st 2023 – June 30th 2023

Complainant Race & Ethnicity

The majority of the 112 identifiable complainants identify as White (51.8%).

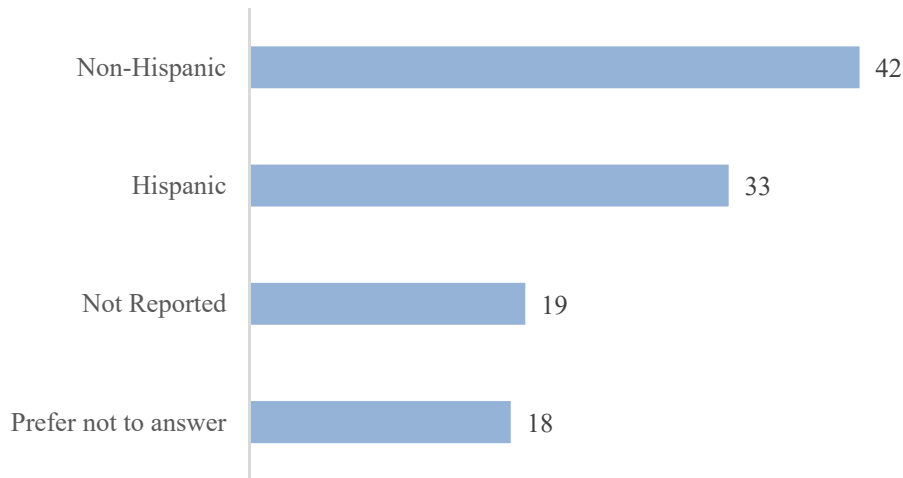
Figure 10.2. Race of Complainants that Filed a Completed Complaint



Data Source: IA Pro January 1st 2023 – June 30th 2023

Nearly one-third of identifiable complainants identify as Hispanic (29.5%).

Figure 10.3. Ethnicity of Complainants that Filed a Completed Complaint

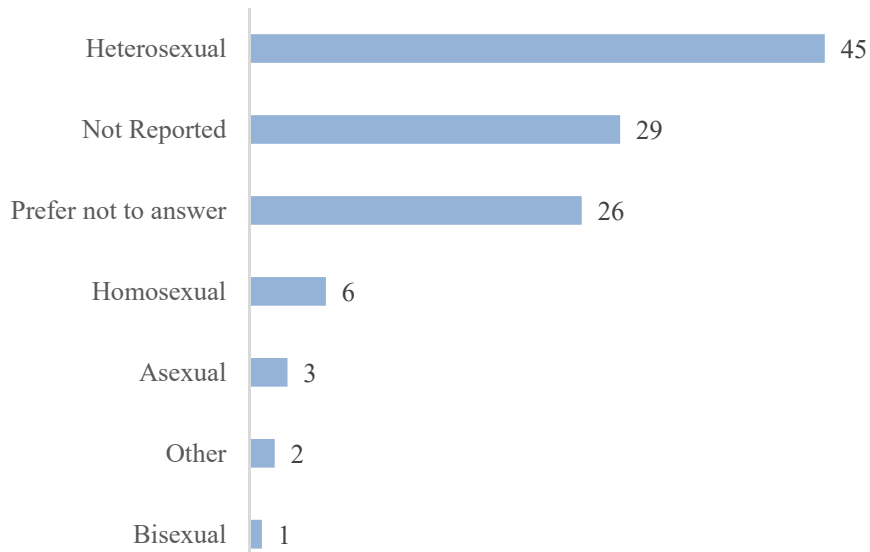


Data Source: IA Pro January 1st 2023 – June 30th 2023

Complainant Sexual Orientation

For the complaint investigations completed during this period, 45 (40.2%) of the complainants identified as heterosexual, while 55 (49.1%) of the complainants did not provide information regarding their sexual orientation (29 did not report, 26 preferred not to answer).

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



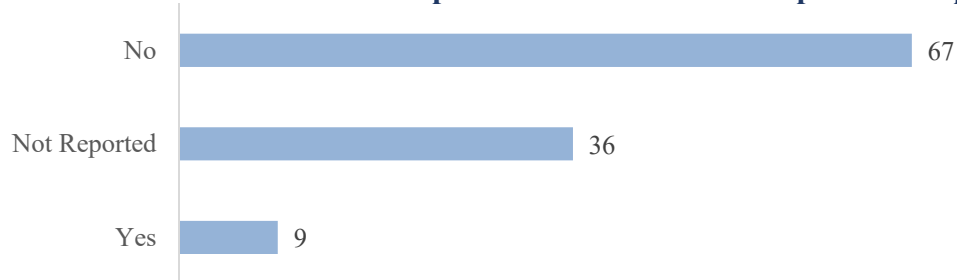
Data Source: IA Pro January 1st 2023 – June 30th 2023

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.*” 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. 8.0% of complainants stated they had experienced mental health issues, while the majority (59.8%) reported not having experienced mental health issues. 32.1% of complainants did not answer this question on the form.

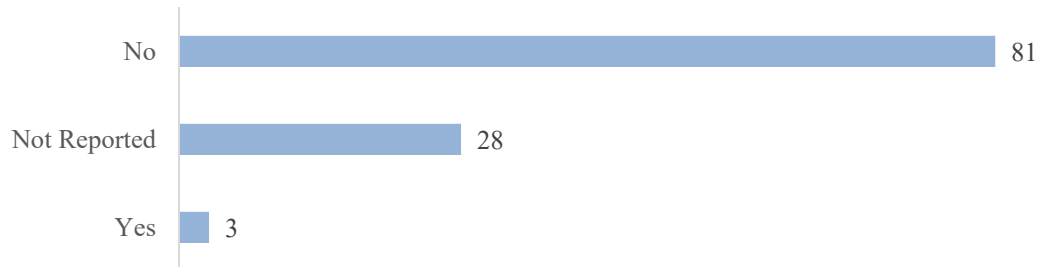
Figure 10.5. Mental Health Status of Complainants that Filed a Completed Complaint



Data Source: IA Pro January 1st 2023 – June 30th 2023

The majority of complainants (72.3%) stated they were not unhoused at the time of the incident. 3 complainants (2.7%) stated they were unhoused when the incident occurred. Again, a large number of complainants (25.0%) 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

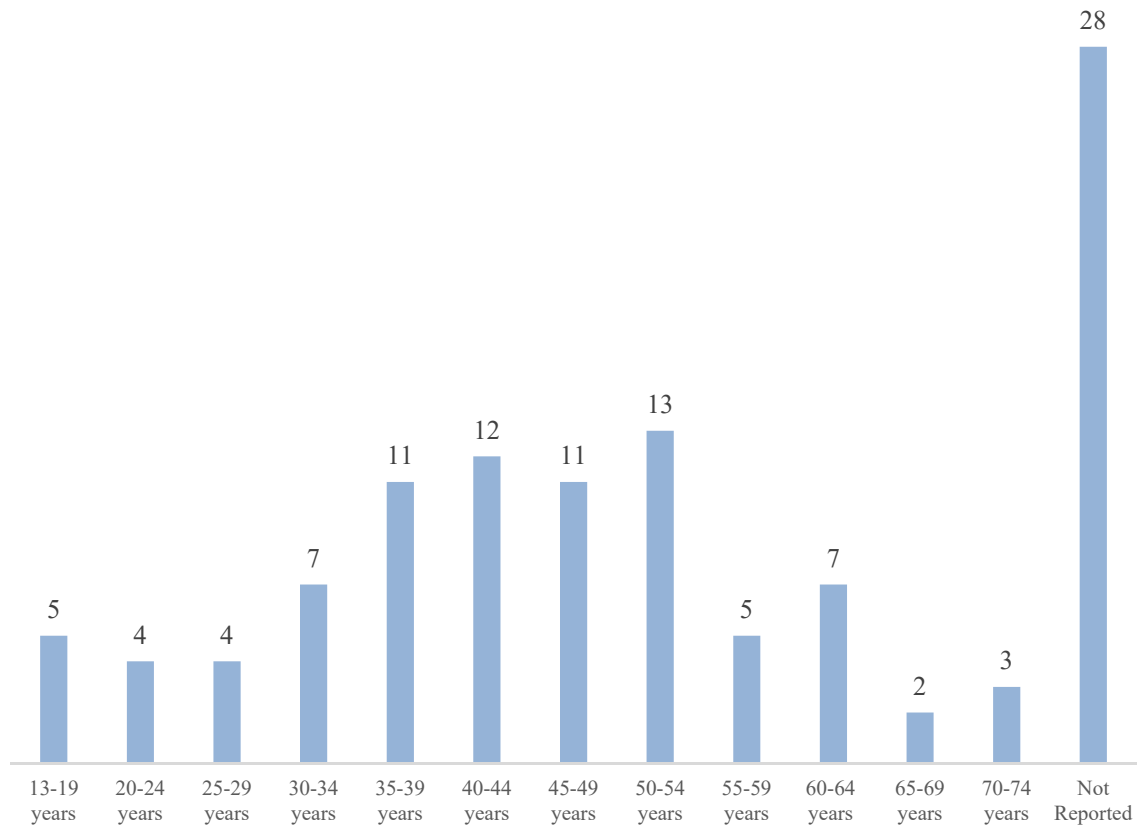


Data Source: IA Pro January 1st 2023 – June 30th 2023

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 50-54 age range. The youngest complainant was 13 years old, while the oldest was 74 years old.

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



Data Source: IA Pro January 1st 2023 – June 30th 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 Force Review Board (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 interaction raised equipment, policy, supervisory, tactical, or training concerns that require remediation. The FRB also documents any successes observed during each review. The CPOA/CPOAB then reviews select redacted materials to comply with the CBA that were presented at the FRB and a full case file, when requested, for a case, typically an officer-involved shooting. 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:

1. **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.
2. **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.
3. **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 first half of 2023, APD used force in 251 cases, which included a total of 268 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.⁸

According to the IA database, which records all force interactions and tracks the status of all IAFD investigations, there were 268 UOF interactions during the reporting period, 229 Level 1 and Level 2 interactions, and 39 Level 3 interactions.⁹

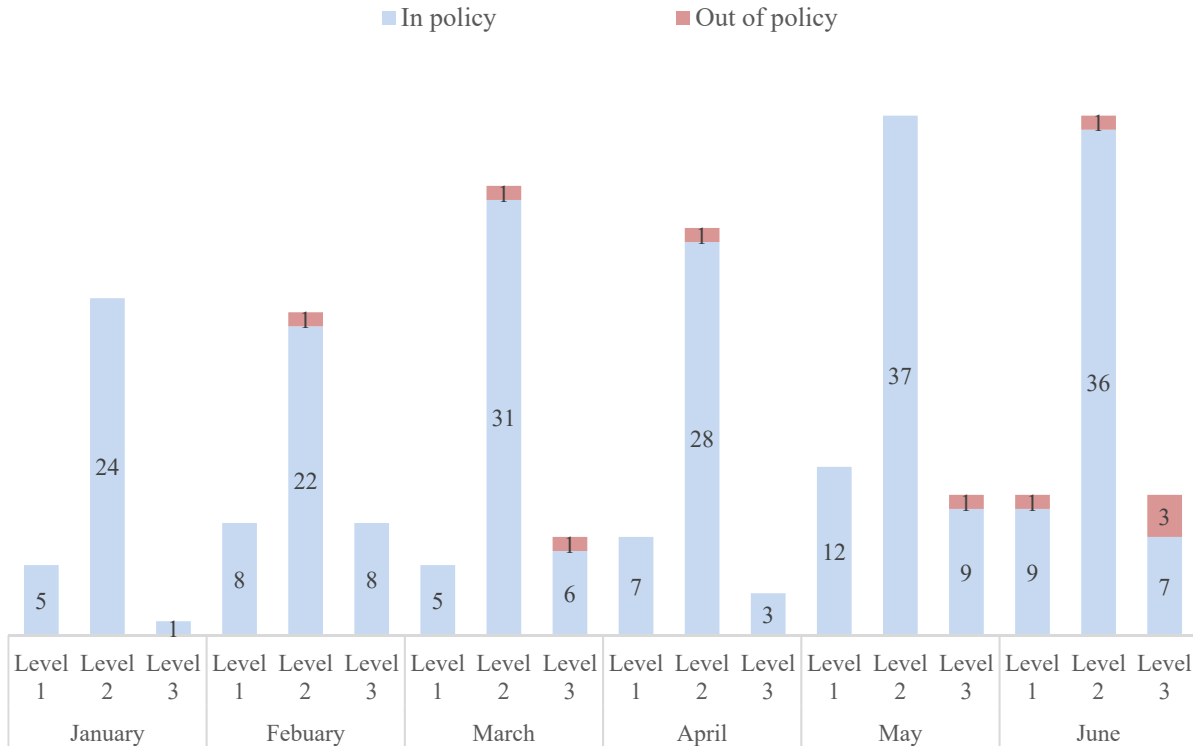
⁸ APD Use of Force Report 2023: https://www.cabq.gov/police/documents/apd-2023-annual-use-of-force-report_final.pdf

⁹ 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 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

The months with the most UOF interactions in this period were May (59 interactions) and June (57 interactions) of 2023 (116 interactions combined, 43.3% of the total 268 UOF interactions). These months also had the highest counts of Level 2 and Level 3 interactions, with 40.7% of Level 2 interactions and 51.3% of Level 3 interactions occurring in May or June of 2023.

