

CIVILIAN POLICE OVERSIGHT ADVISORY BOARD (CPOAB)

Thursday, October 10, 2024 at 5:00 PM
Vincent E. Griego Chambers

Aaron Calderon, Board Chair
Rowan Wymark, Board Vice-Chair
Zander Bolyanatz, Board Member
Eduardo Budanauro, 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
Eduardo Budanauro
Zander Bolyanatz
Gail Oliver

Members Absent:

Others Present In-Person:

Ali Abbasi, CPOA
Katrina Sigala, CPOA
Valerie Barela, CPOA
Gabe Remer, CPOA
Kelly Mensah, CPC
Robert Kidd, Independent Counsel
Chris Sylvan, City Council
Lindsey Rosebrough, Managing Atty. APD
Cmdr. Scott Norris, APD
Cmdr. Paul Skotchdopole, APD
Jeffrey Bustamante, ACS

Others Present via Zoom:

Sharon Walton, Monitor APD Training

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. Zander Bolyanatz, Eduardo Budanauro, Aaron Calderon, Gail Oliver and Rowan Wymark were present.
- 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. Chair Calderon seconded the motion. The motion was carried by the following roll call vote:

For: 5 – Bolyanatz, Budanauro, Calderon, Oliver, Wymark

- I. 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. September 12, 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 September 12, 2024.
2. **Motion.** A motion was made by Member Bolyanatz to approve the minutes as written. The motion was seconded by Member Wymark. The motion was carried by the following roll call vote:

For: 5 – Bolyanatz, Budanauro, Calderon, Oliver, Wymark

II. Public Comment

- a. None.** *(See attached Public Comment Sign-in Sheet)*

III. Reports from City Departments:

a. APD

1. Internal Affairs Professional Standards (IAPS)– Deputy Commander Paul Skotchdopole

- i. A document titled *APD Internal Affairs Professional Standards (IAPS) Division Monthly Report September 2024* was distributed to CPOA Board members electronically. *(See attached report)*
- ii. Deputy Commander for IAPS Paul Skotchdopole noted that the APD Data Analytics Unit prepared the IAPS Monthly Report for September 2024.
- iii. Deputy Commander Skotchdopole verbally reported on open and closed cases in September 2024 and noted the average case completion of an investigation is down to 80 days.
- iv. Member Bolyanatz noted that a breakdown of information related to Directives/SOPs for a particular SOP when the number of violations is unusually high would be helpful in identifying potential policy recommendation.

2. Internal Affairs Force Division (IAFD)– Commander Scott Norris

- i. A document titled *APD Monthly Use of Force Report September 2024* was distributed to CPOA Board members electronically. (*See attached report*)
- ii. IAFD Commander Scott Norris noted that the APD Data Analytics Unit prepared the IAFD Monthly Report for September 2024.
- iii. Commander Norris verbally reported on the highest levels of force and the highest area commands with uses of force, noted that there was a spike in uses of force in September 2024, and highlighted pertinent demographic and statistical data in the report.

b. ACS- Jefferey Bustamante, Deputy Director

1. ACS Deputy Director for Policy and Administration Jeffrey Bustamante gave a verbal high-level update on the following:
 - Call volume for September 2024
 - Connect Care events
 - Summer of Nonviolence, the final event of the year
 - Trunk or Treat Event
 - Proactive planning for winter months

c. City Attorney- Lindsey Rosebrough, Managing Attorney

1. Managing City Attorney for APD Lindsey Rosebrough gave a verbal brief on the following CASA-specific updates:
 - IMR-20 Report
 - Upcoming CASA Court Hearing
 - Monitoring Team Site Visit for the 21st Reporting Period

d. City Council- Chris Sylvan, Council Services

1. City Council Representative Chris Sylvan gave a verbal report on the following:
 - The CPOA Board Policies and Procedures OC-24-23 and Job Description OC-24-24 will be heard at the October 21, 2024, City Council meeting

- December 12, 2024 Board meeting date change
- 2025 Board meeting schedule

e. CPC- Kelly Mensah, CPC Liaison

1. CPC Liaison Kelly Mensah gave a verbal report on the following:

- 2024 NACOLE conference
- CPC meeting presenters
- CPC year-end meeting and dinner
- CPC Sound System upgrades
- CPC outreach TV commercials and events
- CPC meeting with the Mayor of Albuquerque
- CPC membership

f. Mayor's Office- Doug Small, Director of Public Affairs

1. No one was present from the Mayor's Office.

g. CPOA- Ali Abbasi, Deputy Director

1. Deputy Director Ali Abbasi gave a verbal report on the following:

- CPOA Complaints and APD commendations received from September 3, 2024 through September 30, 2024 and number of cases assigned
- CPOA staffing
- 2024 NACOLE conference
- IMR-20 Draft and CPOA improvements on compliance
- APD ShotSpotter Presentation at November Board meeting
- SOP 1-6 Policy owner attendance at November 2024 CPOA Board Policy and Procedure Subcommittee meeting
- Board Draft Policies and Procedures

2. The Board made a data request holistic data on call response delays based upon priority and complaints that have been segregated under miscellaneous and the correlation both in APD and Emergency Communication.

3. CPC 105-24 Non-Concurrence Memo. For more information about non-concurrence memos received by APD's Office of Police Reform, please visit

our website here: <https://www.cabq.gov/cpoa/case-outcomes/chief-of-police-non-concurrence-letters>

- i. Deputy Director Abbasi provided a brief process review of the APD non-concurrence memos related to CPOA Discipline recommendations.
- ii. Deputy Director Abbasi verbally summarized CPC 105-24 regarding an APD operator and noted that the CPOA agreed with the explanation of APD Police Reform for the reduced disciplinary action.

