

CIVILIAN POLICE OVERSIGHT ADVISORY BOARD (CPOAB)

Tuesday, May 7, 2024, at 5:00 PM
Vincent E. Griego Chambers

Aaron Calderon, Board Chair
Rowan Wymark, Board Vice-Chair
Zander Bolyanatz, Board Member
Shama Newton, Board, Member
Gail Oliver, Board Member
Diane McDermott, Executive Director, CPOA

Members Present:

Aaron Calderon, Chair
Rowan Wymark, Vice Chair
Shama Newton
Gail Oliver

Members Absent:

Zander Bolyanatz
(excused)

Others Present In-Person:

Diane McDermott, CPOA
Katrina Sigala, CPOA
Valerie Barela, CPOA
Emily Selch, CPOA
Gabe Remer, CPOA
Kelly Mensah, CPC
Robert Kidd, Independent Counsel
Chris Sylvan, City Council
Lindsey Rosebrough, Managing City Atty.
Cmdr. Sean Waite, APD
Cmdr. Henry Landavazo, APD
Cmdr. Dodi Camacho, APD
Cmdr. Scott Norris, APD
Deputy Cmdr. Paul Skotchdopole, APD
Lt. Troy Nicko, APD
Officer H. APD
Jeffrey Bustamante, ACS
Robert Donovan, CPC 107-23 Complainant

Others Present via Zoom:

Dr. Omotayo (Ty) Olubiyi, CCO

MEETING 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 5:00 p.m., and a roll call of members present was taken. Aaron Calderon, Shama Newton, Gail Oliver and Rowan Wymark were present. Chair Calderon noted that Zander Bolyanatz was excused from the meeting.
- II. Pledge of Allegiance.** Chair Calderon led the Pledge of Allegiance.

III. Approval of the Agenda

1. **Motion.** A motion was made by Chair Calderon to amend agenda item XI.a.12 SOP 3-12 to read SOP 3-25 and to approve the agenda as amended. The motion was seconded by Member Newton. The motion was carried by the following roll call vote:

For: 4 – Calderon, Newton, Oliver, Wymark

IV. Public Comments

- a. None (*see attached*)

- V. **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. **April 11, 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 April 11, 2024.
2. **Motion.** A motion by Chair Calderon to approve the minutes as drafted. The motion was seconded by Member Oliver. The motion was carried by the following roll call vote:

For: 4 – Calderon, Newton, Oliver, Wymark

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 April 2024 was distributed to CPOA Board members electronically. (*see attached*)
- ii. APD IAPS Deputy Commander Paul Skotchdopole was present in place of Acting Commander Kenneth Johnston and was available to answer any questions from the Board.

2. **Internal Affairs Force Division (IAFD) – Commander Scott Norris**
 - i. A document titled APD Monthly Use of Force Report April 2024 was distributed to CPOA Board members electronically.
(see attached)
 - ii. APD IAFD Commander Scott Norris was present and available to answer any questions from the Board.
- b. **ACS- Jodie Esquibel, Deputy Director**
 1. ACS Deputy Director for Policy and Administration Jeffrey Bustamante gave a verbal report on the following:
 - ACS permanent location
 - ACS Budget
 - ACS Connect Care Events
 2. Mr. Bustamante noted he would provide the April 2024 ACS report update to the Board for their review once it was finalized.
- c. **City Attorney- Lindsey Rosebrough, Managing Attorney**
 1. City Managing Attorney for APD, Linsey Rosebrough, gave a verbal report on the following updates:
 - The IMR-19 Report
 - CASA Court hearing date is scheduled for June 4, 2024
 - APD DWI Unit ongoing Investigation by APD and FBI
- d. **City Council- Chris Sylvan, Council Services**
 1. City Council Representative Chris Sylvan gave an update on the following:
 - CPOA Semi-Annual July-December 2022 Report will be presented to the Finance and Government Operations Committee
 - CPOA Budget
- e. **CPC- Kelly Mensah, CPC Liaison**
 1. Executive Director McDermott provided a verbal update in lieu of Kelly Mensah on the following:
 - CPC's continuous recruiting and advertising efforts

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

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

g. CPOA – Diane McDermott, Executive Director

1. Executive Director Diane McDermott gave a verbal report on the following: (*See attached*)

- CPOA Budget
- Monitoring Team Site Visit
- IMR-19 Letter to the Court
- Contract Investigations

2. **Non-Concurrence Memo CPC 261-23**

- a. Ms. McDermott provided the Board with the non-concurrence memo from the APD Office of Police Reform, CPC 261-23, and a complaint summary. (*see attached*)

VII. Appeals. Copies of the Civilian Police Oversight Advisory Board appeal finding letters to the citizens are located on our website here:

<http://www.cabq.gov/cpoa/findings-letters/civilian-complaints-pob-findings>

a. CPC # 274-22

- i. **Hearing on CPC #274-22**

1. Independent Counsel Robert Kidd read the rules and procedures the Board will follow during the Hearing process.
2. Complainant Basil Akers was not present.
3. Chair Calderon read the CPC 274-22 complaint and CPOA findings.
4. **Motion.** A motion by Chair Calderon to affirm and uphold the findings of the Civilian Police Oversight Agency Director. The motion was seconded by Member Newton. The motion was carried by the following roll call vote:

For: 4 – Calderon, Newton, Oliver, Wymark

- ii. 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.

1. None.

b. CPC # 107-23

i. Hearing on CPC #107-23

1. Complainant Robert Donovan was provided 15 minutes to present his case.
2. Officer H. was provided 5 minutes to speak.
3. APD Commander Henry Landavazo was provided 10 minutes to speak.
4. CPOA Executive Director McDermott was provided 10 minutes to speak.
5. Complainant Robert Donovan was provided an additional 5 minutes to speak.

ii. 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.