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

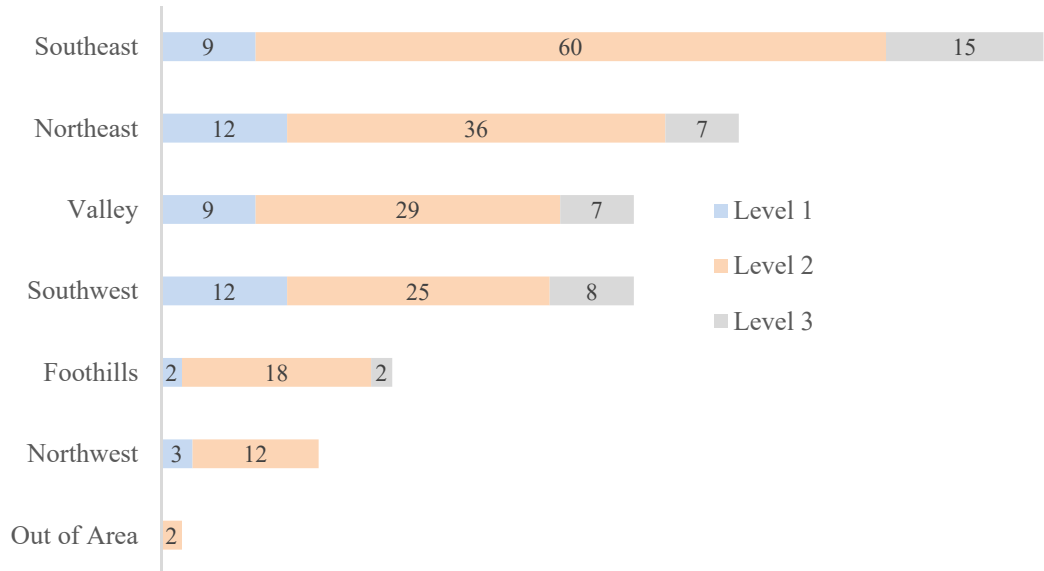


Data Source: IA Pro January 1st 2023 – June 30th 2023

Level of Force Used by Area Commands/Location of Occurrence

The Southeast Area Command had the most UOF interactions in this period, with 84, accounting for 31.3% of all UOF interactions in the period. It also had the most Level 2 and Level 3 interactions, accounting for 33.0% of all Level 2 interactions and 38.5% of all Level 3 interactions in the period.

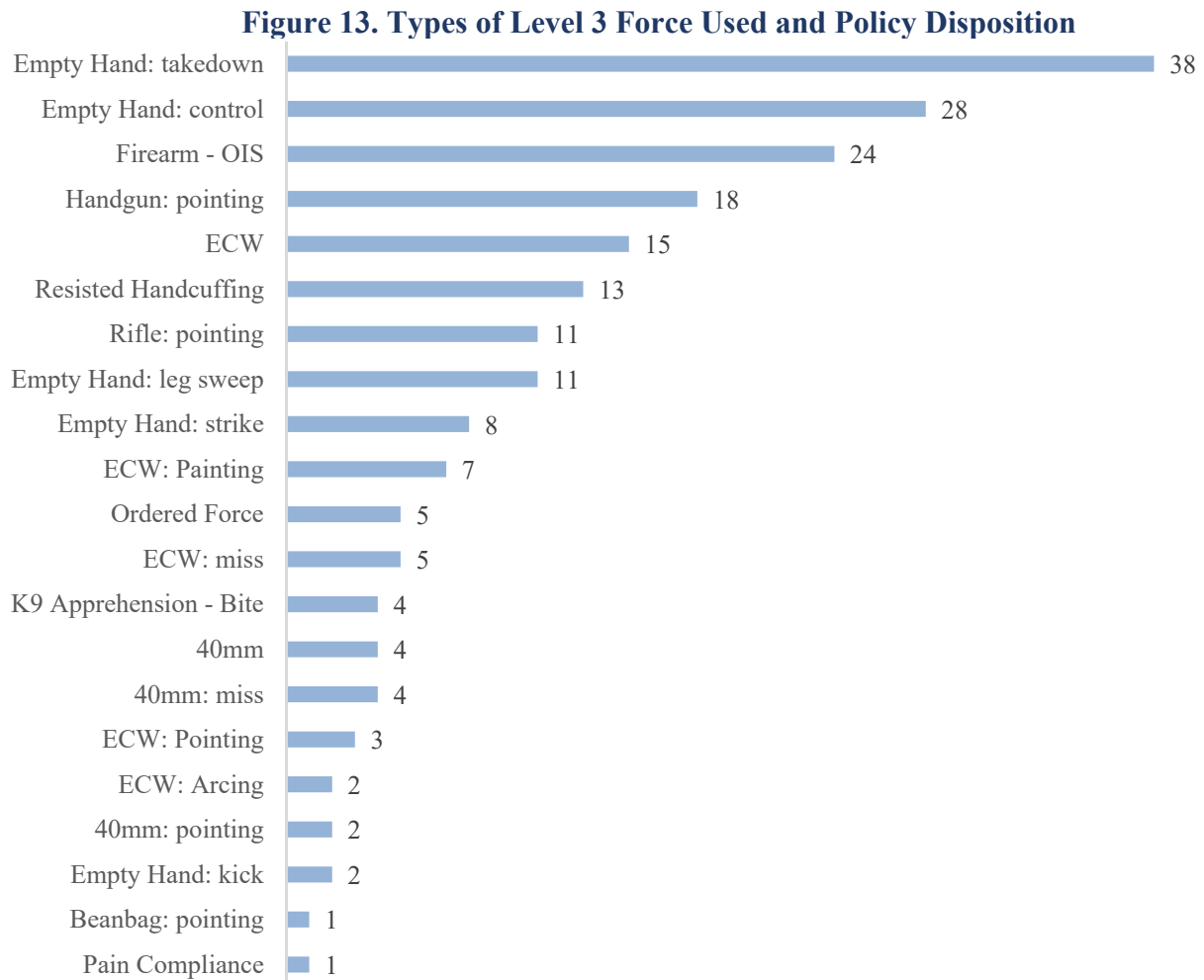
Figure 12. Force Interactions by Level and APD Area Commands/Location of Occurrence



Data Source: IA Pro January 1st 2023 – June 30th 2023

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

The total counts of the types of force used in the 39 Level 3 interactions during the period are presented below. Please note that multiple types of force techniques, 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, “Empty Hand: control” was used twice in a single interaction, with one use being Level 1 and the other being Level 3. Both uses of force are presented below because the lesser interaction was also involved in an interaction with a Level 3 application of force.



Data Source: IA Pro January 1st 2023 – June 30th 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 January 1st, 2023, and June 30th, 2023. APD conducted reviews of all OIS cases between January and June 2023, and the report can be found on the [City's website](#).¹⁰

Table 8. OIS Incidents January - June 2023

Date of Occurrence	Was the Incident Fatal	Was the Individual Armed	Call Type	IAFD Investigation Status
03/29/2023	No	Yes – gun	Family Dispute	In Policy
05/10/2023	No	Yes – gun	Shots Fired	In Policy
05/16/2023	No	Yes – gun	Shooting	In Policy
05/19/2023	Yes	Yes – spear	Suicide	In Policy
06/16/2023	No	Yes – gun	Shooting	In Policy
06/24/2023	Yes	Yes – gun, knives	Suspicious Person/vehicle	In Policy
06/29/2023	Yes	Yes - Knife	Stabbing	Out of Policy

Data Source: APD Use of Force Report 2023

¹⁰ APD January-June OIS Review: https://www.cabq.gov/police/documents/2023-1st-6-months-ois-review-report_final.pdf

Section V. Public Outreach

Given the legislative action to the Ordinance, 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 57 events during the reporting period. Notably, the CPCs spearheaded the following select public outreach activities during this reporting period:

- Hosted Coffee with a Cop community meeting in January 2023
- Hosted a youth CPC meeting in February 2023
- Met with Bridges of Life regarding CPC guidelines in February 2023
- Met with Mayor Tim Keller, District Attorney Sam Bregman, City Councilor Tammy Fiebelkorn, and the Gun Violence Task Force in March 2023
- Discussed crime mapping with Chief Harold Medina in March 2023
- Presented at the Dismas Charities Business Mixer in March 2023
- Attended the community engagement public planning meeting in April 2023
- Engaged in a Block Party planning meeting in April 2023 and May 2023
- Participated in the Albuquerque Block Captains annual meeting April 2023
- Presented to the Citizen's Police Academy in May 2023
- Hosted the CPC Summer Kickoff dinner in June 2023

Section VI. CPOA/CPOAB Policy Activities, Policy Recommendations provided to APD, and CPOAB Appointments

The CPOAB/CPOA is 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 its 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 its 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, resulting 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 1-3: Grooming Standards	27	SOP 2-11: Use of Tire Deflation Devices
2	SOP 1-84: Records Division	28	SOP 1-37: Crisis Intercession Division and Program
3	SOP 1-83: Real Time Crime Center (RTCC)	29	SOP 2-6: Use of Emergency Warning Equipment
4	SOP 2-111: Records Division Units	30	SOP 2-19: Response to Behavioral Health
5	SOP 2-24: Hazardous Materials Incident Response	31	SOP 2-49: Vehicle Identification Number (VIN) Inspections
6	SOP 2-81: Off-Duty Conduct; Power of Arrest	32	SOP 2-79: Law Enforcement Assisted Diversion (LEAD) Program
7	SOP 2-99: Naloxone Policy	33	SOP 2-88: Bait Car Program
8	SOP 1-93: Telephone Reporting Unit (TRU)	34	SOP 1-4: Bias-Based Policing and/or Profiling
9	SOP 1-95: Metro Traffic Division (Formerly Traffic Division)	35	SOP 1-25: Chaplain Unit
10	SOP 2-16: Reports	36	SOP 1-28: Downtown Unit
11	SOP 2-22: Juvenile Delinquency	37	SOP 1-34: Crime Prevention Unit (CPU)
12	SOP 2-45: Pursuit by Motor Vehicle	38	SOP 2-44: Traffic and Roadway
13	SOP 2-90: Background Investigations	39	SOP 2-93: Child Abduction and Missing Child Investigations
14	SOP 3-42: Criminal Investigations of Department Personnel	40	SOP 1-71: Operations Review Section
15	SOP 1-42: Bomb Squad	41	SOP 2-20: Hostage Situations, Barricaded Individuals, and Tactical Threat Assessments
16	SOP 1-85: Recruiting Unit	42	SOP 3-11: Command Staff Responsibilities
17	SOP 1-39: DWI Unit	43	SOP 3-17: Duty Assignment and Transfers
18	SOP 1-62: Internal Affairs Professional Standards Division	44	SOP 3-24: In the Line-of-Duty Death Notifications and Benefits
19	SOP 2-29: Child Exploitation Detail	45	SOP 3-53: Self-Assessments
20	SOP 2-39: Field Services Bureau Responses Demonstrations, Incidents, and Events	46	SOP 1-72: Organized Crime Unit
21	SOP 2-92: Crimes Against Children Investigations	47	SOP 1-78: Police Service Aid (PSA) Program
22	SOP 3-47: Acceptance of Disciplinary Action and Right to Appeal	48	SOP 2-35: Emergency Response Program (ERT)
23	SOP 1-64: K-9 Unit	49	SOP 2-96: Clandestine Drug Laboratory and Indoor Marijuana Grow Site Investigations
24	SOP 2-23: Use of K-9 Unit	50	SOP 3-14: Supervision
25	SOP 2-8: Use of On-Body Recording Devices	51	SOP 3-20: Overtime, Compensatory Time, and Work Shift Designation
26	SOP 1-60: Interagency Task Force Operations	52	SOP 3-4: Relief of Duty