IV. Serious Use of Force Case:

a. APD Case #23-0008716 – *Aaron Calderon*

1. Chair Calderon gave a verbal summary of Serious Use of Force APD Case #23-0008716 and the findings of the Internal Affairs Force Division.
2. Chair Calderon facilitated Board member feedback on the SUOF Case #23-0008716.
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 #23-0008716. The motion was seconded by Vice Chair Wymark. The motion was carried by the following roll call vote:

b. APD Case #23-0009267 – *Rowan Wymark*

1. Vice Chair Rowan Wymark gave a verbal summary of Serious Use of Force APD Case #23-0009267 and the findings of the Internal Affairs Force Division.
2. Chair Calderon facilitated Board member feedback on the SUOF Case #23-0009267.
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 #23-0009267. The motion was seconded by Member Bolyanatz. The motion was carried by the following roll call vote:

For: 5 – Bolyanatz, Budanauro, Calderon, Oliver, Wymark

V. Officer-Involved Shooting Case:

a. APD Case #24-0026315 – *Gail Oliver*

1. **Motion.** A motion was made by Member Oliver to postpone OIS Case #24-0026315 to the next meeting on November 14, 2024 Board. The motion was seconded by Chair Calderon. The motion was carried by the following roll call vote:

For: 5 – Bolyanatz, Budanauro, Calderon, Oliver, Wymark

VI. In-Custody Death Case:

a. APD Case #24-0014087 – *Zander Bolyanatz*

1. **Motion.** A motion by Member Bolyanatz to table OIS Case #24-0014087 to next month and that the CPOA provide additional information. The motion was seconded by Member Budanauro. The motion was carried by the following roll call vote:

For: 5 – Bolyanatz, Budanauro, Calderon, Oliver, Wymark

2. Member Bolyanatz requested the following additional information for review:
 - Additional On-Body Recording Device (OBRD) video footage from officers who were on scene
 - Any and all radio communication, preferably unredacted aside from officers' names
 - Additional policy related to the correct response of officers on the scene if they assume there might be any sort of trauma and/or SOPs for first-aid training

VII. Appeal [Standing Item]

- i. CLOSED SESSION pursuant to Section 10-15-1(H)(3) NMSA 1978, excluding deliberations by the CPOAB in connection with an administrative adjudicatory proceeding from the requirements of the NM Open Meetings Act.

a. None.

VIII. CPOA Board's Review of Garrity Materials: [Standing Item]

- a. None.

IX. 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.

X. Reports from CPOAB Subcommittees:

a. Policy and Procedure Review Subcommittee – Gail Oliver

1. Met: October 3, 2024 at 3 p.m.
2. Update on APD Policy Meetings
3. The Next Meeting is November 7, 2024, at 3 p.m.
 - i. Gail Oliver, chair of the Policy and Procedure Review Subcommittee, gave a verbal report on the discussions at the Subcommittee meeting on October 3, 2024.

a. Ad Hoc Rules Subcommittee – Zander Bolyanatz

1. Update on Board Policies and Procedures
2. Next meeting TBD
 - i. Member Bolyanatz gave a verbal report on the Board's Policies and Procedures status and noted that the Subcommittee has not convened because the Board is awaiting approval on its Policy and Procedures draft from the City Council.

XI. Discussion and Possible Action:

a. APD Policy

1. Recommendation(s)
 - A. SOP 2-70 (Formerly 2-16) Execution of Search Warrants
 - i. Deputy Director Ali Abbasi presented SOP 2-70 recommendation to define the word "Affidavit" in the policy.
(See attached policy recommendation)

- ii. **Motion.** A motion was made by Member Bolyanatz to approve the recommendation from the CPOA for SOP 2-70 the Execution of Search Warrant. The motion was seconded by Vice Chair Wymark. The motion was carried by the following roll call vote:

For: 5 – Bolyanatz, Budanauro, Calderon, Oliver, Wymark

- iii. Deputy Director Abbasi presented a second recommendation for SOP 2-70 to ensure that the reasons why the issuance of the search warrant ceased are documented. *(See attached policy recommendation)*

- iv. **Motion.** A motion by Chair Calderon to approve the recommendation by CPOA on behalf of the CPOAB. Member Bolyanatz seconded the motion. The motion was carried by the following vote:

For: 5 – Bolyanatz, Budanauro, Calderon, Oliver, Wymark

2. No Recommendation(s)

- A. SOP 1-22 (Formerly 2-89) Automated License Plate Reader Program
- B. SOP 1-71 (Formerly 4-1) Operations Review Section
- C. SOP 1-72 Organized Crime Unit (OCU)
- D. SOP 1-85 (Formerly 6-2) Recruiting Unit
- E. SOP 2-11 Use of Tire Deflation Devices
- F. SOP 3-41 (Formerly 3-22 and 3-43) Complaints Involving Department
- G. SOP 3-53 Self-Assessments
- H. SOP 1-25 Chaplin Unit
- I. SOP 2-22 (Formerly 2-34) Juvenile Delinquency
- J. SOP 2-29 (Formerly 5-4) Child Exploitation Detail (CED)
- K. SOP 2-49 Vehicle Identification Number (VIN) Inspections
 - i. There were no recommendations for SOP 1-22, SOP 1-71, SOP 1-72, SOP 1-85, SOP 2-11, SOP 3-41, SOP 3-53, SOP 1-25, SOP 2-22, SOP 2-29 and SOP 2-49.

b. Draft CPOA Semi-Annual Report, January – June 2024 – Gabe Remer

1. CPOA Data Analyst Gabe Remer gave a verbal high-level review of the report.
2. **Motion.** A motion was made by Member Bolyanatz to approve the CPOA semi-annual report draft and present it City Council. The motion was seconded by member Oliver. The motion was carried by the following vote:

For: 5 – Bolyanatz, Budanauro, Calderon, Oliver, Wymark

XII. Other Business

- a. Member Bolyanatz formally requested that the CPOA contact APD to coordinate additional firearms training for board members, specifically for pistols and assault rifles.

XIII. Adjournment.

- a. **Motion.** A motion was made by Member Bolyanatz to adjourn the meeting. The motion was seconded by Member Oliver. The motion was carried by the following roll call vote:

For: 5 – Bolyanatz, Budanauro, Calderon, Oliver, Wymark

- b. The meeting was adjourned at 6:34 p.m.

APPROVED:

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, CPOA Administrative Assistant

DRAFT

ATTACHMENTS

DRAFT



CIVILIAN POLICE OVERSIGHT ADVISORY BOARD
PUBLIC COMMENT
SIGN-IN SHEET

Meeting Date: 10.10.2024

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
September 2024

Prepared by:

Data Analytics Unit
October 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.