1. **Motion.** A motion by Chair Calderon that the Board convene into closed session as authorized by administrative adjudicatory proceedings exception to the open meeting act for a limited purpose of discussing the matters presented in CPC #107-23. The motion was seconded by Member Newton. The motion was carried by the following roll call vote:

For: 4 – Calderon, Newton, Oliver, Wymark

*****Closed session discussions on administrative adjudicatory proceedings for CPC #107-23 began at 5:45 p.m., and the meeting reconvened at 6:01 p.m.*****

2. **Motion.** Chair Calderon made a motion to come out of the closed session. The motion was seconded by Member Newton. The motion was carried by the following roll call vote:

For: 4 – Calderon, Newton, Oliver, Wymark

3. **Motion.** A motion was made by Member Oliver that the Board approve and uphold the findings of the Civilian Police Oversight Agency Director. Chair Calderon seconded the motion. The motion was carried by the following roll call vote:

For: 4 – Calderon, Newton, Oliver, Wymark

c. CPC # 134-23

i. Hearing on CPC #134-23

1. Complainant Donald Reese was authorized by the Chair of the Board to attend virtually. Mr. Reese was not present via Zoom. Executive Director McDermott noted that the Zoom functionality was adequately working, as others were present via Zoom.
2. **Motion.** A motion by Chair Calderon to affirm and uphold the findings of the Civilian Police Oversight Agency Director. The motion was seconded by Member Newton. The motion was carried by the following vote:

For: 4 – Calderon, Newton, Oliver, Wymark

- ii. 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.

1. None.

VIII. Serious Use of Force Case:

1. Chair Calderon noted that the Serious Use of Force Case review will commence next month.

IX. Officer-Involved Shooting Cases:

1. Chair Calderon noted that the Officer-Involved Shooting Case review will commence next month.

X. Reports from CPOAB Subcommittees

a. Policy and Procedure Review Subcommittee – Gail Oliver

1. Met on May 2, 2024, at 3:00 p.m.
2. Next Meeting: June 6, 2024, at 3:00 p.m.
3. Update on APD Policy and Procedure Meetings
 - a. CPOA Analyst Emily Selch gave a verbal update report on APD Policy and Procedure Meetings. (*see attached*)

b. Ad Hoc Rules Subcommittee – Aaron Calderon

1. Met: April 17, 2024, at 4:00 p.m.
2. Next meeting: May 15, 2024, at 4:00 p.m.
3. Update on Ad Hoc Rules Subcommittee
 - a. Chair Calderon reported that the Ad Hoc Rules Committee continues to work on the draft Board Policies and Procedures.

***** A Dinner Break began at 6:10 p.m., and the meeting convened at 7:00 p.m. *****

XI. Discussion and Possible Action:

a. APD Policy Recommendations - Aaron Calderon, Chair

1. SOP 1-48 (Formerly 8-3) Fiscal Division

- i. The Board had no commentary or recommendations for SOP 1-48.
- ii. **Motion.** A motion by Chair Calderon to direct the CPOA to document on a Smartsheet that the Board has no comment on SOP 1-48. The motion was seconded by Member Newton. The motion was carried by the following roll call vote:

For: 4 – Calderon, Newton, Oliver, Wymark

2. SOP 1-53 (Formerly 5-3) Homicide Unit

- i. The Board had no commentary or recommendations for

SOP 1-53.

- ii. CPOA Analyst Emily Selch shared the CPOA's SOP 1-53 recommendation and justification.
- iii. **Motion.** A motion by Chair Calderon to approve the recommendation by the CPOA for SOP 1-53. The motion was seconded by Member Newton. The motion was carried by the following roll call vote:

For: 4 – Calderon, Newton, Oliver, Wymark

3. SOP 2-113 Custom Notification Gun Buy-Back (CNGBB)

Program

- i. The Board had no commentary or recommendations for SOP 2-113.
- ii. **Motion.** A motion by Chair Calderon to direct the CPOA to document on a Smartsheet that the Board has no comment on SOP 2-113. The motion was seconded by Member Newton. The motion was carried by the following roll call vote:

For: 4 – Calderon, Newton, Oliver, Wymark

4. SOP 1-27 (Formerly 5-3) Cold Case Unit

- i. The Board and CPOA had no commentary or recommendations for SOP 1-27.
- ii. **Motion.** A motion by Chair Calderon to direct the CPOA to document on a Smartsheet that the Board has no comment on SOP 1-27. The motion was seconded by Member Newton. The motion was carried by the following roll call vote:

For: 4 – Calderon, Newton, Oliver, Wymark

5. SOP 1-59 (Formerly 4-1 and 4-4) Impact Teams

- i. The Board and CPOA had no commentary or recommendations for SOP 1-59.

- ii. **Motion.** A motion by Chair Calderon to direct the CPOA to document on a Smartsheet that the Board has no comment on SOP 2-113. The motion was seconded by Member Newton. The motion was carried by the following roll call vote:

For: 4 – Calderon, Newton, Oliver, Wymark

6. SOP 2-4 Use of Respirators

- i. The Board and CPOA had no commentary or recommendations for SOP 2-4.
- ii. **Motion.** A motion by Chair Calderon to direct the CPOA to document on a Smartsheet that the Board has no comment on SOP 2-4. The motion was seconded by Member Newton. The motion was carried by the following roll call vote:

For: 4 – Calderon, Newton, Oliver, Wymark

7. SOP 2-14 Use of Cell-Site Simulator Technology

- i. The Board and CPOA had no commentary or recommendations for SOP 2-14.
- ii. **Motion.** A motion by Chair Calderon to direct the CPOA to document on a Smartsheet that the Board has no comment on SOP 2-14. The motion was seconded by Member Newton. The motion was carried by the following roll call vote:

For: 4 – Calderon, Newton, Oliver, Wymark

8. SOP 2-25 (Formerly 1-28) Bomb Threats and Bomb Emergencies

- i. The Board and CPOA had no commentary or recommendations for SOP 2-25.
- ii. **Motion.** A motion by Chair Calderon to direct the CPOA to document on a Smartsheet that the Board has no comment on SOP 2-25. The motion was seconded by Member Newton. The motion was carried by the following roll call vote:

For: 4 – Calderon, Newton, Oliver, Wymark

9. SOP 2-60 (Formerly 2-24) Preliminary and Follow-up Criminal Investigations

- i.** Member Wymark suggested that the policy provide examples of the challenges in conducting interviews.
- ii.** Executive Director McDermott noted the CPOA intended to incorporate the commentary and recommendations as previously indicated by Emily Selch related to SOP 1-53 for SOP 2-60.
- i. Motion.** A motion by Chair Calderon to approve the recommendation by the CPOA for SOP 2-60. The motion was seconded by Member Newton. The motion was carried by the following roll call vote:

For: 4 – Calderon, Newton, Oliver, Wymark

10. SOP 2-112 Violence Intervention Program Call-in

- i.** The Board and CPOA had no commentary or recommendations for SOP 2-112.
- ii. Motion.** A motion by Chair Calderon to direct the CPOA to document on a Smartsheet that the Board has no comment on SOP 2-112. The motion was seconded by Member Newton. The motion was carried by the following roll call vote:

For: 4 – Calderon, Newton, Oliver, Wymark

11. SOP 3-15 (Formerly 3-11) Sworn Personnel Positions and Seniority

- i.** The Board and CPOA had no commentary or recommendations for SOP 3-15.
- ii. Motion.** A motion by Chair Calderon to direct the CPOA to document on a Smartsheet that the Board has no comment on SOP 3-15. The motion was seconded by Member Newton. The motion was carried by the following roll call vote:

For: 4 – Calderon, Newton, Oliver, Wymark

12. SOP 3-25 (Formerly 2-10 and 4-11) Bid Process

- i. The Board and CPOA had no commentary or recommendations for SOP 3-25.
- ii. **Motion.** A motion by Chair Calderon to direct the CPOA to document on a Smartsheet that the Board has no comment on SOP 3-25. The motion was seconded by Member Newton. The motion was carried by the following roll call vote:

For: 4 – Calderon, Newton, Oliver, Wymark

b. Update on Serious Use of Force Case Process for CPOA Board - *Aaron Calderon, Chair*

1. Chair Calderon shared a Serious Use of Force Case process document for the Board to utilize during their Serious Use of Force Case review moving forward. (*see attached*)

c. CPOAB Mandatory Training Check-in - *Aaron Calderon, Chair*

1. Chair Calderon requested Board members utilize a board training spreadsheet for tracking and to maintain compliance.
2. Mr. Sylvan noted he is working on scheduling the Charm School Training for the Board.
3. Executive Director McDermott noted that APD Training Academy is working on scheduling any missed CPA classes for the Board.

XII. CPOA Board's Review of Garrity Materials:

- a. None.

XIII. Meeting with Counsel re: Pending Litigation or Personnel Issues:

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.

XIV. Other Business

- a. Chair Calderon requested that any commentary from Board members regarding IMR-19 be emailed to Executive Director McDermott for inclusion in the CPOA letter to the court.

XV. Adjournment

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

For: 4 – Calderon, Newton, Oliver, Wymark

- b. The meeting was adjourned at 7:30 p.m.

APPROVED:



Aaron Calderon, Chair
Civilian Police Oversight Advisory Board

6/13/2024

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

ATTACHMENTS



CIVILIAN POLICE OVERSIGHT ADVISORY BOARD
PUBLIC COMMENT
SIGN-IN SHEET
TUESDAY, MAY 7, 2024

NAME (PLEASE PRINT)

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

The CPOA has received 64 complaints since from April 9 to April 29.

28 complaints were assigned for investigation. 24 of these complaints were driving complaints that were resolved with the employee's supervisor. 12 were miscellaneous, where either insufficient information was provided, or it was determined that APD personnel were not involved in the complaint.

The CPOA submits findings of the cases it investigates for review and, if appropriate, final disciplinary authority to the Office of Police Reform. When the Office of Police Reform disagrees with a finding and/or discipline recommendation, a non-concurrence memo is sent to the CPOA for review. That information is provided to the Board for review and on the CPOA's website. The CPOA received a non-concurrence regarding CPC 261-23

CPC 261-23 involved an allegation that a responding officer was rude, dismissive, and unprofessional about a camper parked in front of his residence. The investigation determined that there was some unprofessional conduct on the part of the officer. The department agreed with the sustained finding. The department evaluated the officer's discipline, particularly after the due process. The officer admitted the mistake and was remorseful. Additionally, the officer's retention card had an error in the categorization of discipline, which affected the progressive discipline calculation. Due to the error on the retention card, the discipline was rated higher than it should have been. Therefore, the non-concurrence was the level of discipline that was still within the appropriate range per policy. The department provided an adequate explanation, and the CPOA did not disagree with the explanation.

Concerning Budget:

The CPOA made requests for four additional investigations, two first-line supervisors and an intake manager, and changes to the pay for the Lead Investigator to account for changes in the position responsibility and compression issues for added staff. The full request is needed in order to provide timely investigations to the public and satisfy the requirements of the court-approved settlement agreement, the police officer's collective bargaining agreement. This is also critical to avoid staff burnout, as the CPOA has lost three investigators in the past year primarily due to the overwhelming caseload. Investigators regularly carry 20-plus cases at a given time. As of this time, there was some granting of additional personnel by the administration, but not the full request. Currently, the city council is reviewing the budget and may make additional modifications either by adding or taking away personnel. May 20th is when the budget will be finalized, and then a re-evaluation will need to occur on how best to utilize dollars and personnel to accomplish our needs.

Site Visit:

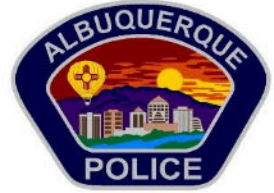
The site visit for the Independent Monitoring team will be the first week of June. The hearing for the court will be scheduled for June 4. In-person and virtual attendance should be an option. A letter to the court will be due by the Agency and will also include the Board. Unfortunately, given the timing, I did not confer with the Chair to get it on your agenda. Please send me individual comments; do not send them to everyone. The type of comments should be things that you feel are important for the Judge to know about the reform process and I will incorporate those into the letter. If you have concepts you wish to discuss at the other business portion of the agenda, you may. There will not be a vote or specific action taken, but I will note it for incorporation.