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 3-41: Complaints Involving Department Personnel	35	SOP 2-28: Flood Control Channel Action Plan
2	SOP 3-7: Remote Work	36	SOP 2-24: Hazardous Material Incident Response
3	SOP 2-50: Crash Review Board	37	SOP 2-81: Off-Duty Conduct; Power of Arrest
4	SOP 2-21: Apparent Natural Death	38	SOP 2-70: Execution of Search Warrants
5	SOP 2-24: Use of Respirators	39	SOP 2-84: Body Cavity Searches
6	SOP 2-72: Procedures for Serious Crimes	40	SOP 2-111: Records Division Unit
7	SOP 1-31: Court Services	41	SOP 3-29: Issuance and Usage of Area Command Equipment
8	SOP 3-41: Complaints Involving Department Personnel	42	SOP 2-16: Reports
9	SOP 3-46: Discipline System	43	SOP 2-45: Pursuit by Motor Vehicle
10	SOP 2-113: Custom Notification Buy-Back (CNFBB) Program	44	SOP 3-42: Criminal Investigation of Department Personnel
11	SOP 2-68: Interviews and Interrogations	45	SOP 2-98: Gunshot Detection Procedure
12	SOP 2-67: Lineups and Field Identifications	46	SOP 2-99: Naloxone Policy
13	SOP 2-10: Use of Emergency Communications	47	SOP 3-31: Physical Fitness Assessment
14	SOP 1-81: Proactive Response Team (PRT)	48	SOP 1-42: Bomb Squad
15	SOP 1-57: Identification Disposition Unit	49	SOP 1-62: Internal Affairs Professional Standards Division
16	SOP 1-2: Social Media	50	SOP 1-5: Harassment/Sexual Harassment in the Workplace
17	SOP 1-5: Harassment or Sexual Harassment in the Workplace	51	SOP 1-39: DWI Unit
18	SOP 1-12: Volunteer and Internship Program	52	SOP 1-95: Metro Traffic Division
19	SOP 2-9: Use of Computer Systems	53	SOP 2-16: Reports
20	SOP 2-68: Interviews and Interrogations	54	SOP 2-90: Background Investigations
21	SOP 1-75: Grant Administration Division	55	SOP 2-101: Department-Vehicle Grappler Device
22	SOP 2-5: Department Vehicles	56	SOP 1-12: Volunteer and Internship Programs
23	SOP 2-36: Police-News Media Relations and Release of Police Identification	57	SOP 1-22: Automated License Plate Reader
24	SOP 2-86: Auto Theft and Motor Vehicle Theft Related Investigations	58	SOP 1-36: Department Wellness Program
25	SOP 2-101: Department Vehicle Grappler	59	SOP 2-70: Execution of Search Warrants
26	SOP 2-110: Facial Recognition	60	SOP 2-86: Auto Theft and Motor Vehicle Theft Related Investigations
27	SOP 3-23: Retirement Observances	61	SOP 2-29: Child Exploitation Detail (CED)
28	SOP 1-83: Real Time Crime Center (RTCC)	62	SOP 2-39: Field Services Bureau Response to Demonstrations, Incidents, and Events
29	SOP 1-84: Records Division	63	SOP 1-2: Social Media
30	SOP 2-30: Emergency Command Post	64	SOP 1-3: Grooming Standards
31	SOP 1-35: Crime Scene Specialists Unit	65	1-64: K-9 Unit
32	SOP 2-72: Procedures for Serious Crimes Call Outs	66	2-23: Use of K-9 Unit
33	SOP 1-21: Bicycle Patrol	67	SOP 2-68: Interviews and Interrogations
34	SOP 1-93: Telephone Reporting		

Policy Recommendations Provided to APD

During this reporting period, the CPOA and CPCs made *16* formal policy recommendations for *12* APD policies. These recommendations are as follows:

- SOP 1-4: Bias-Based Policing and/or Profiling
 - Add SOP 2-19: Response to Behavioral Health Issues as a reference
- SOP 1-28: Downtown Unit
 - Update the community-oriented policing definition to be more inclusive
 - Change DTU area boundaries
 - Add language that encourages APD personnel to utilize Albuquerque Community Safety (ACS) when appropriate
- SOP 1-66: Missing Persons Unit
 - Provide guidance to personnel on how to handle recovered missing (or runaway) minors
- SOP 2-5: Department Vehicles
 - Update language to account for 311 bumper stickers on newer vehicles
- SOP 2-8: Use of On-Body Recording Devices (OBRD)
 - Require personnel to record returned calls with civilians
- SOP 2-21: Apparent Natural Death and Suicide of an Adult
 - Require additional documentation for personnel who are called out on a welfare check and discover a deceased individual
 - Assign responsibility to personnel for securing personal property
 - Address sensitivity shields within the policy (e.g., privacy screens)
- SOP 2-30: Emergency Command Post
 - Add clarifying language on who provides maintenance
- SOP 2-41: Traffic Stops
 - Add more specific information on what sworn personnel provide civilians when making initial contact during a traffic stop
- SOP 2-44: Traffic and Roadway Services
 - Include language that specifies the civilian is responsible for locksmith charges
- SOP 2-60: Preliminary and Follow-Up Criminal Investigations

- Provide clearer guidance regarding contacting and interviewing involved individuals
- SOP 2-68: Interviews and Interrogations
 - Include all forms of interviews and interrogations, including non-custodial
- SOP 2-93: Child Abduction/Missing Child Investigations
 - Include a definition of a child

CPOAB Appointments

Although the CPOAB did not meet during this reporting period, City Council confirmed appointments of two board members in March and April 2023. These members are: Aaron Calderon and Rowan Wymark. In addition, City Council confirmed a third CPOAB member, Leslie Dozzo, who stepped down from this position prior to the beginning of the CPOAB meeting schedule. By the end of this reporting period, three seats 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 *40* commendations for APD personnel. A total of *31* APD employees were named in the commendation submission, while *8* commendations stated that the employee's names were unknown when filed, *4* of which were driving commendations.

The most common reason (*17* commendations) cited in the commendation form was "Professionalism." The "Exceptional Service" (*7*) category represents situations where APD personnel went beyond expectations to lend service or assistance. Additionally, there were *2* "General Commendations," which highlight commendable behavior without specifying the reasons, broadly acknowledging APDs or an employee's efforts. A complete table is displayed on the next page.

Figure 14. Situations Cited in Commendations

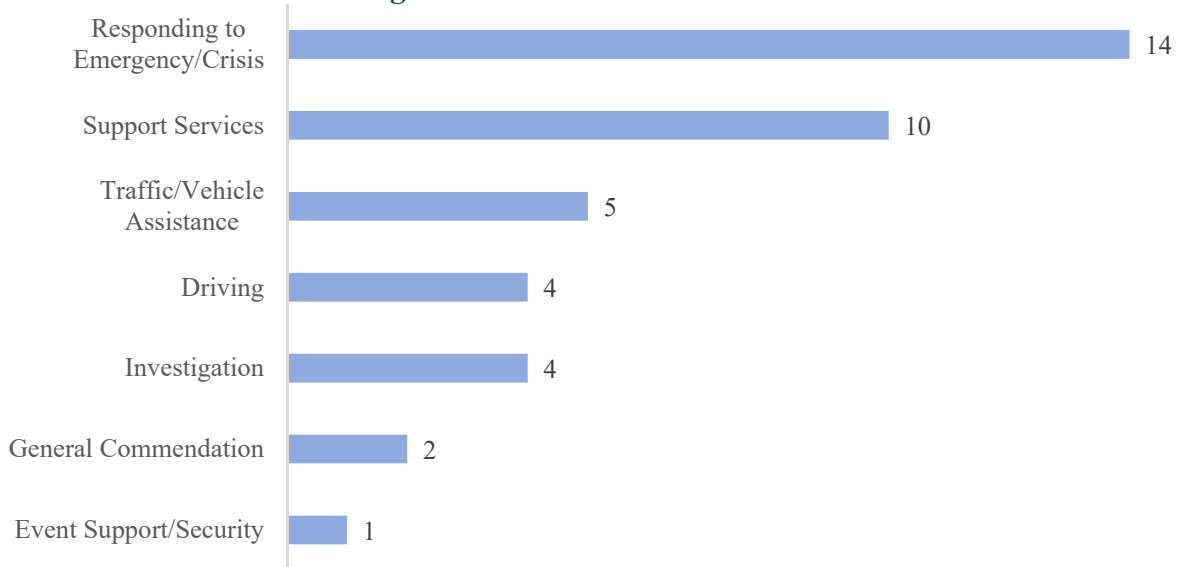
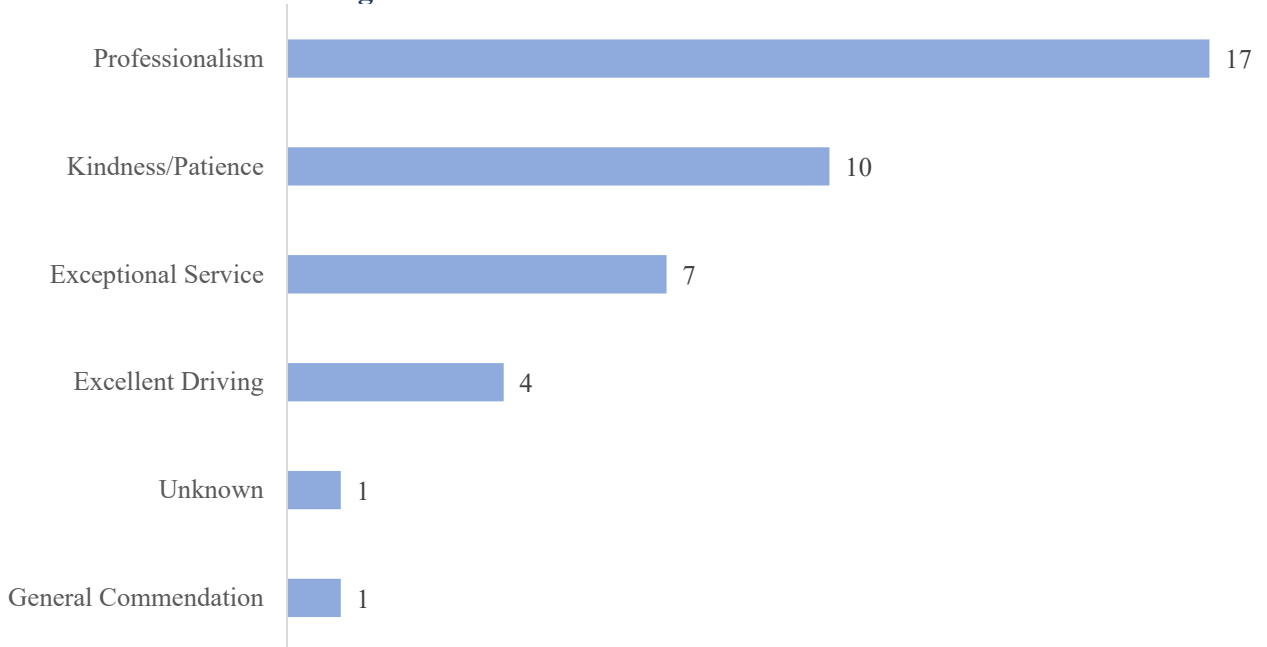


Figure 15. Reasons Cited in Commendations



Data Source: Commendation Intake January 1st 2023 – June 30th 2023

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 9. 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>
22 Unknown	14 Male	13 Unknown	13 Unknown	13 Unknown	19 No	23 No
9 35-44	13 Female	15 White	12 Non-Hispanic	18 Heterosexual	13 Unknown	13 Unknown
6 45-54	9 Unknown	6 Prefer Not to Answer	8 Hispanic	9 Prefer Not to Answer	8 Prefer Not to Answer	4 Prefer Not to Answer
1 75-82	4 Prefer Not to Answer	1 Asian	7 Prefer Not to Answer			
1 85-94		4 Other				
		1 Mixed Race				

Data Source: Commendation Intake January 1st 2023 – June 30th 2023

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

Katrina Sigala

Senior Administrative Assistant

Valerie Barela

Administrative Assistant

Kelly Mensah

Community Policing Council Liaison

Marteessa Billy

CPC Administrative Assistant

II. Civilian Police Oversight Agency Advisory Board Profiles –

Appointments

Aaron Calderon

Aaron Calderon is a proud veteran of the United States Army, having served in various states across the country. After his military service, he worked in Texas for Baylor Scott and White Healthcare before settling back in Albuquerque, New Mexico, where he has lived for the past 7 years. Currently, Mr. Calderon works as a manager of clinic operations at Presbyterian Healthcare Services. With his background and passion for community service, Mr. Calderon wants to bring his expertise to the Citizens of Albuquerque as a member of the CPOA Board. His goal is to ensure a fair and transparent oversight process for the Albuquerque Police Department, to enhance the relationship between the police and the residents. Mr. Calderon believes that the APD has greatly improved and has made changes in their policies and training, focusing on de-escalating situations and using force only as a last resort.

Email: acalderon.oab@cabq.gov

Term: Initial Appointment 03-06-2023, Expires 02-02-2026

Rowan Wymark

Ms. Wymark is a dedicated community member and former educator who has lived in Albuquerque, New Mexico for the past thirty-two years. During her time in Albuquerque, she has been actively involved in various community organizations, including serving as co-chair for the Valley Area Command Community Policing Council for seven years and as a board member for the Downtown Neighborhoods Association. She is currently serving on the Mayor's Homeless Advisory Council and on Lew Wallace Elementary School's Community Committee as a community member. Ms. Wymark's professional background includes working as a special education teacher with Albuquerque Public Schools, where she also served as the vice president for elementary teachers with the Albuquerque Teachers Federation for approximately seven years. Additionally, she was a board member on the Central Labor Council for several years. Originally from the UK, Ms. Wymark has lived in the US for forty-three years and considers it her home. She believes in fairness, transparency, and accountability in all aspects of life, including policing. If she is appointed to the CPOAB, she sees the importance of keeping the police honest and committed to fairness, while also ensuring that undue violence towards civilians is not tolerated. She believes that the Civilian Police Oversight Agency (CPOA) plays a crucial role in investigating civilian complaints regarding the use of force by the police and that it is the CPOAB's responsibility to support the CPOA in establishing proper grounds for these complaints. As a member of the CPOAB, Ms. Wymark sees her role as representing the Albuquerque community and their concerns regarding police behavior within the Albuquerque Police Department (APD). She understands the importance of being impartial and transparent in her decision-making and believes that it is crucial to be well-informed of the methodologies and approaches of the APD. As a community member herself, Ms. Wymark feels that it is her right and responsibility to speak out on community concerns according to her own perceptions.