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



Internal Affairs Professional Standards (IAPS) is responsible for receiving and investigating allegations of misconduct made against the Albuquerque Police Department's employees. The IAPS Division ensures a thorough, impartial, and prompt investigation of allegations to implement transparent fact finding processes and take corrective actions against the employees if investigative findings are sustained. IAPS investigate cases according to SOP 1-62: Internal Affairs Professional Standards (IAPS) Division. For more information on APD's Standard Operating Procedures, see: <http://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 the 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 or Sustained Violations Not Based on Original Complaint (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 September 2024.

Total Cases Opened

89

Investigations opened by the Internal Affairs Professional Standards during September 2024

Total Cases Completed

110

Investigations completed by the Internal Affairs Professional Standards during September 2024

Cases Opened

[By Area Commands]

47

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

Completed Cases

[By Area Commands]

46

Investigations completed by the Area Command

Pending Cases

89

Investigations opened during September 2024 and are not yet completed

Average Days to Completion

80

Average days to completion for investigations completed during September 2024

Completed Cases with Sustained/SNBOOC Findings

Total Cases: 65
60 % of the total completed investigations



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

Files	Directives/SOPs	Discipline Imposed
I2023...	2.5. Department Vehicle	Letter of Reprimand
I2024...	2.41. Traffic Stops	Suspension
	2.45. Pursuit by Motor Vehicle	Suspension
	2.13. StarChase Pursuit Management System	No Disciplinary Action
I2024...	3.14. Supervision	Suspension
	3.41. Complaints Involving Department Personnel	Letter of Reprimand
	1.1. Personnel Code of Conduct	No Disciplinary Action
I2024...	3.32. Performance Evaluations	Verbal Reprimand
I2024...	1.1. Personnel Code of Conduct	No Disciplinary Action
	1.1. Personnel Code of Conduct	No Disciplinary Action
	1.1. Personnel Code of Conduct	No Disciplinary Action
	2.73. Collection, Submission, and Disposition of Evidence and Property	Suspension
	1.1. Personnel Code of Conduct	Letter of Reprimand
	3.41. Complaints Involving Department Personnel	Suspension
	1.1. Personnel Code of Conduct	Letter of Reprimand
	3.41. Complaints Involving Department Personnel	Suspension
I2024...	1.1. Personnel Code of Conduct	No Disciplinary Action
	1.1. Personnel Code of Conduct	No Disciplinary Action
	1.1. Personnel Code of Conduct	No Disciplinary Action
	2.82. Restraints and Transportation of Individuals	Letter of Reprimand
	2.82. Restraints and Transportation of Individuals	Written Reprimand
	2.82. Restraints and Transportation of Individuals	No Disciplinary Action
I2024...	2.8. Use of on-Body Recording Devices	Suspension
	1.1. Personnel Code of Conduct	Suspension
I2024...	1.1. Personnel Code of Conduct	Letter of Reprimand
	1.1. Personnel Code of Conduct	Suspension
I2024...	2.57. Use of Force: Review and Investigation by Department Personnel	Letter of Reprimand
I2024...	1.1. Personnel Code of Conduct	No Disciplinary Action
	1.1. Personnel Code of Conduct	Terminated
I2024...	1.1. Personnel Code of Conduct	Suspension
	1.1. Personnel Code of Conduct	Suspension
I2024...	1.1. Personnel Code of Conduct	Letter of Reprimand
	2.100. Emergency Communications Center (ECC) Division	Verbal Reprimand
I2024...	1.1. Personnel Code of Conduct	Termination-Resigned
	1.1. Personnel Code of Conduct	Termination-Resigned
	3.41. Complaints Involving Department Personnel	Termination-Resigned
I2024...	2.8. Use of on-Body Recording Devices	Letter of Reprimand
I2024...	2.82. Restraints and Transportation of Individuals	Letter of Reprimand
	2.80. Arrests, Arrest Warrants, and Booking Procedures	No Disciplinary Action
I2024...	3.41. Complaints Involving Department Personnel	Letter of Reprimand
I2024...	2.71. Search and Seizure Without a Warrant	No Disciplinary Action
	2.71. Search and Seizure Without a Warrant	No Disciplinary Action
	2.71. Search and Seizure Without a Warrant	No Disciplinary Action
	2.71. Search and Seizure Without a Warrant	Suspension
	3.14. Supervision	Suspension
I2024...	1.1. Personnel Code of Conduct	Written Reprimand
I2024...	1.1. Personnel Code of Conduct	Letter of Reprimand
	1.1. Personnel Code of Conduct	Suspension
	1.1. Personnel Code of Conduct	No Disciplinary Action
I2024...	2.100. Emergency Communications Center (ECC) Division	Suspension
	2.100. Emergency Communications Center (ECC) Division	Suspension
	1.1. Personnel Code of Conduct	Dismissal
	2.100. Emergency Communications Center (ECC) Division	No Disciplinary Action
I2024...	2.76. Court	No Disciplinary Action
	2.76. Court	Verbal Reprimand
I2024...	2.23. Use of K-9 Unit	Letter of Reprimand
	2.23. Use of K-9 Unit	Letter of Reprimand
I2024...	2.8. Use of on-Body Recording Devices	Letter of Reprimand
I2024...	3.33. Performance Evaluation and Management System (PEMS)	Written Reprimand
I2024...	1.1. Personnel Code of Conduct	Letter of Reprimand