Timothy M. Keller
Mayor

City of Albuquerque

Albuquerque Police Department



Eric J. Garcia
Superintendent of Police Reform

March 8, 2024

Interoffice Memorandum

To: Diane McDermott, Executive Director, CPOA
From: Jimmy Collins, Major, Office of the Superintendent
Subject: Non-Concurrence of Action re: CPC-261-2023

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 |
|-----------|-----------------------------|-----------------------------|
| 1-1-5-A-1 | Sustained/8-hour suspension | Sustained/Written Reprimand |

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

Professional integrity concurred with the sustained finding of the investigation but concluded a written reprimand was more appropriate based on mitigating circumstances observed during the case review. The officer admitted the mistake and was remorseful by saying he would take the comments back if he could. APD SOP 3-46-4-C explains aggravating and mitigating circumstances when determining final discipline for an employee and under Section 3 mitigating circumstances may include sincere remorse and acceptance of responsibility, which was the basis for Professional Integrity to find mitigation appropriate. During my review, I discovered the officer’s retention card had an incorrect entry by labeling a missed court violation as a performance violation. This prior violation was used as progressive discipline to calculate the current violation as a second offense. In the category appendix in APD SOP 3-46, missed court is listed as an attendance violation and would not be counted towards an additional performance violation, therefore this violation to no fault of the CPOA should have remained a first offense class 6 where a written reprimand would be the presumptive level of discipline.

Conclusion:

Based on the overall circumstances of the investigation and through guidance of APD SOP 3-46, the officer will be issued a written reprimand for this sustained violation.

Respectfully,

Major Jimmy Collins,
Deputy Director of Reform
Albuquerque Police Department

Cc: Eric Garcia, Superintendent of Police Reform

ALBUQUERQUE POLICE DEPARTMENT



INTERNAL AFFAIRS PROFESSIONAL STANDARDS (IAPS) DIVISION MONTHLY REPORT April 2024

Prepared by:

Data Analytics Unit

Data as of: May 2, 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
April 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 ensures a thorough, impartial, and prompt investigation of allegations to implement transparent fact finding process and take corrective actions against the employees if investigative findings are sustained. IAPS investigate cases according to the department Standard Operating Procedures (SOPs). 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, sent out to area commands, pending cases, and the average time taken (days) for case completion. Moreover, this report excludes the misconduct cases which originates from force investigations and are investigated by IAFD. This report 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 April.

Total Cases Opened

105

Investigations opened by the Internal Affairs Professional Standards during the month of April

Total Cases Completed

97

Investigations completed by the Internal Affairs Professional Standards during the month of April

Cases Opened

[By Area Command]

48

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

Completed Cases

[By Area Command]

62

Investigations completed by the Area Command

Pending Cases

100

Investigations opened during the month of April and are not yet completed

Average Days to Completion

59.89

Average days to completion for investigations completed during the month of April

**Total Cases Completed
in April 2024**

97

**Completed Cases with
Sustained/SNBOOC Findings**

Total Cases: 60
61.8% of the total completed investigations



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

| Files | Directives/SOPs | Finding | Discipline Imposed |
|----------|--|-----------------|--------------------|
| I2023... | 1.1.Personnel Code of Conduct | Sustained | Suspension |
| I2023... | 2.8.Use of on-Body Recording Devices | Sustained/NBOOC | Suspension |
| I2023... | 2.56.Use of Force: Reporting by Department Personnel | Sustained/NBOOC | Written Reprimand |
| | 2.57.Use of Force: Review and Investigation by Department Per.. | Sustained | Written Reprimand |
| | 3.14.Supervision | Sustained/NBOOC | Written Reprimand |
| | 2.8.Use of on-Body Recording Devices | Sustained/NBOOC | NDCA |
| I2023... | 1.1.Personnel Code of Conduct | Sustained | Suspension |
| I2023... | 2.8.Use of on-Body Recording Devices | Sustained | Written Reprimand |
| | 3.41.Complaints Involving Department Personnel | Sustained | Written Reprimand |
| I2023... | 1.1.Personnel Code of Conduct | Sustained | Verbal Reprimand |
| I2023... | 3.41.Complaints Involving Department Personnel | Sustained | Written Reprimand |
| | 2.56.Use of Force: Reporting by Department Personnel | Sustained | Written Reprimand |
| | 2.56.Use of Force: Reporting by Department Personnel | Sustained | Suspension |
| I2023... | 1.1.Personnel Code of Conduct | Sustained | Verbal Reprimand |
| I2023... | 1.1.Personnel Code of Conduct | Sustained | Suspension |
| I2023... | 1.94.Training Division | Sustained | Suspension |
| I2023... | 2.82.Restrains and Transportation of Individuals | Sustained/NBOOC | Written Reprimand |
| | 2.82.Restrains and Transportation of Individuals | Sustained/NBOOC | Written Reprimand |
| I2023... | 2.8.Use of on-Body Recording Devices | Sustained | Written Reprimand |
| I2023... | 2.100.Emergency Communications Center (ECC) Division | Sustained | Suspension |
| I2024... | 1.31.Court Services Unit | Sustained | NDCA |
| I2024... | 2.57.Use of Force: Review and Investigation by Department Per.. | Sustained | Verbal Reprimand |
| | 3.41.Complaints Involving Department Personnel | Sustained | Written Reprimand |
| I2024... | 1.1.Personnel Code of Conduct | Sustained | Written Reprimand |
| I2024... | 2.73.Collection, Submission, and Disposition of Evidence and P.. | Sustained | Verbal Reprimand |
| I2024... | 2.8.Use of on-Body Recording Devices | Sustained | Suspension |
| I2024... | 3.32.Performance Evaluations | Sustained | Verbal Reprimand |
| I2024... | 2.76.Court | Sustained | Written Reprimand |
| I2024... | 2.76.Court | Sustained | Written Reprimand |
| I2024... | 1.1.Personnel Code of Conduct | Sustained | NDCA |
| I2024... | 3.32.Performance Evaluations | Sustained | Verbal Reprimand |
| I2024... | 1.1.Personnel Code of Conduct | Sustained | Suspension |
| | 1.1.Personnel Code of Conduct | Sustained | Written Reprimand |
| | 1.1.Personnel Code of Conduct | Sustained | Terminated |
| I2024... | 2.76.Court | Sustained | Written Reprimand |
| I2024... | 2.76.Court | Sustained | Written Reprimand |
| | 2.76.Court | Sustained | Written Reprimand |
| I2024... | 2.76.Court | Sustained | Verbal Reprimand |
| I2024... | 2.76.Court | Sustained | Written Reprimand |
| I2024... | 2.8.Use of on-Body Recording Devices | Sustained | Verbal Reprimand |
| I2024... | 2.76.Court | Sustained | Written Reprimand |
| I2024... | 2.76.Court | Sustained | Written Reprimand |
| I2024... | 2.8.Use of on-Body Recording Devices | Sustained | NDCA |
| I2024... | 1.1.Personnel Code of Conduct | Sustained | Verbal Reprimand |
| I2024... | 1.1.Personnel Code of Conduct | Sustained | Verbal Reprimand |
| I2024... | 2.57.Use of Force: Review and Investigation by Department Per.. | Sustained | NDCA |
| I2024... | 2.8.Use of on-Body Recording Devices | Sustained | Verbal Reprimand |
| I2024... | 1.48.Fiscal Division | Sustained | Written Reprimand |
| I2024... | 2.16.Reports | Sustained | Verbal Reprimand |
| I2024... | 2.76.Court | Sustained | Written Reprimand |
| I2024... | 2.8.Use of on-Body Recording Devices | Sustained | Verbal Reprimand |