Email: rwymark.oab@cabq.gov

Term: Initial Appointment 04-03-2023, Expires 02-02-2026



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”

Diane McDermott

Interim Executive Director

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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:

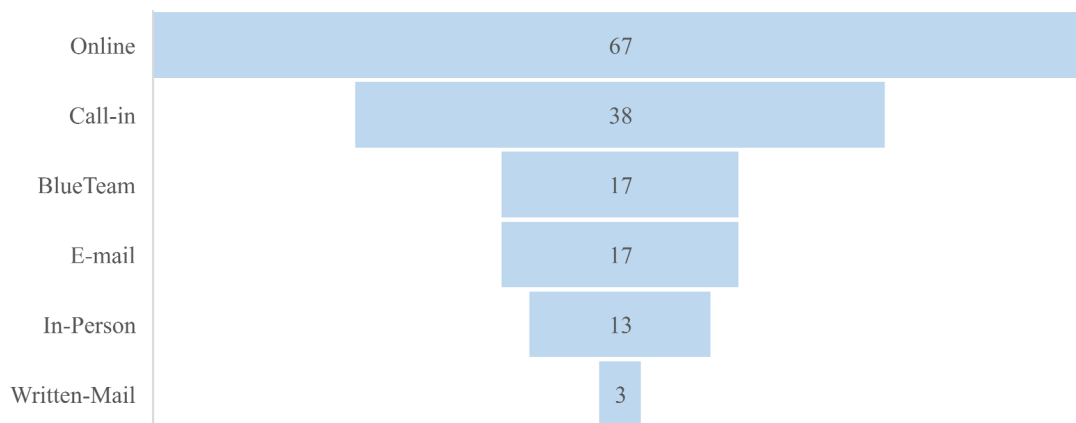
- 74 were opened before this reporting period, while 52 were opened and closed during this reporting period,
- 19.0% were closed administratively,
- 13.5% of the complaints were received in August of 2023.

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%).

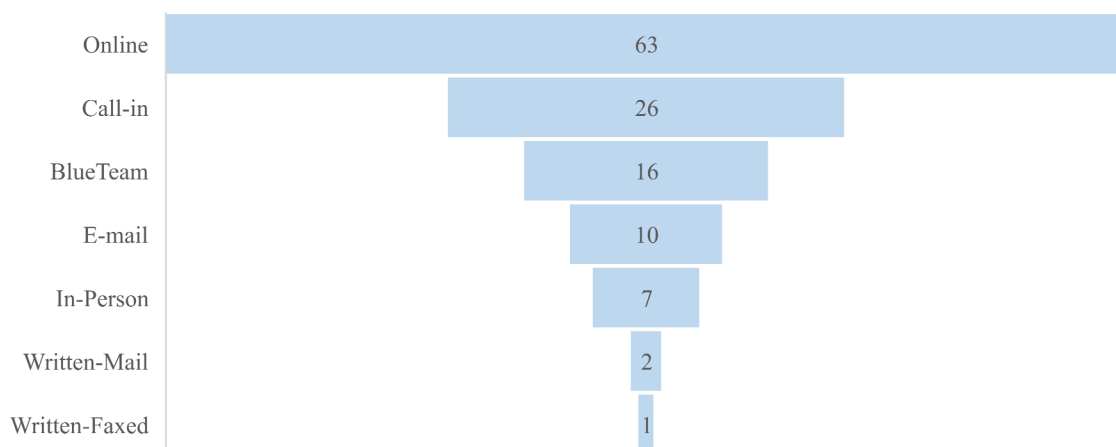
Figure 1.1. Source of Received Complaints



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

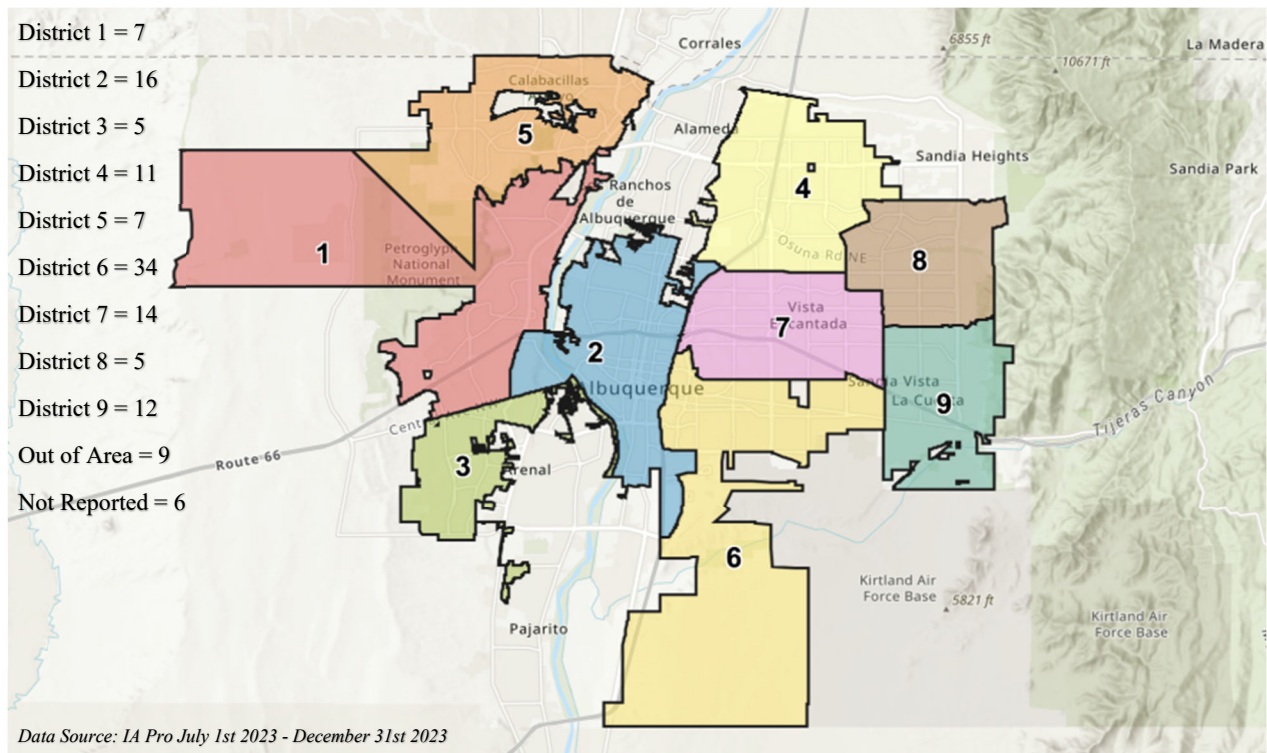


Data Source: IA Pro July 1st – December 31st 2023

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)

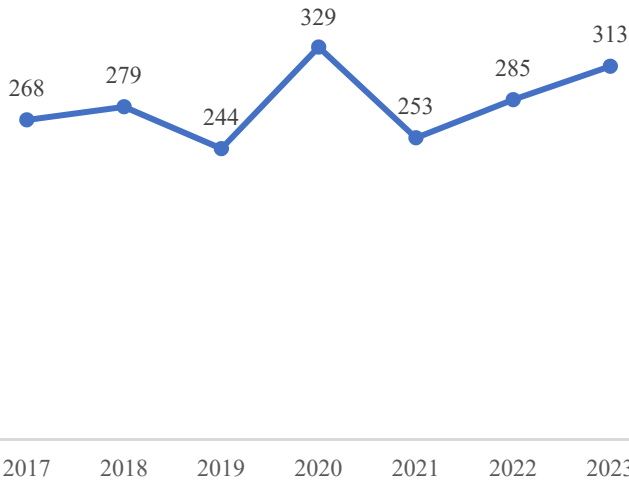


Figure 3.2. Complaints Closed by Year (2017 – 2023)

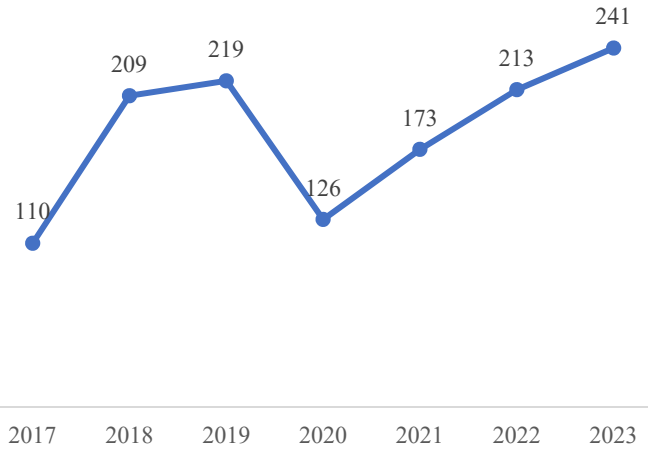


Figure 3.3. Complaints Received in July – December Reporting Period by Year (2018-2023)

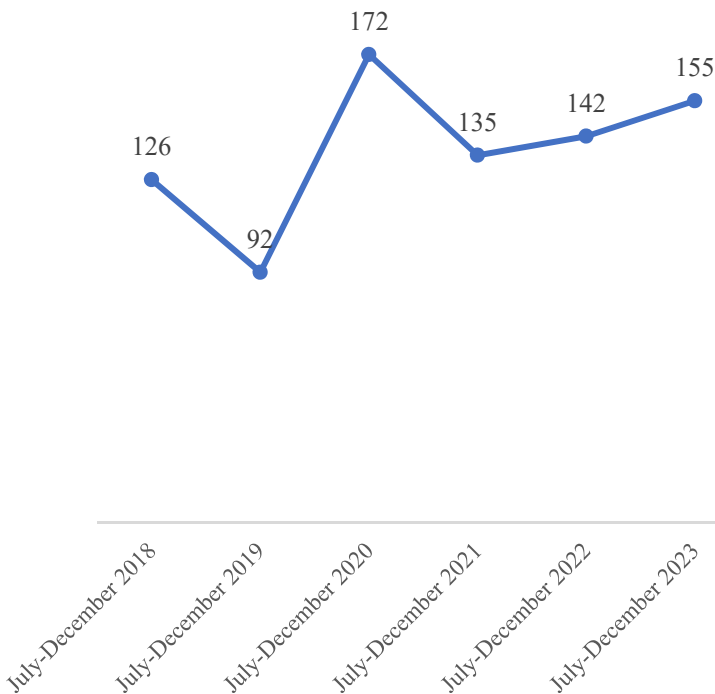
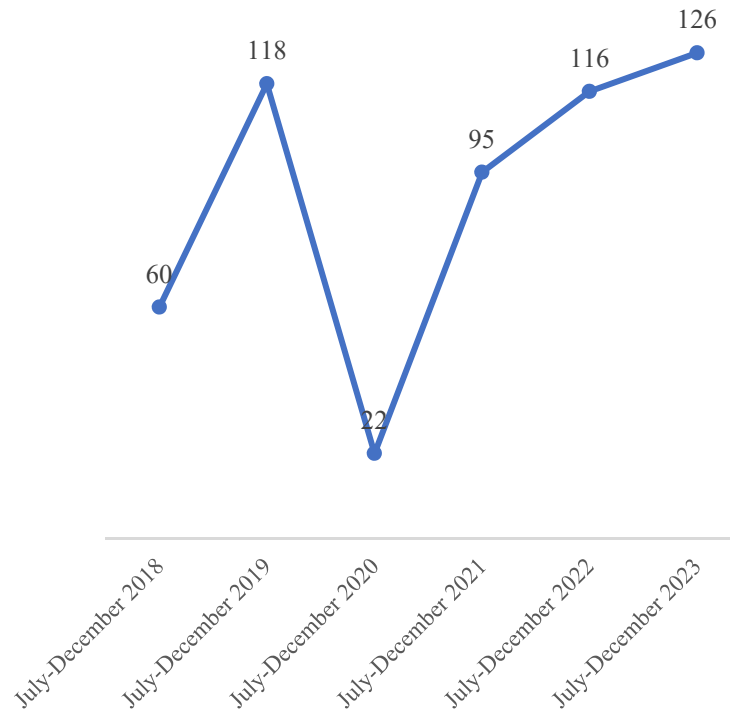


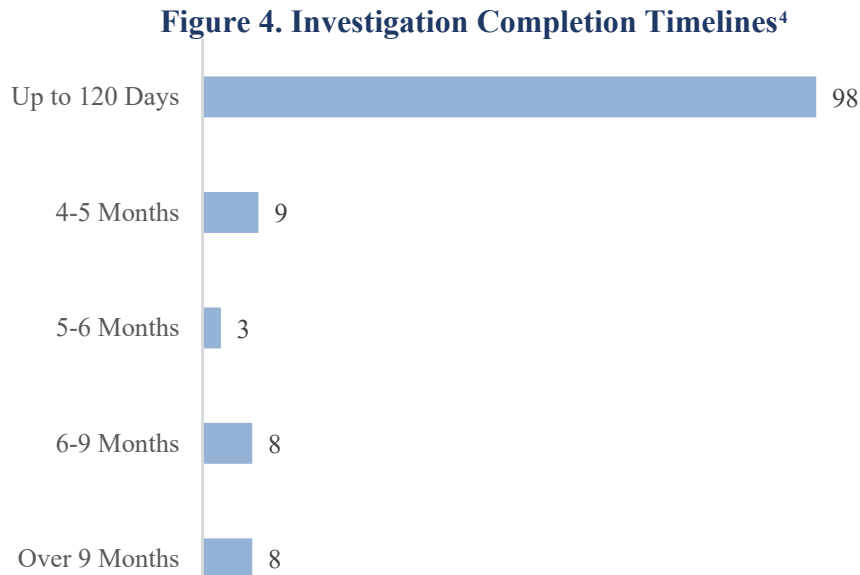
Figure 3.4. Complaints Closed in July – December Reporting Period by Year (2018-2023)



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.