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

Files	Directives/SOPs	Discipline Imposed
I2024...	1.1. Personnel Code of Conduct	Suspension
I2024...	2.16. Reports	Verbal Reprimand
I2024...	2.8. Use of on-Body Recording Devices	Letter of Reprimand
	3.41. Complaints Involving Department Personnel	No Disciplinary Action
I2024...	2.76. Court	Written Reprimand
I2024...	2.76. Court	Verbal Reprimand
I2024...	2.76. Court	Written Reprimand
I2024...	1.1. Personnel Code of Conduct	Suspension
	3.21. Scheduled and Unscheduled Leave	No Disciplinary Action
I2024...	1.1. Personnel Code of Conduct	Verbal Reprimand
I2024...	2.8. Use of on-Body Recording Devices	Written Reprimand
I2024...	2.76. Court	NDCA
I2024...	2.76. Court	Verbal Reprimand
I2024...	2.76. Court	Verbal Reprimand
I2024...	2.76. Court	Verbal Reprimand
I2024...	2.76. Court	Verbal Reprimand
I2024...	1.1. Personnel Code of Conduct	NDCA
I2024...	2.76. Court	Letter of Reprimand
I2024...	2.76. Court	Verbal Reprimand
I2024...	2.76. Court	Verbal Reprimand
I2024...	2.76. Court	Verbal Reprimand
I2024...	2.76. Court	Letter of Reprimand
I2024...	2.76. Court	NDCA
I2024...	2.76. Court	Verbal Reprimand
I2024...	2.76. Court	Letter of Reprimand
I2024...	2.8. Use of on-Body Recording Devices	Letter of Reprimand
I2024...	2.76. Court	Verbal Reprimand
I2024...	2.100. Emergency Communications Center (ECC) Division	Written Reprimand
I2024...	2.76. Court	Verbal Reprimand
I2024...	2.76. Court	Verbal Reprimand
I2024...	2.76. Court	Verbal Reprimand
I2024...	2.42. DWI Investigations and Revoked/Suspended License	Verbal Reprimand
I2024...	2.5. Department Vehicle	Verbal Reprimand
I2024...	1.1. Personnel Code of Conduct	Suspension
	1.1. Personnel Code of Conduct	Suspension
I2024...	1.1. Personnel Code of Conduct	Written Reprimand
I2024...	1.62. Internal Affairs Professional Standards (IAPS Division)	Verbal Reprimand
I2024...	2.76. Court	Verbal Reprimand
I2024...	2.8. Use of on-Body Recording Devices	Verbal Reprimand
I2024...	2.73. Collection, Submission, and Disposition of Evidence and Property	Verbal Reprimand
	2.73. Collection, Submission, and Disposition of Evidence and Property	Verbal Reprimand
I2024...	1.1. Personnel Code of Conduct	Letter of Reprimand
I2024...	2.8. Use of on-Body Recording Devices	Verbal Reprimand
I2024...	1.1. Personnel Code of Conduct	Verbal Reprimand



Standard Operating Procedures reviewed in completed investigations during September 2024

Directives/SOPs	Count
1.1. Personnel Code of Conduct	80
2.76. Court	31
2.8. Use of on-Body Recording Devices	14
3.41. Complaints Involving Department Personnel	9
2.71. Search and Seizure Without a Warrant	6
2.100. Emergency Communications Center (ECC) Division	5
2.57. Use of Force: Review and Investigation by Department Personnel	4
2.82. Restraints and Transportation of Individuals	4
2.73. Collection, Submission, and Disposition of Evidence and Property	3
1.62. Internal Affairs Professional Standards (IAPS Division)	2
2.23. Use of K-9 Unit	2
2.5. Department Vehicle	2
3.14. Supervision	2
3.21. Scheduled and Unscheduled Leave	2
1.5. Harassment/Sexual Harassment in the Workplace	1
1.94. Training Division	1
2.13. StarChase Pursuit Management System	1
2.16. Reports	1
2.41. Traffic Stops	1
2.42. DWI Investigations and Revoked/Suspended License	1
2.45. Pursuit by Motor Vehicle	1
2.80. Arrests, Arrest Warrants, and Booking Procedures	1
3.32. Performance Evaluations	1
3.33. Performance Evaluation and Management System (PEMS)	1

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

Directives/SOPs	Count
1.1. Personnel Code of Conduct	25
2.76. Court	22
2.8. Use of on-Body Recording Devices	8
3.41. Complaints Involving Department Personnel	5
2.100. Emergency Communications Center (ECC) Division	4

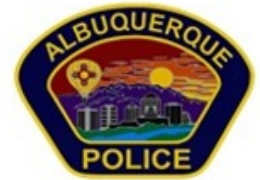
Albuquerque Police Department Monthly Use of Force Report September 2024



Prepared by:

**Data Analytics Unit
October 7, 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 - September 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.

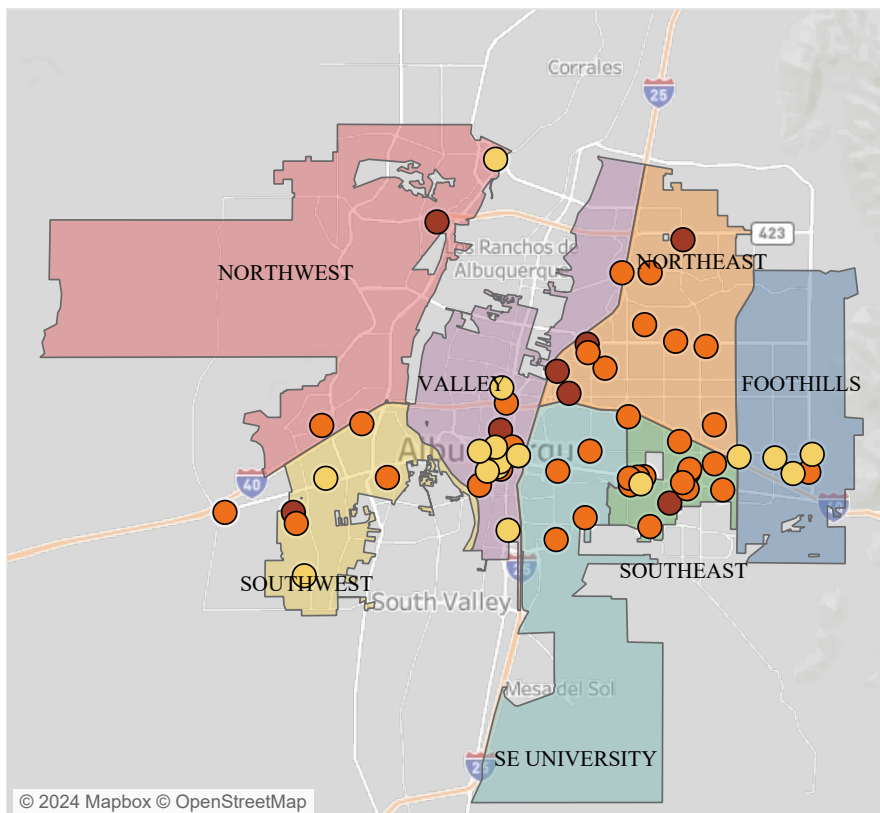
APD's jurisdiction includes the City of Albuquerque which is divided into six Area Commands. In the map below, Southeast Area Command is split into "SE University" and "Southeast." University Area Command is combined with Southeast Area Command in this report until updates to department databases are complete.