Discipline Imposed for Investigations Completed in April 2024 (Sustained/SNBOOC Findings) *continued*

| Files | Directives/SOPs | Finding | Discipline Imposed |
|----------|--------------------------------------|-----------|--------------------|
| I2024.a. | 2.76.Court | Sustained | Written Reprimand |
| I2024.a. | 2.76.Court | Sustained | Verbal Reprimand |
| I2024.a. | 1.1.Personnel Code of Conduct | Sustained | Written Reprimand |
| | 1.1.Personnel Code of Conduct | Sustained | Verbal Reprimand |
| I2024.a. | 2.8.Use of on-Body Recording Devices | Sustained | NDCA |
| I2024.a. | 2.76.Court | Sustained | Written Reprimand |
| I2024.a. | 2.76.Court | Sustained | Verbal Reprimand |
| I2024.a. | 2.76.Court | Sustained | Written Reprimand |
| I2024.a. | 2.76.Court | Sustained | Written Reprimand |
| I2024.a. | 2.76.Court | Sustained | Written Reprimand |
| I2024.a. | 2.76.Court | Sustained | Written Reprimand |
| I2024.a. | 2.76.Court | Sustained | Written Reprimand |
| I2024.a. | 2.76.Court | Sustained | Written Reprimand |
| I2024.a. | 2.76.Court | Sustained | Verbal Reprimand |
| I2024.a. | 2.16.Reports | Sustained | Verbal Reprimand |
| I2024.a. | 2.76.Court | Sustained | Written Reprimand |
| I2024.a. | 2.8.Use of on-Body Recording Devices | Sustained | Verbal Reprimand |
| I2024.a. | 2.8.Use of on-Body Recording Devices | Sustained | NDCA |
| I2024.a. | 2.76.Court | Sustained | Verbal Reprimand |
| I2024.a. | 2.76.Court | Sustained | Written Reprimand |
| I2024.a. | 1.1.Personnel Code of Conduct | Sustained | Written Reprimand |

Standard Operating Procedures reviewed in completed investigations during April 2024

| Directives/SOPs | |
|---|----|
| 2.76.Court | 45 |
| 2.52.Use of Force: General | 30 |
| 1.1.Personnel Code of Conduct | 29 |
| 2.56.Use of Force: Reporting by Department Personnel | 20 |
| 2.8.Use of on-Body Recording Devices | 19 |
| 2.54.Use of Force: Intermediate Weapon Systems | 9 |
| 2.57.Use of Force: Review and Investigation by Department Personnel | 8 |
| 2.60.Preliminary and Follow-Up Criminal Investigations | 4 |
| 2.100.Emergency Communications Center (ECC) Division | 3 |
| 2.82.Restraints and Transportation of Individuals | 3 |
| 3.14.Supervision | 3 |
| 3.32.Performance Evaluations | 3 |
| 3.41.Complaints Involving Department Personnel | 3 |
| 1.62.Internal Affairs Professional Standards (IAPS Division) | 2 |
| 2.16.Reports | 2 |
| 2.19.Response to Behavioral Health Issues | 2 |
| 2.42.DWI Investigations and Revoked/Suspended License | 2 |
| 2.55.Use Of Force: De-Escalation | 2 |
| 2.73.Collection, Submission, and Disposition of Evidence and Property | 2 |
| 1.31.Court Services Unit | 1 |
| 1.48.Fiscal Division | 1 |
| 1.94.Training Division | 1 |
| 2.3.Firearms and Ammunition Authoriaztion | 1 |
| 2.6.Use of Emergency Warning Equipment | 1 |

TOP 5 Standard Operating Procedures with Sustained/SNBOOC findings April 2024

| Directives/SOPs | |
|---|----|
| 2.76.Court | 24 |
| 1.1.Personnel Code of Conduct | 15 |
| 2.8.Use of on-Body Recording Devices | 14 |
| 2.52.Use of Force: General | 10 |
| 3.41.Complaints Involving Department Person.. | 3 |

Albuquerque Police Department Monthly Use of Force Report

April 2024



Prepared by:

**Data Analytics Unit
May 2, 2024**

Note: This report presents preliminary information from departmental data. All figures in this report are subject to change as additional information becomes available. The data contained in this report is as of May 2, 2024.



Total Use of Force Events - April 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.