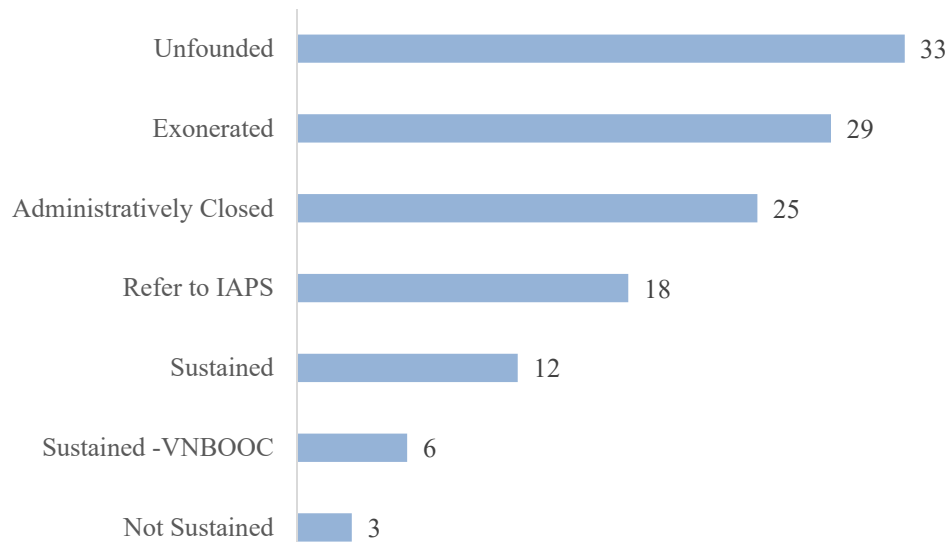
⁴ 4-5 months is approximately 121-152 days; 5-6 months is approx. 153-182 days; and 6-9 months is approx. 183-274 days.

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

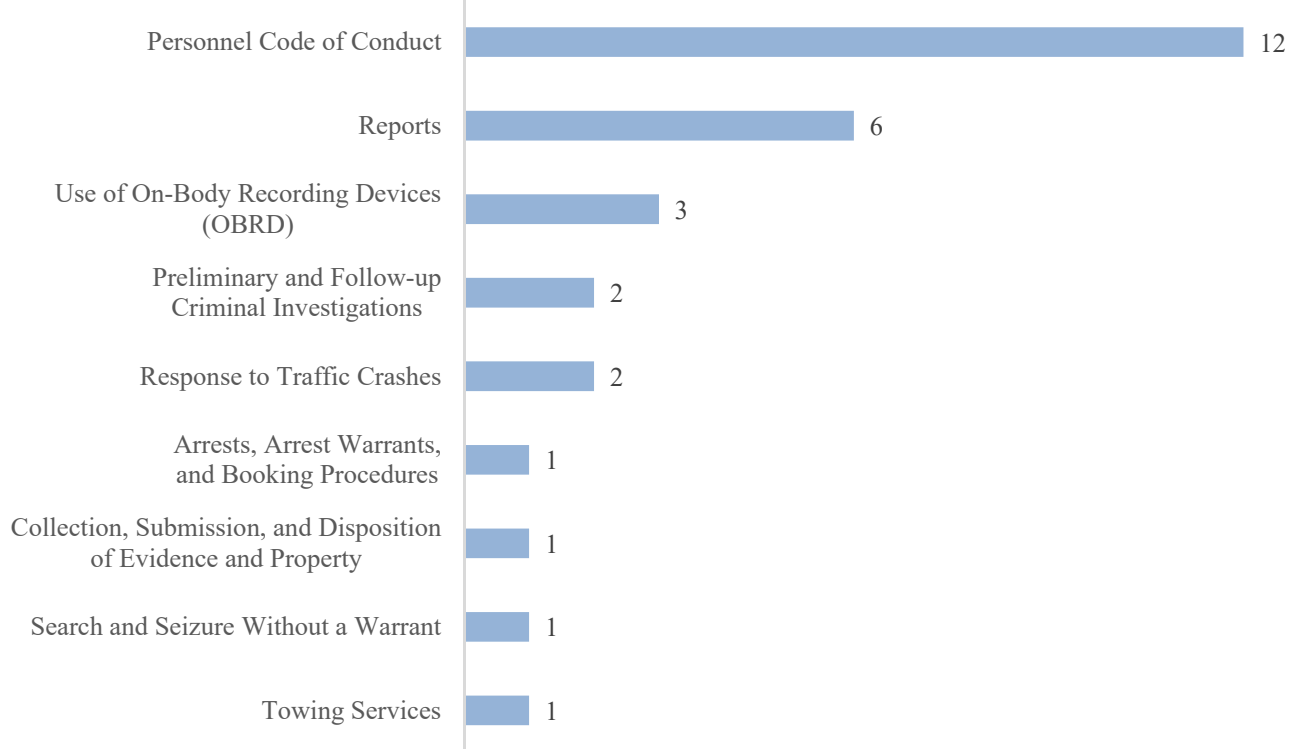
Data Source: IA Pro July 1st 2023 – December 31st 2023

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.

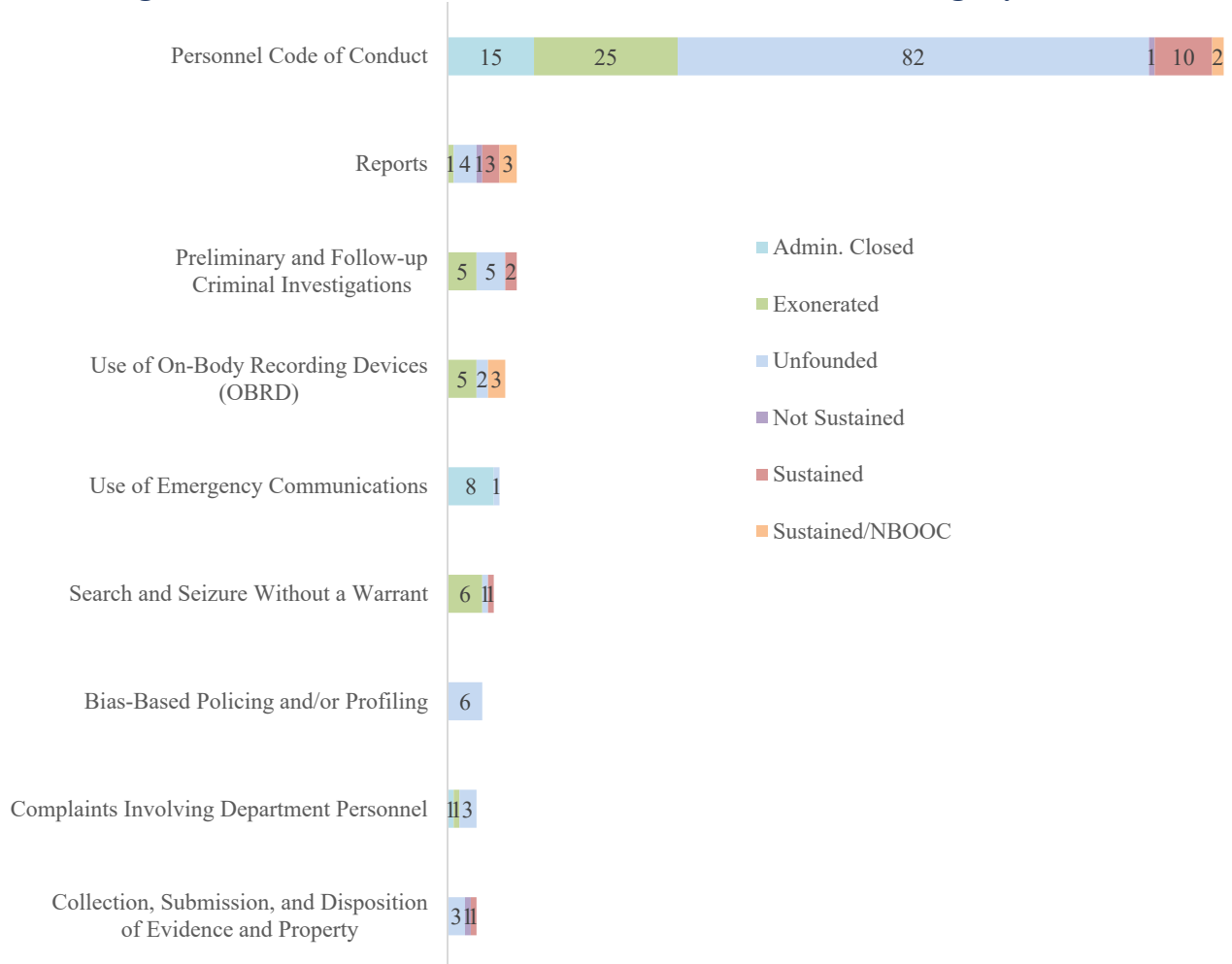
Figure 6.1. SOPs with Sustained or Sustained/NBOOC Recommended Findings by CPOA



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

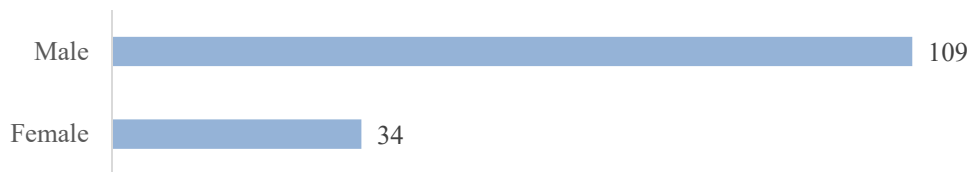
As of December 31st, 2023, APD reported 853 sworn employees. This is a decrease of 23 sworn employees since June 30th, 2023 (876), and 16 sworn employees since December 31st, 2022 (869).

Employee Gender, Race, and Ethnicity in Completed Complaints

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

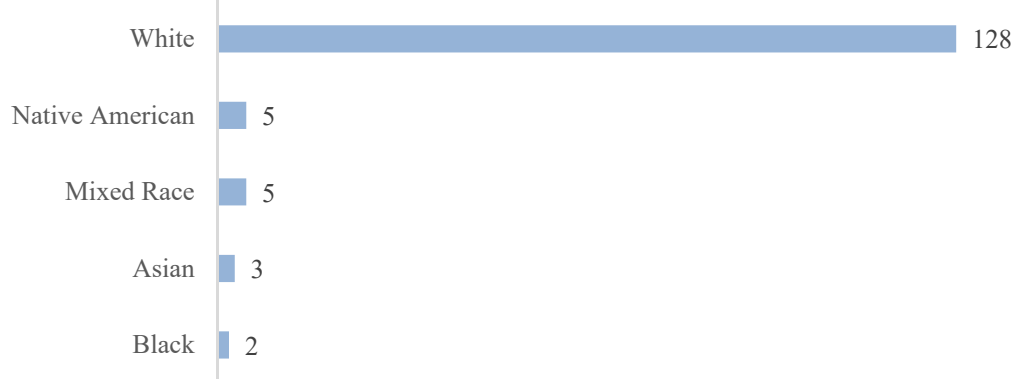
- 76.2% identify as male,
- 89.4% identify as White,
- 47.6% identify as Hispanic

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



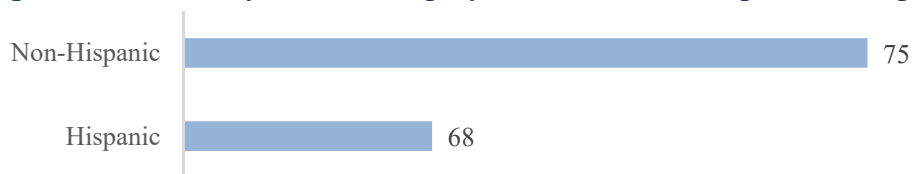
Data Source: IA Pro July 1st 2023 – December 31st 2023