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

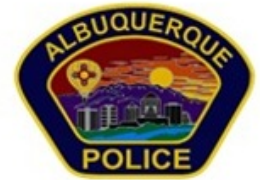
	Force Level			Grand Total
	Level 1	Level 2	Level 3	
Foothills	4	2	0	6
Northeast	0	7	4	11
Northwest	1	1	1	3
Out of Area	0	1	0	1
Southeast	1	16	2	19
Southwest	2	3	1	6
Valley	8	8	2	18
Grand Total	16	38	10	64

Locations of Use of Force Cases



- Force 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.

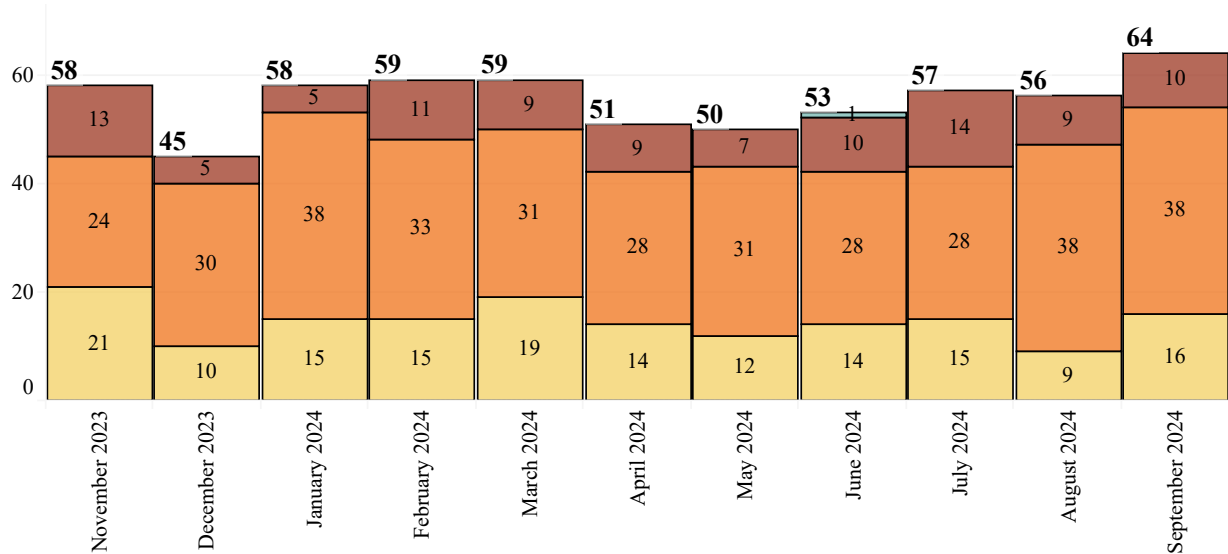


Use of Force Totals by Month - Past 12 Months

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.

Force Level
 Pending
 Level 3
 Level 2
 Level 1

Total Uses of Force by Month and Level of Force



Total Uses of Force by Month and Area Command

		November 2023	December 2023	January 2024	February 2024	March 2024	April 2024	May 2024	June 2024	July 2024	August 2024	September 2024	Grand Total
Foothills	Level 1	4	2	2	0	3	1	2	3	1	1	4	23
	Level 2	3	2	3	2	2	2	2	2	4	1	2	25
	Level 3	1	1	1	0	1	2	0	0	2	1	0	9
Northeast	Level 1	8	2	2	5	4	2	1	1	2	1	0	28
	Level 2	3	4	7	7	4	2	3	6	3	11	7	57
	Level 3	2	1	1	2	3	2	1	2	1	3	4	22
Northwest	Level 1	0	0	1	1	1	0	0	1	2	0	1	7
	Level 2	0	0	3	3	6	3	3	2	2	2	1	25
	Level 3	2	0	0	2	2	1	0	1	0	1	1	10
Southeast	Pending	0	0	0	0	0	0	0	1	0	0	0	1
	Level 1	4	2	7	6	5	3	5	6	3	5	1	47
	Level 2	11	13	15	13	10	10	13	6	11	11	16	129
	Level 3	4	2	1	4	1	1	2	1	3	2	2	23
Southwest	Level 1	1	3	2	1	1	2	0	1	2	1	2	16
	Level 2	2	3	8	5	4	6	7	5	1	3	3	47
	Level 3	2	0	0	0	2	0	2	3	1	0	1	11
Valley	Level 1	4	1	1	2	5	4	3	2	5	1	8	36
	Level 2	5	9	3	3	5	6	2	7	7	10	8	65
	Level 3	3	1	2	3	1	2	2	3	6	2	2	27
Out of Area	Level 1	1	0	0	0	0	2	1	0	0	0	0	4
	Level 2	0	0	0	0	0	0	2	0	0	0	1	3
	Level 3	1	0	0	0	1	1	0	0	1	0	0	4
Grand Total		58	45	58	59	59	51	50	53	57	56	64	610



Use of Force Benchmarked Against Calls For Service and Arrests - September 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