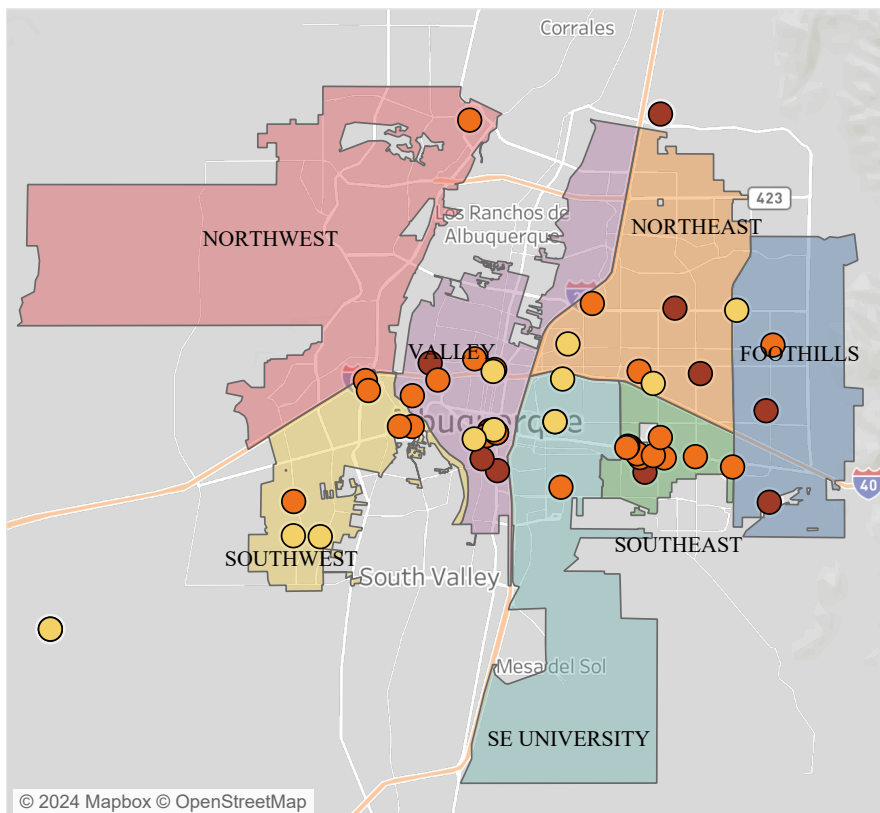
APD's jurisdiction includes the City of Albuquerque which is divided into six Area Commands. In the map below, Southeast Area Command is split into "SE University" and "Southeast". University Area Command is a Pilot Area Command and their force cases are combined with Southeast Area Command in this report.

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

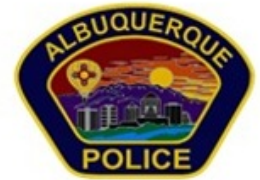
| | Force Level | | | Grand Total |
|--------------------|-------------|-----------|-----------|-------------|
| | Level 1 | Level 2 | Level 3 | |
| Foothills | 1 | 2 | 2 | 5 |
| Northeast | 2 | 2 | 2 | 6 |
| Northwest | 0 | 3 | 0 | 3 |
| Out of Area | 1 | 0 | 2 | 3 |
| Southeast | 2 | 9 | 3 | 14 |
| Southwest | 2 | 6 | 0 | 8 |
| Valley | 3 | 5 | 4 | 12 |
| Grand Total | 11 | 27 | 13 | 51 |

Locations of Use of Force Cases



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

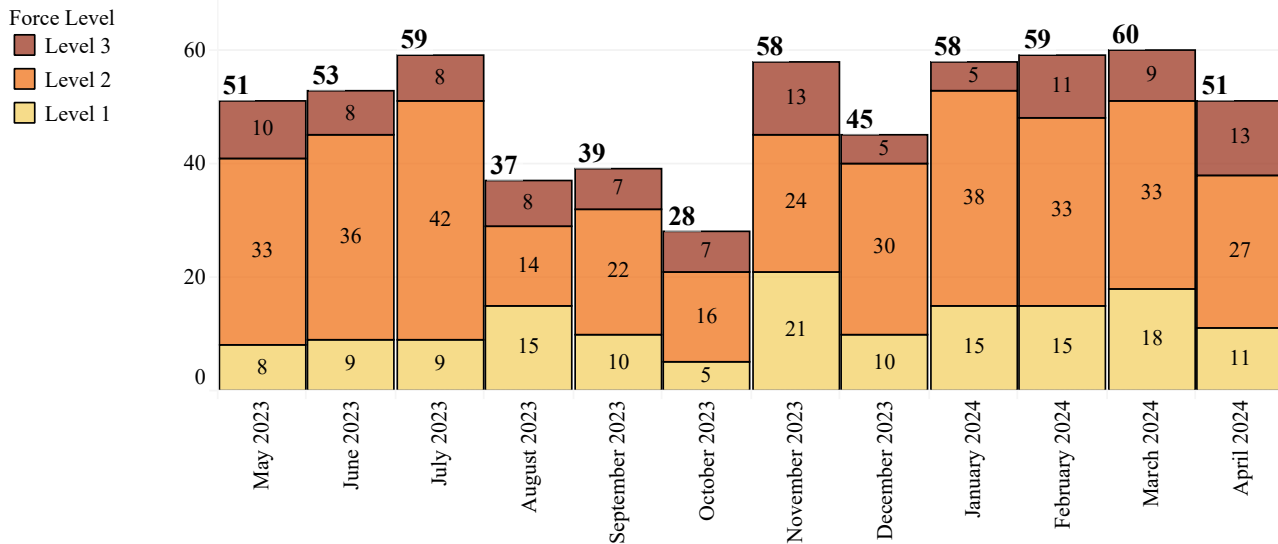
Note: Most force investigations in this report are open investigations since it reflects the previous month of data. As such, figures in this report are preliminary and subject to change as use of force investigations progress.



Use of Force Totals by Month - Past 12 Months

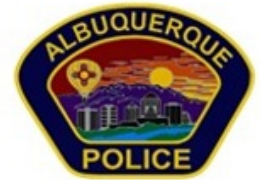
APD tracks use of force data over time to examine trends in use of force. For annual trends, see APD's Annual Use of Force Reports. This page reports monthly totals of all use of force for APD.