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

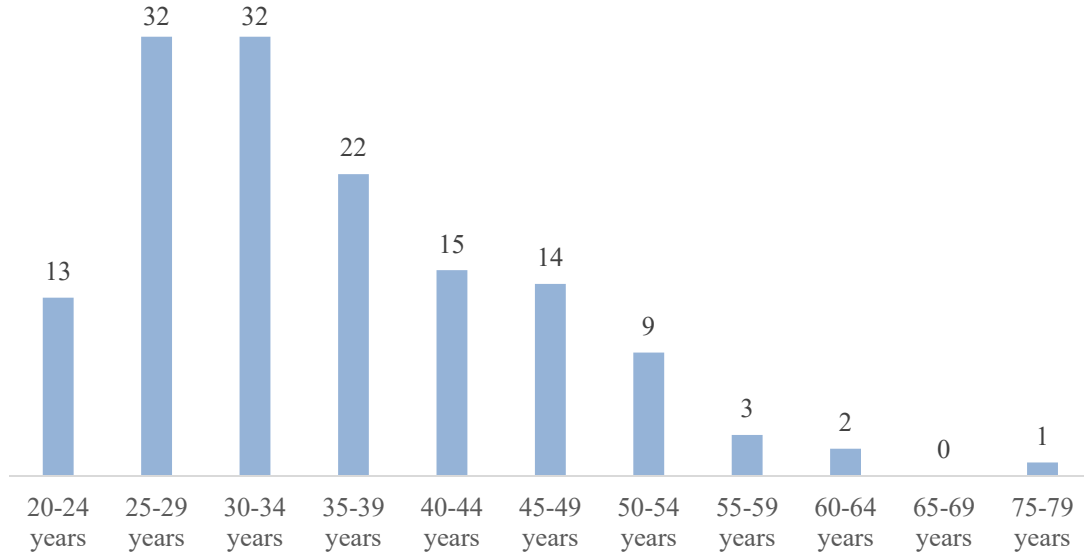


Data Source: IA Pro July 1st 2023 – December 31st 2023

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

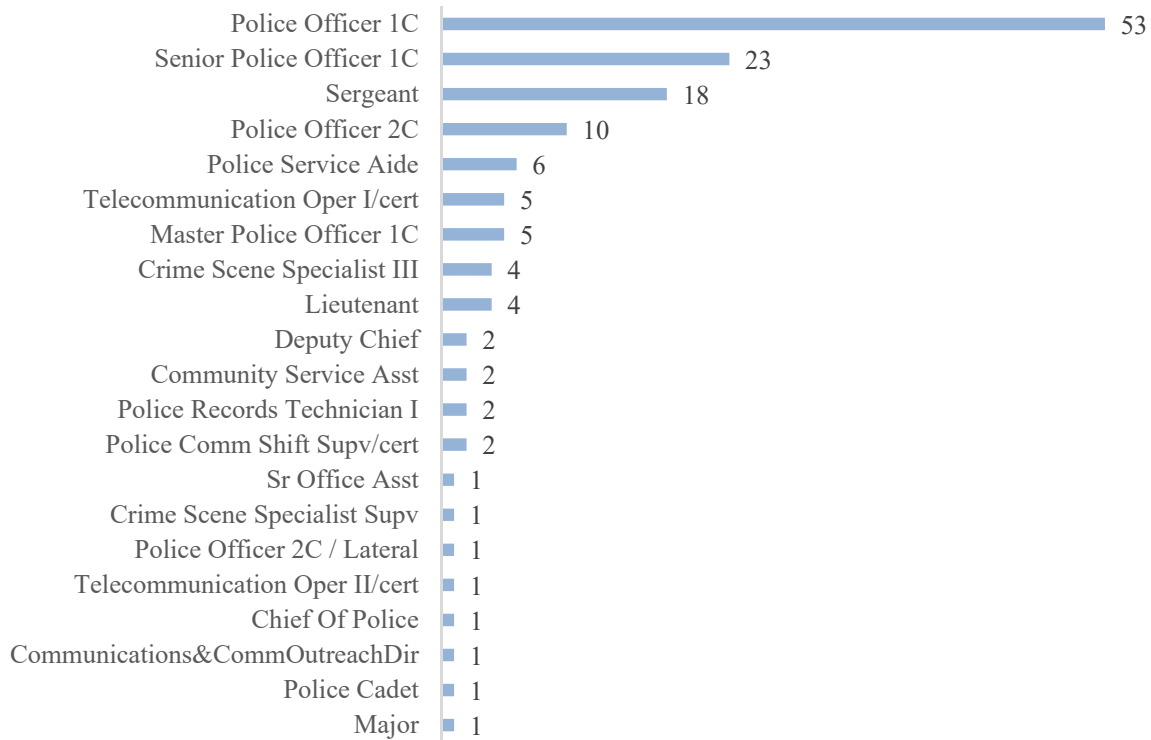


Data Source: IA Pro July 1st 2023 – December 31st 2023

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

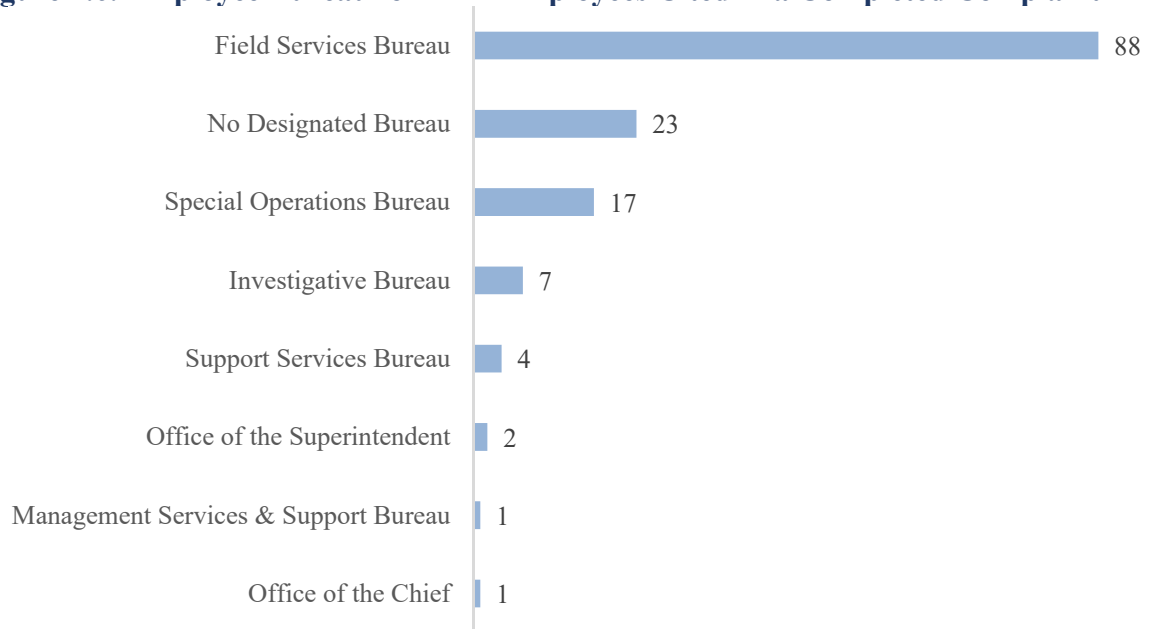


Data Source: IA Pro July 1st 2023 – December 31st 2023

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

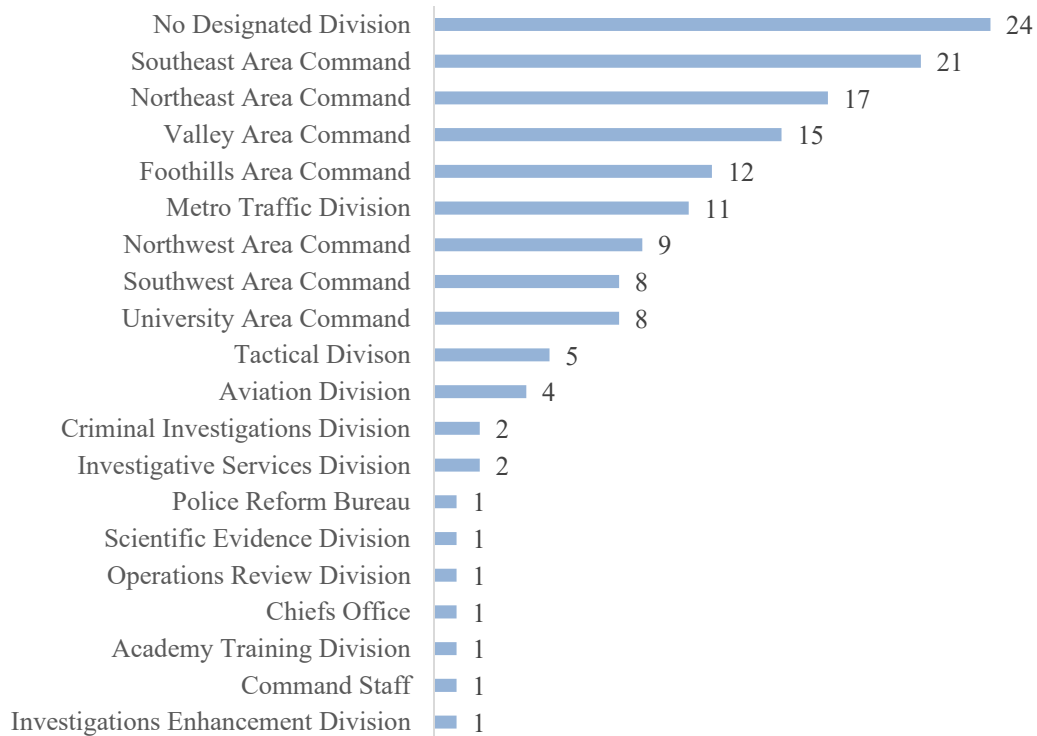


Data Source: IA Pro July 1st 2023 – December 31st 2023

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

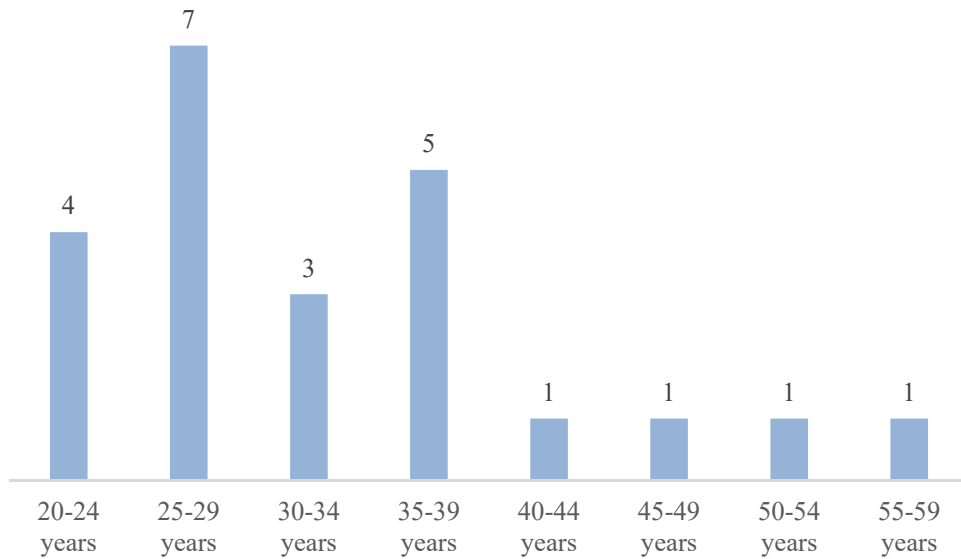


Data Source: IA Pro July 1st 2023 – December 31st 2023

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

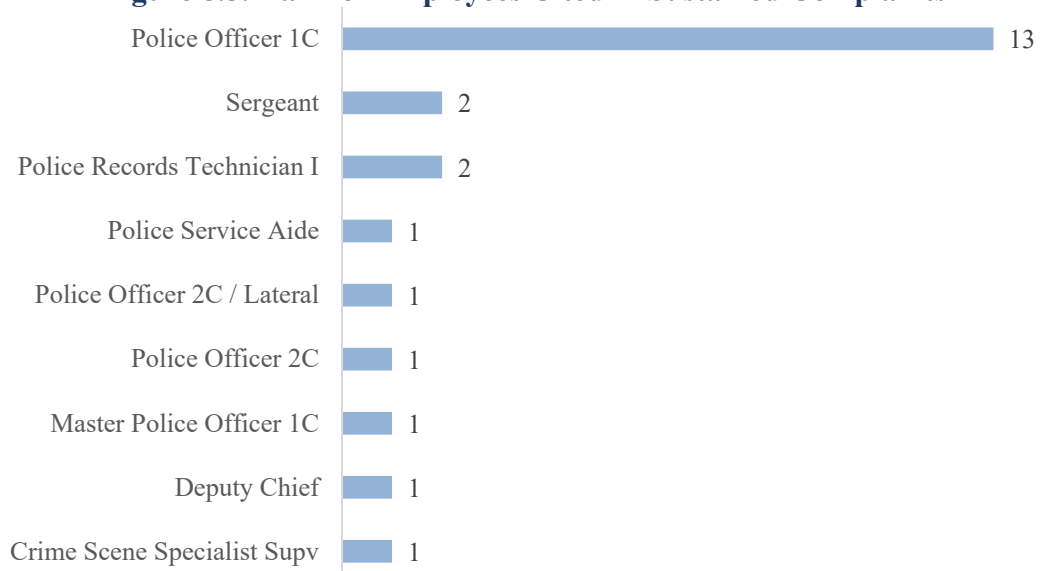


Data Source: IA Pro July 1st 2023 – December 31st 2023

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

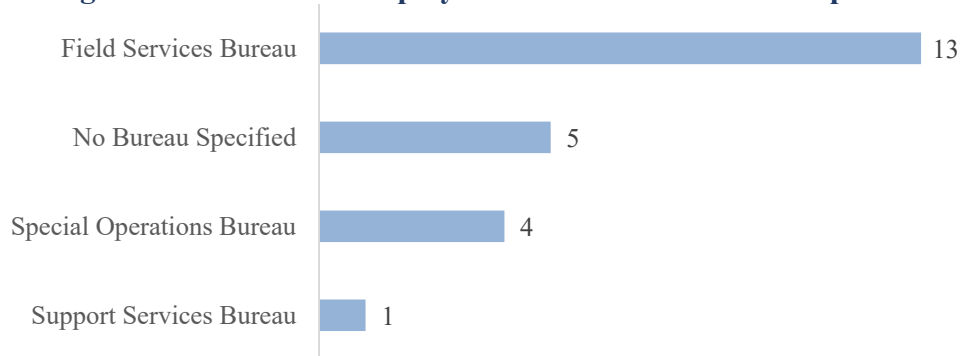


Data Source: IA Pro July 1st 2023 – December 31st 2023

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

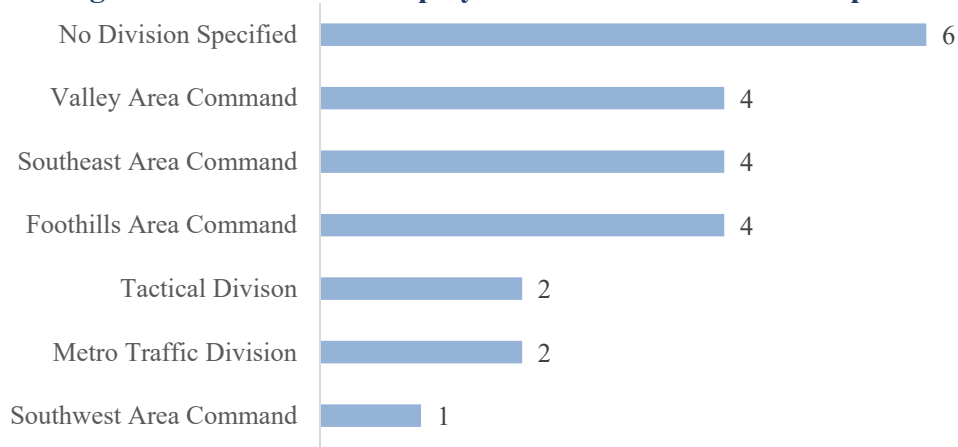


Data Source: IA Pro July 1st 2023 – December 31st 2023