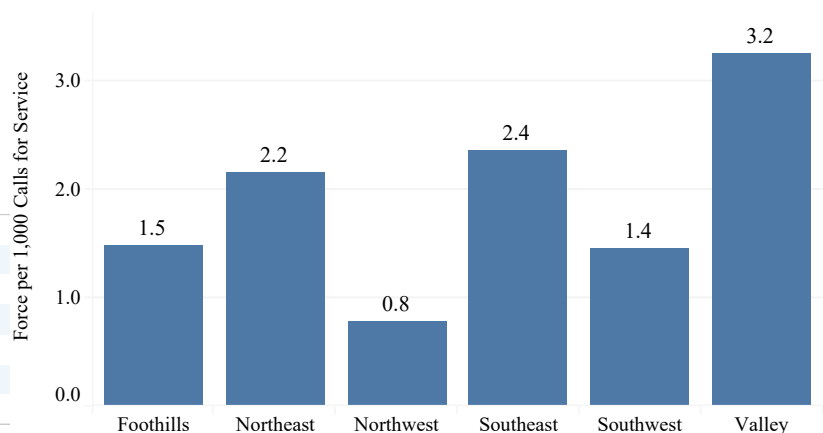
Total Calls for Service for Area Commands

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, September 2024

Area Command	Total Force Cases	Total CAD Calls	Force per 1,000 Calls
Foothills	6	4,033	1.5
Northeast	11	5,099	2.2
Northwest	3	3,843	0.8
Southeast	19	8,077	2.4
Southwest	6	4,143	1.4
Valley	18	5,549	3.2
Out of Area	1		

Force Rate per 1,000 Calls For Service



Arrests

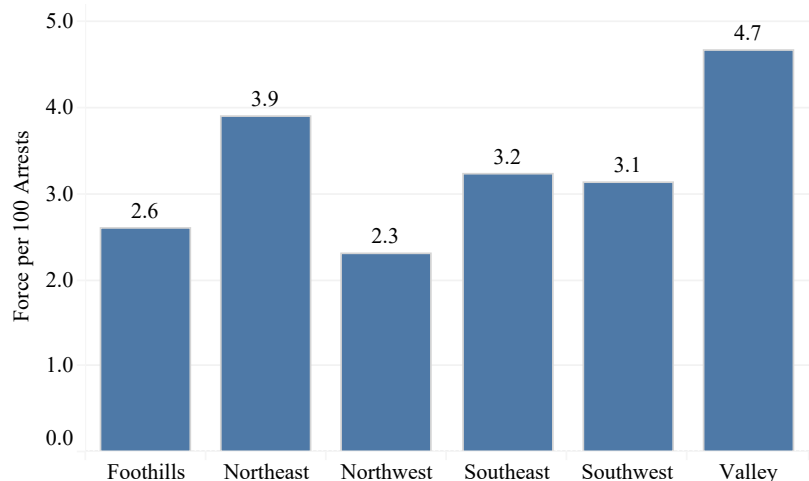
Total Arrests for Area Commands

Arrests include custodial arrests and summonses.

Force per Arrest by Area Command, September 2024

Area Command	Total Force	Total Arrests	Force Per 100 Arrests
Foothills	6	230	2.6
Northeast	11	282	3.9
Northwest	3	130	2.3
Southeast	19	586	3.2
Southwest	6	192	3.1
Valley	18	385	4.7
Out of Area	1	23	4.3