Total Uses of Force by Month and Level of Force



Total Uses of Force by Month and Area Command

| | | May 2023 | June 2023 | July 2023 | August 2023 | September 2023 | October 2023 | November 2023 | December 2023 | January 2024 | February 2024 | March 2024 | April 2024 | Grand Total |
|--------------------|---------|----------|-----------|-----------|-------------|----------------|--------------|---------------|---------------|--------------|---------------|------------|------------|-------------|
| Foothills | Level 1 | 0 | 1 | 1 | 2 | 2 | 2 | 4 | 2 | 2 | 0 | 3 | 1 | 20 |
| | Level 2 | 4 | 3 | 2 | 0 | 6 | 1 | 3 | 2 | 3 | 2 | 2 | 2 | 30 |
| | Level 3 | 0 | 1 | 2 | 0 | 0 | 1 | 1 | 1 | 1 | 1 | 0 | 1 | 2 |
| Northeast | Level 1 | 2 | 2 | 2 | 2 | 1 | 1 | 8 | 2 | 2 | 5 | 4 | 2 | 33 |
| | Level 2 | 5 | 10 | 10 | 2 | 2 | 2 | 3 | 4 | 7 | 8 | 4 | 2 | 59 |
| | Level 3 | 1 | 1 | 0 | 1 | 1 | 1 | 2 | 1 | 1 | 1 | 3 | 2 | 15 |
| Northwest | Level 1 | 1 | 0 | 1 | 1 | 1 | 0 | 0 | 0 | 1 | 1 | 1 | 0 | 7 |
| | Level 2 | 3 | 4 | 7 | 2 | 1 | 1 | 0 | 0 | 3 | 3 | 6 | 3 | 33 |
| | Level 3 | 0 | 0 | 0 | 0 | 1 | 3 | 2 | 0 | 0 | 2 | 2 | 0 | 10 |
| Southeast | Level 1 | 2 | 2 | 3 | 6 | 3 | 1 | 4 | 2 | 7 | 6 | 4 | 2 | 42 |
| | Level 2 | 11 | 12 | 9 | 4 | 5 | 7 | 11 | 13 | 15 | 13 | 10 | 9 | 119 |
| | Level 3 | 5 | 2 | 4 | 3 | 1 | 1 | 4 | 2 | 1 | 4 | 2 | 3 | 32 |
| Southwest | Level 1 | 2 | 3 | 0 | 3 | 1 | 1 | 1 | 3 | 2 | 1 | 1 | 2 | 20 |
| | Level 2 | 4 | 3 | 4 | 1 | 2 | 2 | 2 | 3 | 8 | 4 | 5 | 6 | 44 |
| | Level 3 | 1 | 3 | 0 | 3 | 0 | 0 | 2 | 0 | 0 | 1 | 0 | 0 | 10 |
| Valley | Level 1 | 1 | 1 | 2 | 1 | 2 | 0 | 4 | 1 | 1 | 2 | 5 | 3 | 23 |
| | Level 2 | 5 | 4 | 10 | 5 | 6 | 3 | 5 | 9 | 3 | 3 | 6 | 5 | 64 |
| | Level 3 | 3 | 1 | 2 | 1 | 4 | 1 | 3 | 1 | 2 | 3 | 1 | 4 | 26 |
| Out of Area | Level 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 2 |
| | Level 2 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| | Level 3 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 2 | 4 |
| Grand Total | | 51 | 53 | 59 | 37 | 39 | 28 | 58 | 45 | 58 | 59 | 60 | 51 | 598 |



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

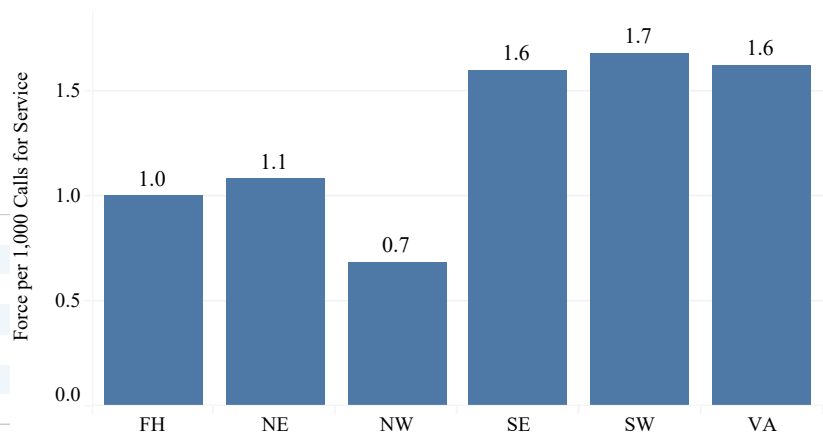
Total Calls for Service for Area Commands

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, April 2024

| Area Command | Total Force Cases | Total CAD Calls | Force per 1,000 Calls |
|--------------|-------------------|-----------------|-----------------------|
| FH | 5 | 4,985 | 1.0 |
| NE | 6 | 5,569 | 1.1 |
| NW | 3 | 4,388 | 0.7 |
| Out of Area | 3 | | |
| SE | 14 | 8,769 | 1.6 |
| SW | 8 | 4,782 | 1.7 |
| VA | 12 | 7,405 | 1.6 |

Force Rate per 1,000 Calls For Service



Arrests

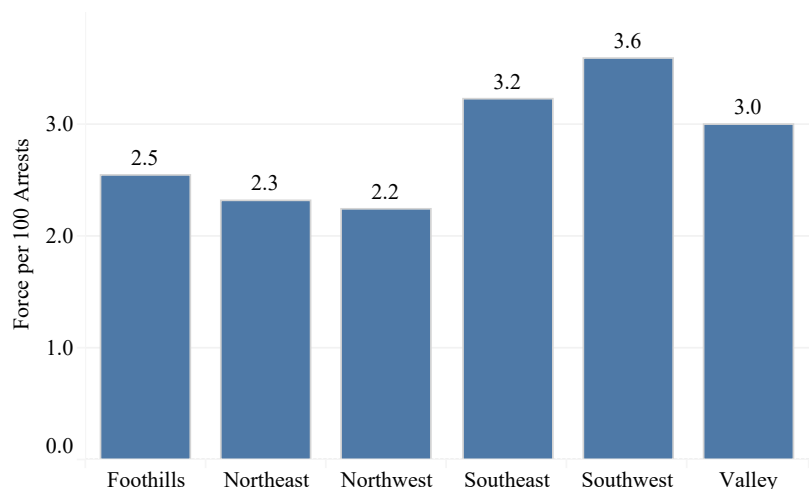
Total Arrests for Area Commands

Arrests include custodial arrests and summonses.