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

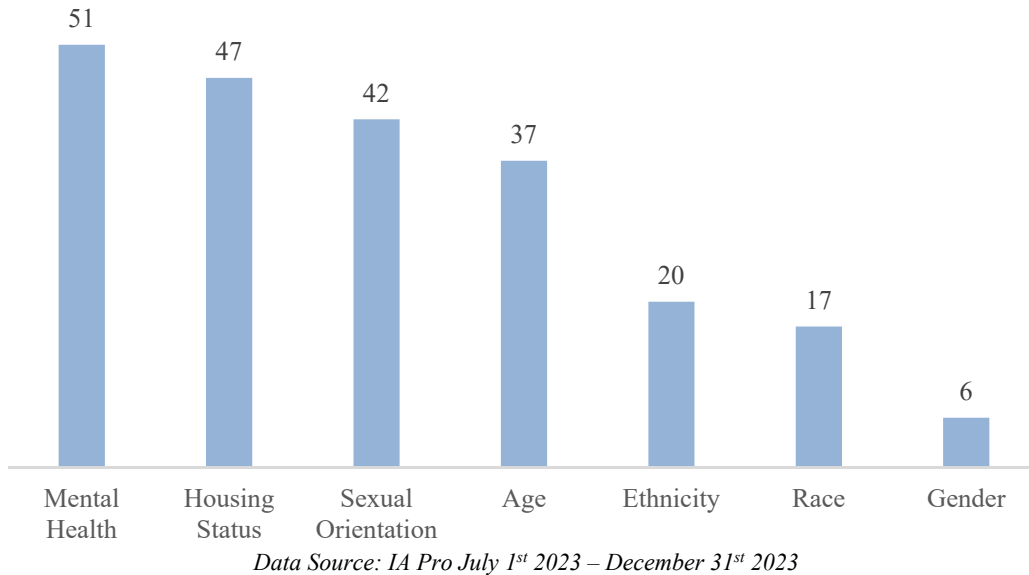
As required by the CASA, the data in this section provides information on complainants' self-reported gender, race, ethnicity, sexual orientation, mental health status, age, housing status, and primary language, which originates from the 'Optional Demographic Section' of the complaint form. Collecting 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.

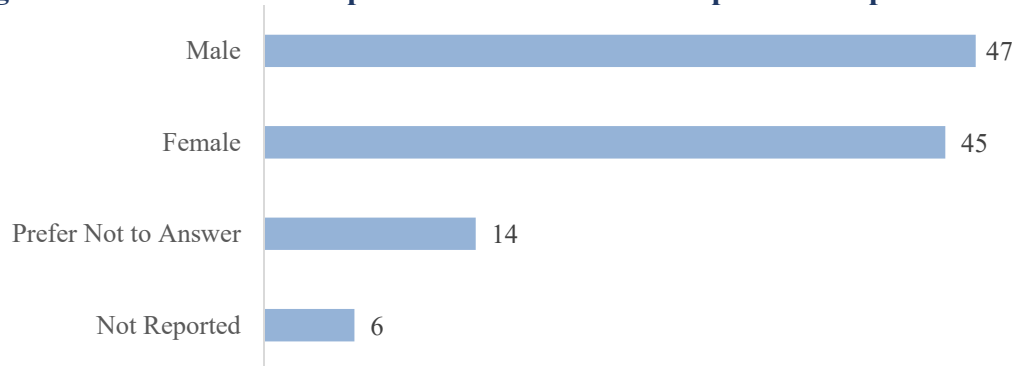
Table 7. Demographic Information in Anonymous Complaints

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

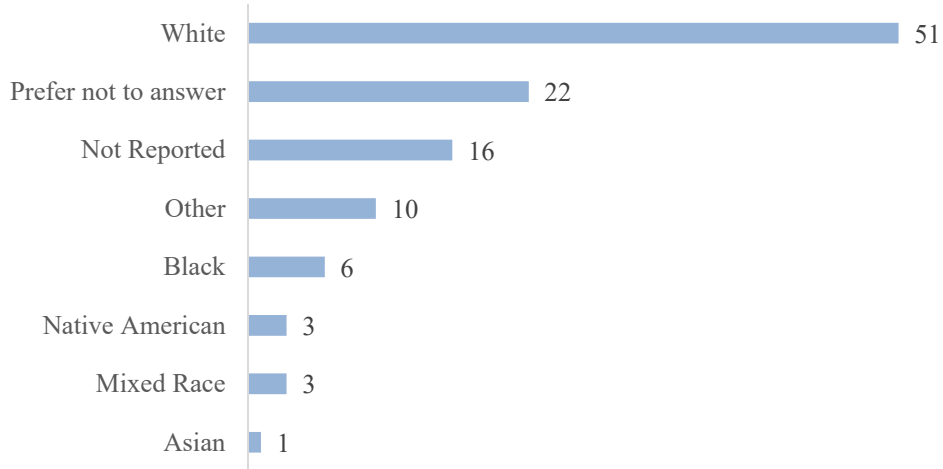


Data Source: IA Pro July 1st 2023 – December 31st 2023

Complainant Race & Ethnicity

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

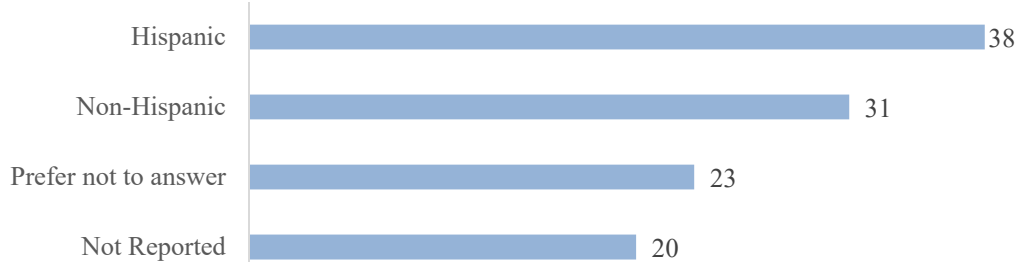
Figure 10.2. Race of Complainants that Filed a Completed Complaint



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

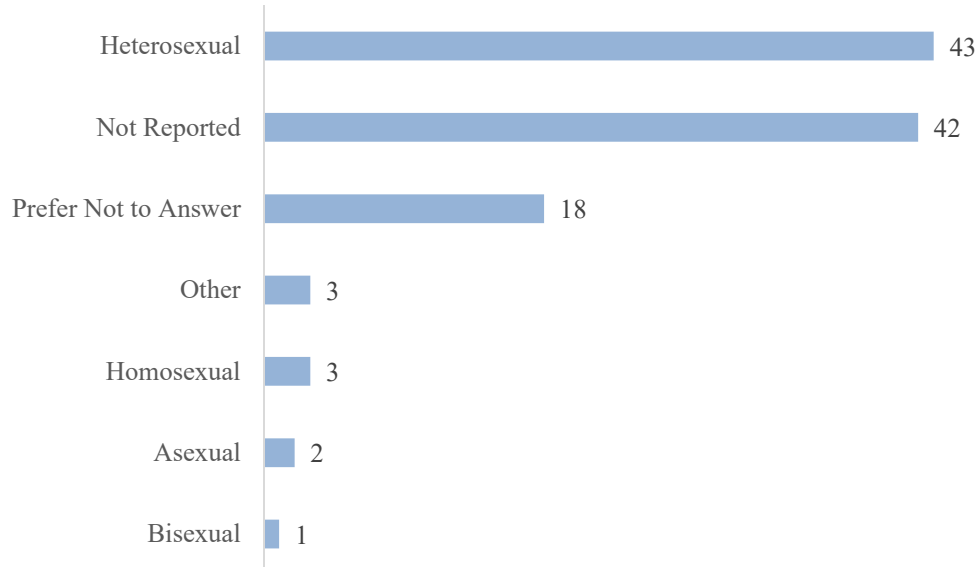


Data Source: IA Pro July 1st 2023 – December 31st 2023

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



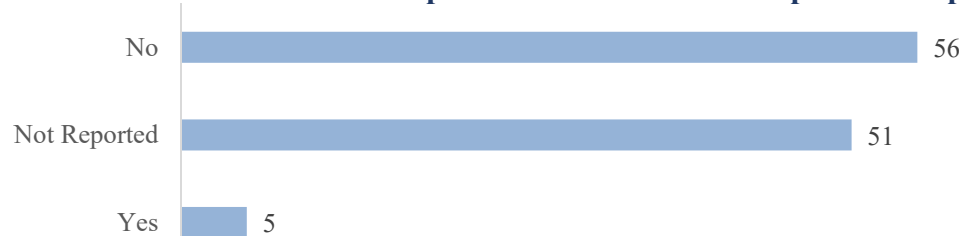
Data Source: IA Pro July 1st 2023 – December 31st 2023