Force Rate per 100 Arrests

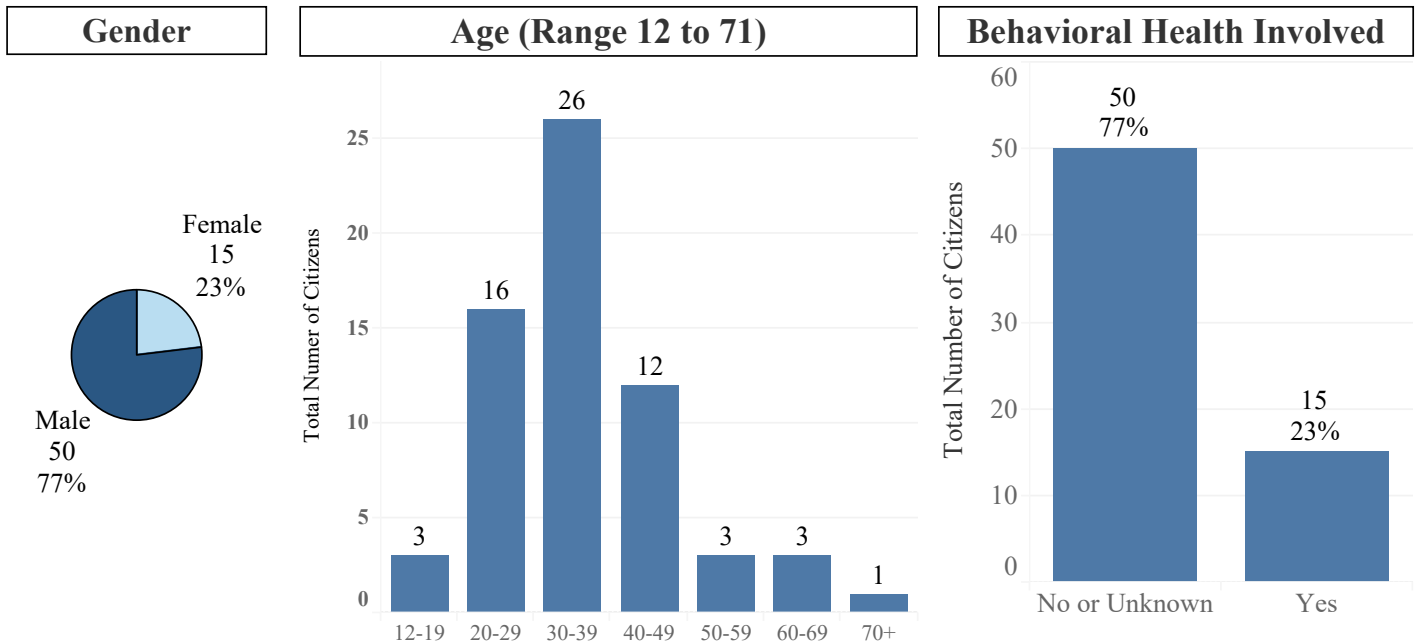




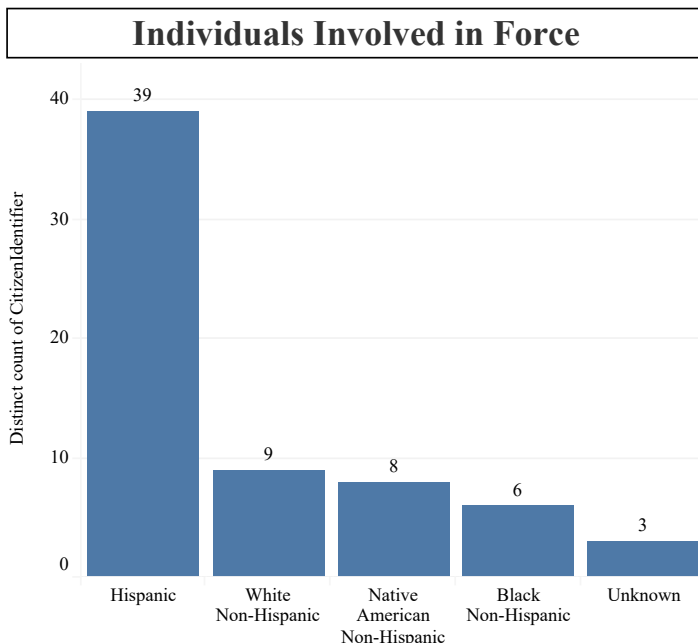
Demographics of Individuals Involved in Force - September 2024

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, September 2024

Race/Ethnicity	Total Force	Total Arrests	Force Rate per 100 Arrests
Hispanic	39	762	5.1
White Non-Hispanic	9	629	1.4
Native American Non-Hispanic	8	198	4.0
Black Non-Hispanic	6	155	3.9
Asian Pacific Islander Non-Hispanic	0	15	0.0
Unknown	3	125	2.4

Note: This table is a count of the total number of individuals involved in force.



Final Call Types and Types of Force Used - September 2024

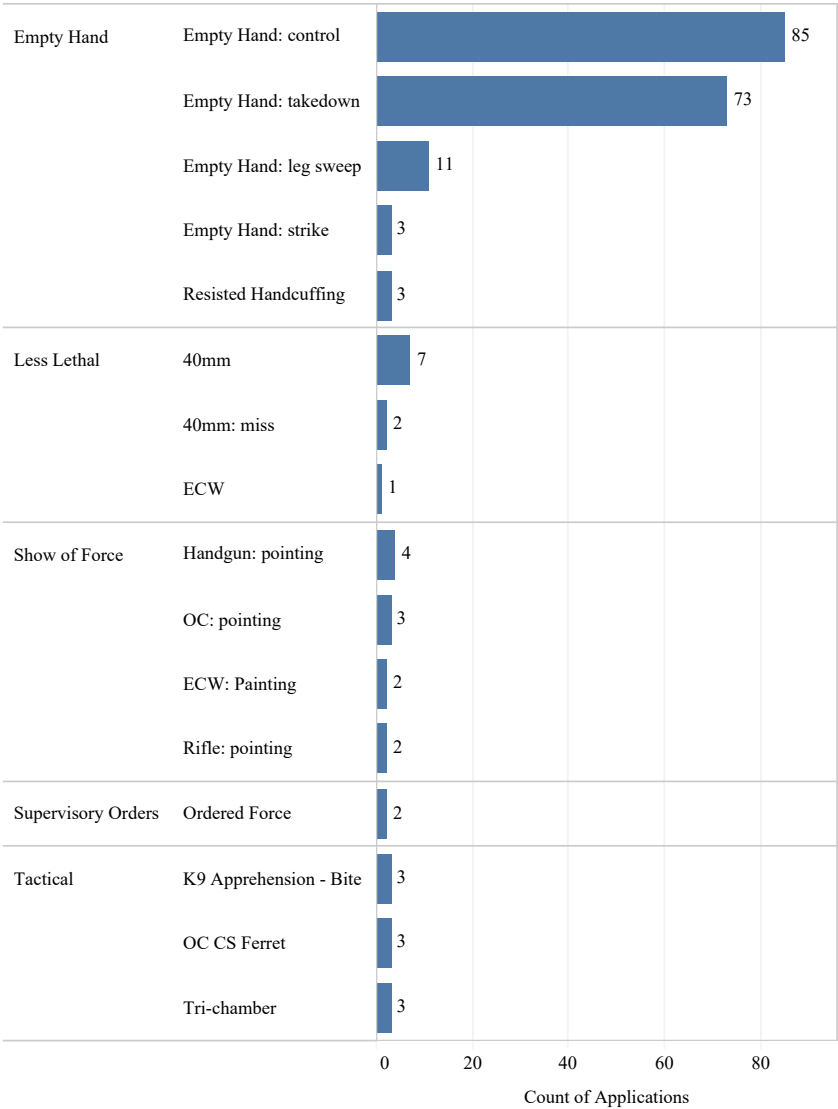
Officers are dispatched to calls for service and the original and final type of call for service are tracked. The table on the right shows the final call types for all calls involving force during the month.

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	7
Armed Robbery Committed	1
Audible Alarm	1
BAIT Vehicle Theft	1
Burglary Committed	1
Burglary Residence	1
Disturbance	4
Family Dispute	13
Fight In Progress	3
Narcotics	1
Onsite Auto Theft	2
Onsite Suspicious Person/Vehicle	8
Sex Offense	1
Sexual Abuse	1
Shoplifting	2
Stolen Vehicle Found	2
Suicide	4
Suspicious Person/Vehicle	1
SWAT	1
Traffic Stop	2
Unknown	2
Vandalism	1
Wanted Person	4
Grand Total	64

Total Force Applications for Each Type of Force Used



During September 2024, there were 64 Force Cases with a total of 207 Force Applications.



Completed Force Investigations - September 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	
17		35	
Average Days to Completion		Average Days to Completion	
13.9		87.9	
Minimum Days to Completion	Maximum Days to Completion	Minimum Days to Completion	Maximum Days to Completion
9	24	82	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 September 2024

	Total Force Cases
In Policy	47
Out of Policy	5
Grand Total	52

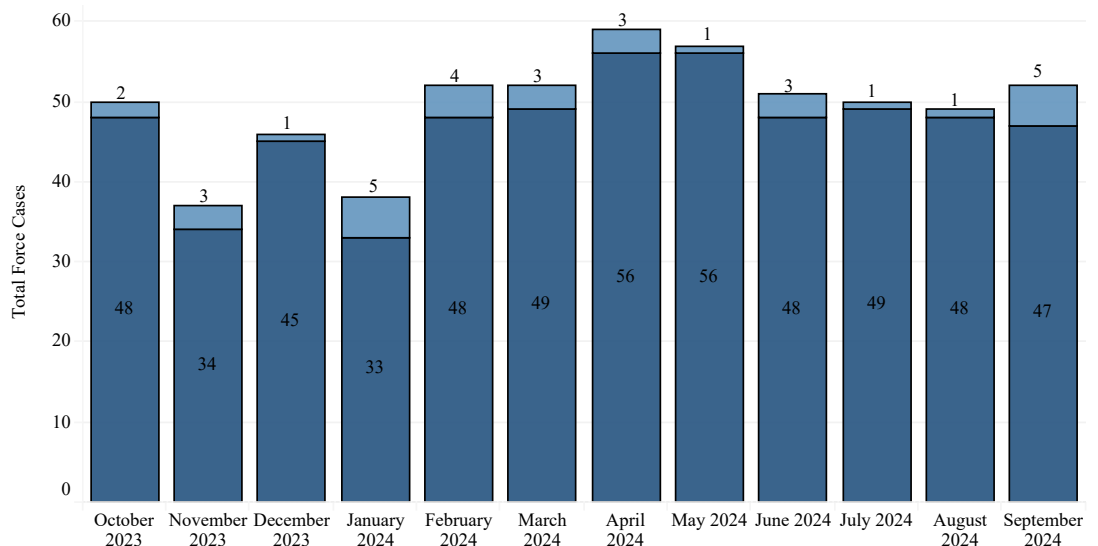
Out of Policy Force Cases by Area Command

Northeast	1
Southeast	2
Southwest	1
Valley	1
Grand Total	5

Case Disposition

- Out of Policy
- In Policy

Policy Outcomes Prior 12 Months

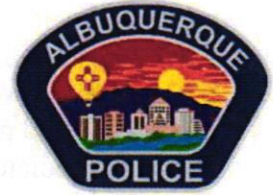




Timothy M. Keller
Mayor

City of Albuquerque

Albuquerque Police Department



Eric J. Garcia
Superintendent of Police Reform

September 10, 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
2.100.4.B.8.g.iv	Sustained/Written Reprimand	Sustained/NDCA

Rationale for non-concurrence of action for 2.100.4.B.8.g.iv :

I listened to both the call from Ms. H ; to Mr. L and also the call between Ms. H ; and Mr. L's supervisor. Ms. H ; was calling to report what she believed to be a handicap violation at the Trader Joe's on Paseo and, clearly, at the beginning of the call she was frustrated with how a vehicle was parked and blocking the ramp. Mr. L was simply asking questions he was required to ask in order to create a call for service and it was apparent Ms. H frustration then began to focus on Mr. L. While I agree it is our responsibility as employees of the Albuquerque Police Department to remain professional/composed during confrontational situations, I found Ms. H ; to be extremely rude to Mr. L when he was simply attempting to do his job. I will, however, agree Mr. L was apparently being somewhat passive aggressive with Ms. H ; and made a comment that could be considered as rude or unprofessional. When I listened to the conversation between Ms. H ; and Mr. L's supervisor she sounded angry, frustrated, and very demanding. When the supervisor was attempting to explain the course of action he was going to take, Ms. H ; spoke over him and began telling him about a situation where the chief of police himself all the way down the rank and file apologized to her for a reported incident she had last year and when the supervisor attempted to gather information from her she would only reply that her name was "citizen" and she did inform him she was not a "Karen".

Ultimately, the call for service was created and two PSA's responded to the Trader Joe's and cited the vehicle for improper parking in a handicap spot. The call turned into a larger issue when a supervisor arrived and used his discretionary authority to void the citation.

I support the sustained finding reached by the CPOA in this investigation as I believe Mr. L could have been a bit more professional in his handling of the conversation with Ms. H . Again, Mr. L did acknowledge this during his CPOA interview.

Mr. L's disciplinary history dates back to 2016 where he does have prior on duty conduct sustained violations. However, there have been no sustained violations of misconduct or performance issues since 2020 and no prior NDCA's in the last six years. In my opinion, this is a situation best addressed by his immediate supervisor to ensure this does not happen again. Since, Mr. L does not have any discipline issues in the last four years. Additionally, SOP 3-46 provides for a range of discipline within the given class and sanction. In this case, the violation is a class 6 where the range of discipline is a NDCA up to an 8-hour suspension. It is not the responsibility of the CPOA to consider any mitigating or aggravating factors in order to recommend discipline and generally all cases arrive at Professional Integrity with the presumptive level of discipline as the recommendation. It is, however, the responsibility of Professional Integrity and myself to identify and consider mitigating or aggravating circumstances in order to reach an appropriate and fair disciplinary resolution. It should be noted the fact that the discipline was reduced to a corrective action in no way reflects on the quality of this investigation as the investigation was complete and very thorough.

Conclusion:

The final discipline issued to Mr. L was a NDCA which was a departure from the recommended presumptive level of a written reprimand.

Respectfully,



Major Jimmy Collins,
Deputy Superintendent of Reform
Albuquerque Police Department

Cc: Eric Garcia, Superintendent of Police Reform

1. Define affidavit
 - a. Affidavits are referenced in, at least, nine SOPs and none of these SOPs have defined the term. If the Board feels that affidavit should be defined in SOP 2-70: Execution of Search Warrants, then the Board should consider making that recommendation on behalf of the other SOPs or, at least, have it added to SOP 1-1: Personnel Code of Conduct and added as a related SOP to all the other ones that use the term
2. Move (f) to (g) and add a (f) to 2-70-4-C-5 that reads: Ensure reasons why the issuance of the search warrant ceased are documented in a Uniform Incident Report or add (d) to 2-70-4-G
 - a. I checked 2-16: Reports and didn't see any language that would ensure the reasons why the issuance of a searched warrant that ceased are documented. The policy holder said that these reasons are provided in the Uniform Incident Report but I did not find any language confirming that