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

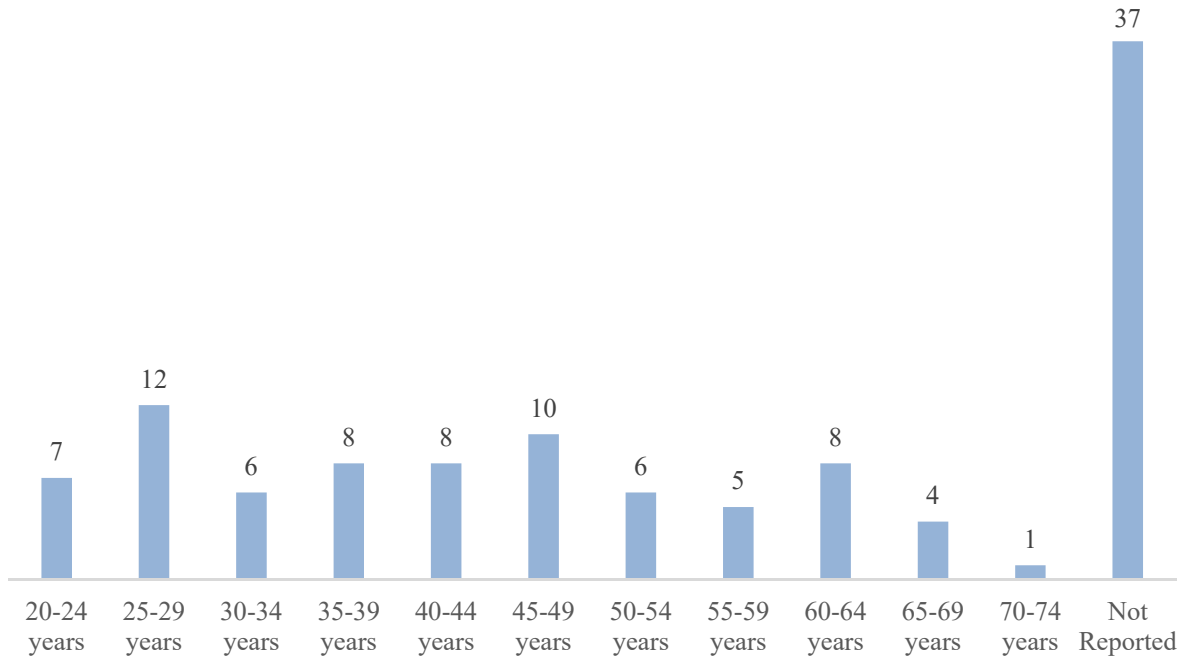


Data Source: IA Pro July 1st 2023 – December 31st 2023

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

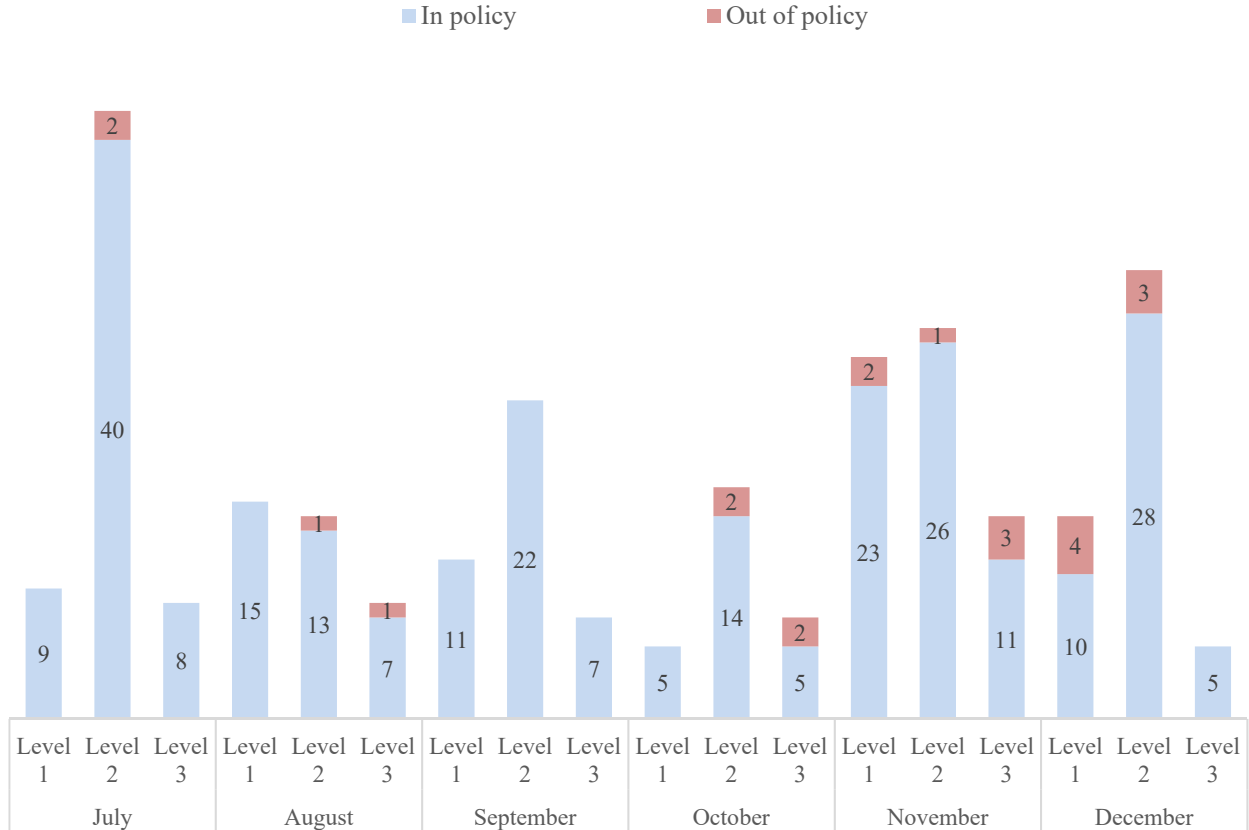
¹¹ APD Use of Force Report 2023: https://www.cabq.gov/police/documents/apd-2023-annual-use-of-force-report_final.pdf

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

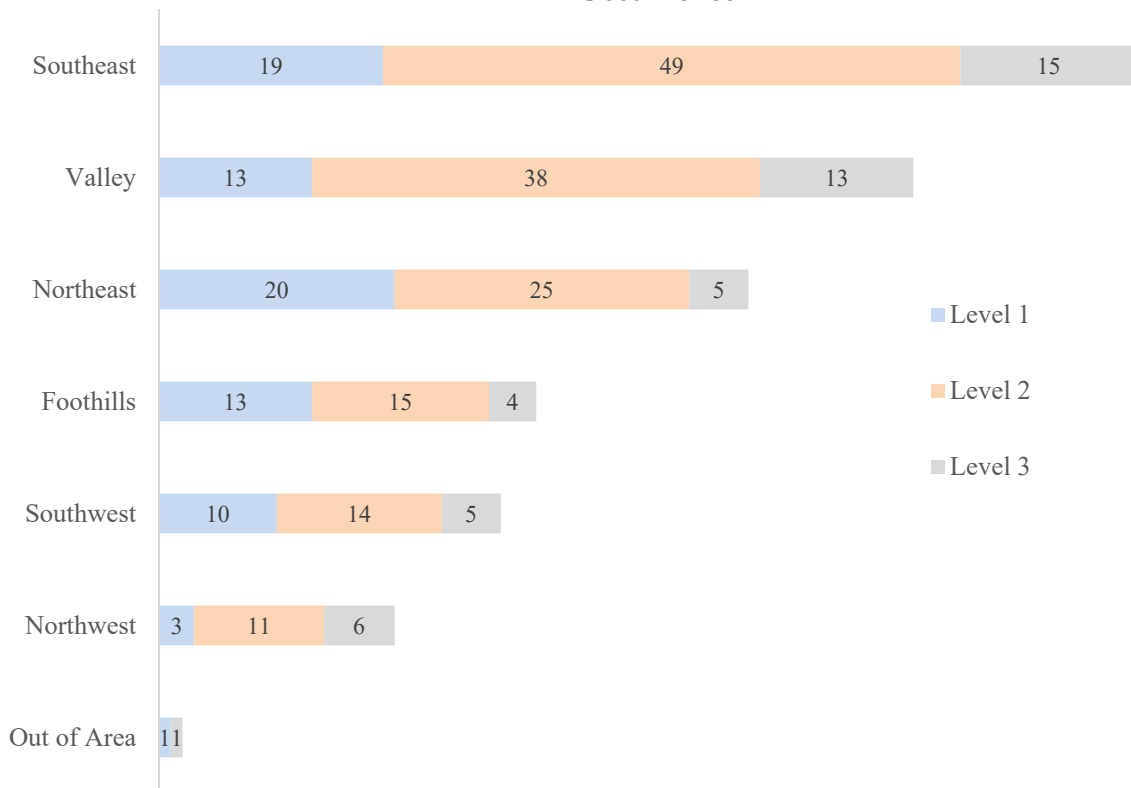


Data Source: IA Pro July 1st 2023 – December 31st 2023

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

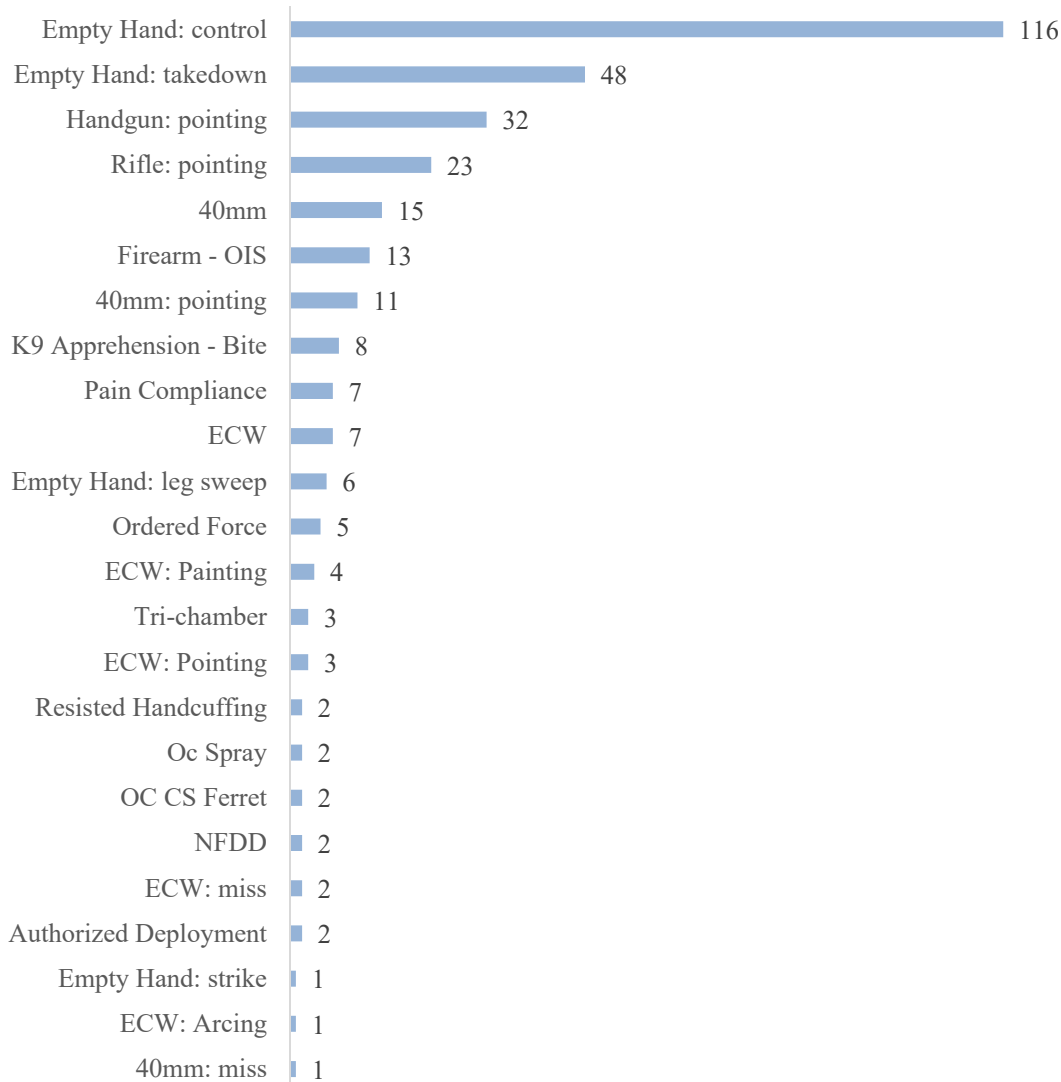


Data Source: IA Pro July 1st 2023 – December 31st 2023

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 1 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

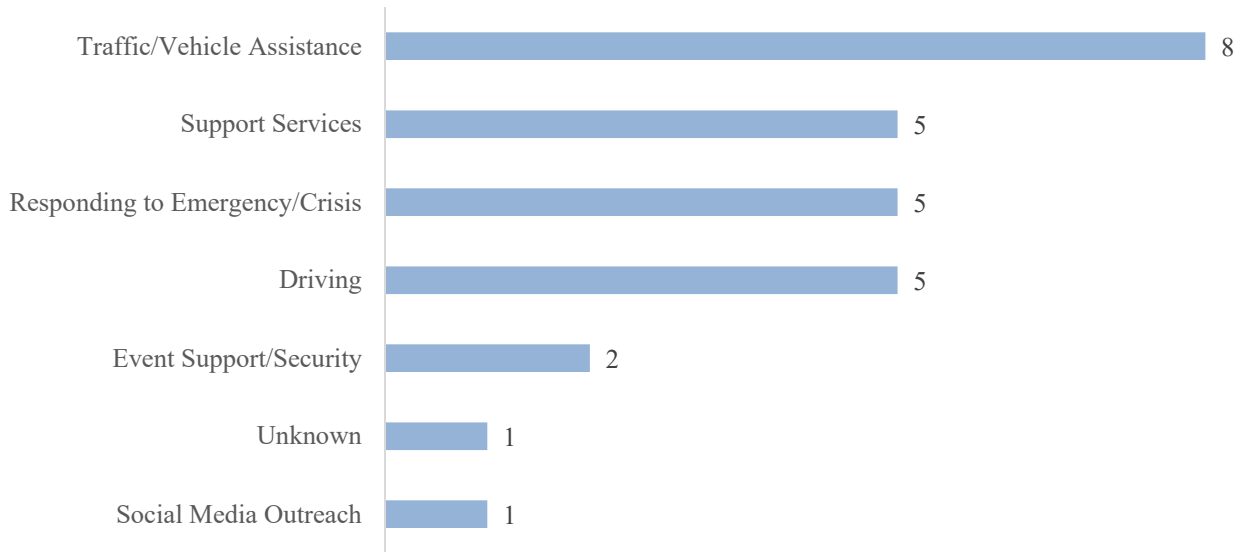
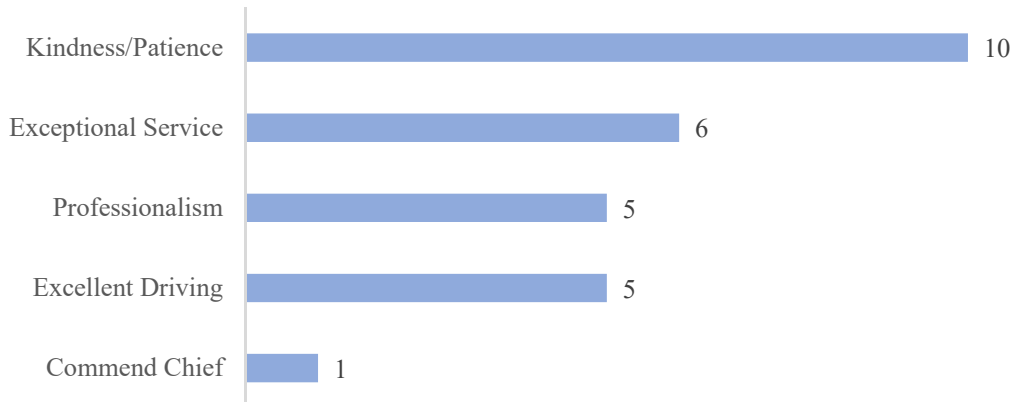


Figure 14.2. Reasons Cited in Commendations



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