Force per Arrest by Area Command, April 2024

| Area Command | Total Force | Total Arrests | Force Per 100 Arrests |
|--------------|-------------|---------------|-----------------------|
| Foothills | 5 | 197 | 2.5 |
| Northeast | 6 | 260 | 2.3 |
| Northwest | 3 | 134 | 2.2 |
| Southeast | 14 | 435 | 3.2 |
| Southwest | 8 | 223 | 3.6 |
| Valley | 12 | 400 | 3.0 |
| Out of Area | 3 | 9 | 33.3 |

Force Rate per 100 Arrests

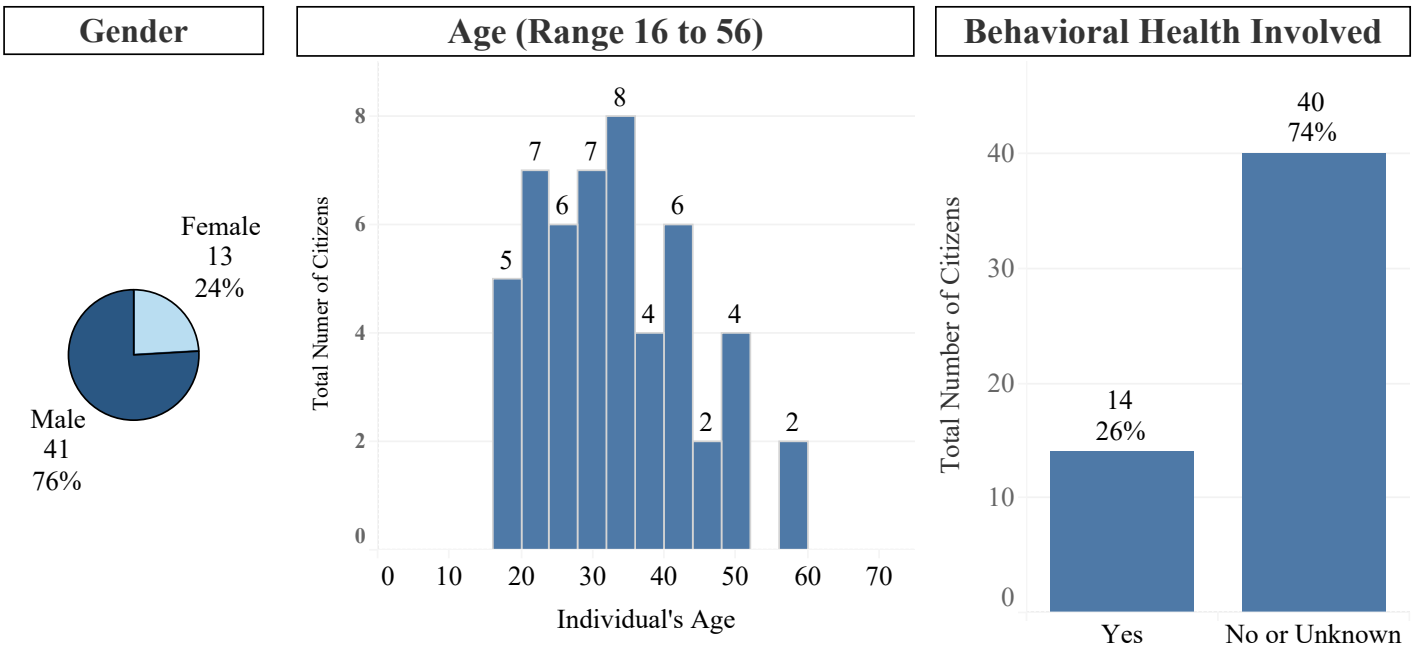




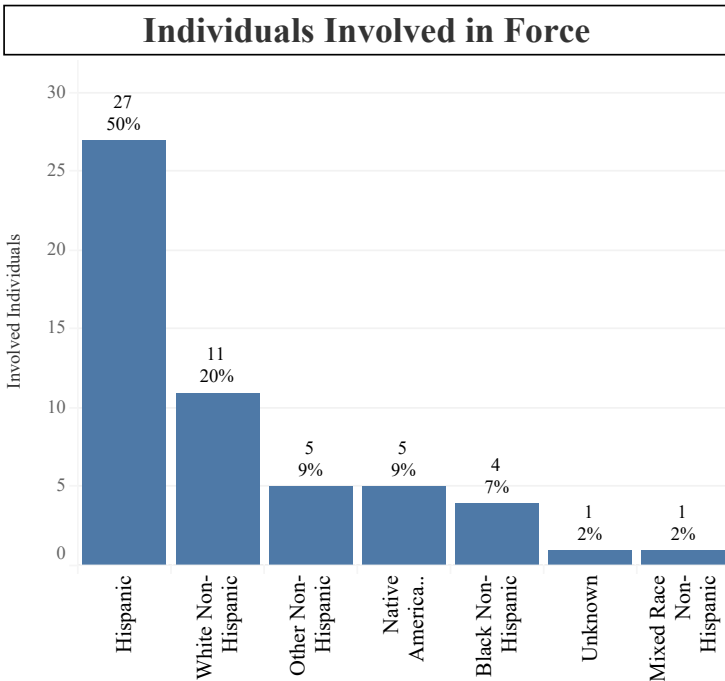
Demographics of Individuals Involved in Force - April 2024

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, April 2024

| Race/Ethnicity | Total Force | Total Arrests | Force Rate per 100 Arrests |
|-------------------------------------|-------------|---------------|----------------------------|
| Hispanic | 28 | 682 | 4.1 |
| White Non-Hispanic | 11 | 565 | 1.9 |
| Black Non-Hispanic | 4 | 160 | 2.5 |
| Native American Non-Hispanic | 5 | 179 | 2.8 |
| Asian Pacific Islander Non-Hispanic | 0 | 9 | 0.0 |
| Unknown | 7 | 122 | 5.7 |

*The race and ethnicity of involved individuals shown here is retrieved from two different case management systems. There may be slight differences between the two systems as these cases are recent and the investigations are on-going.



Final Call Types and Types of Force Used - April 2024

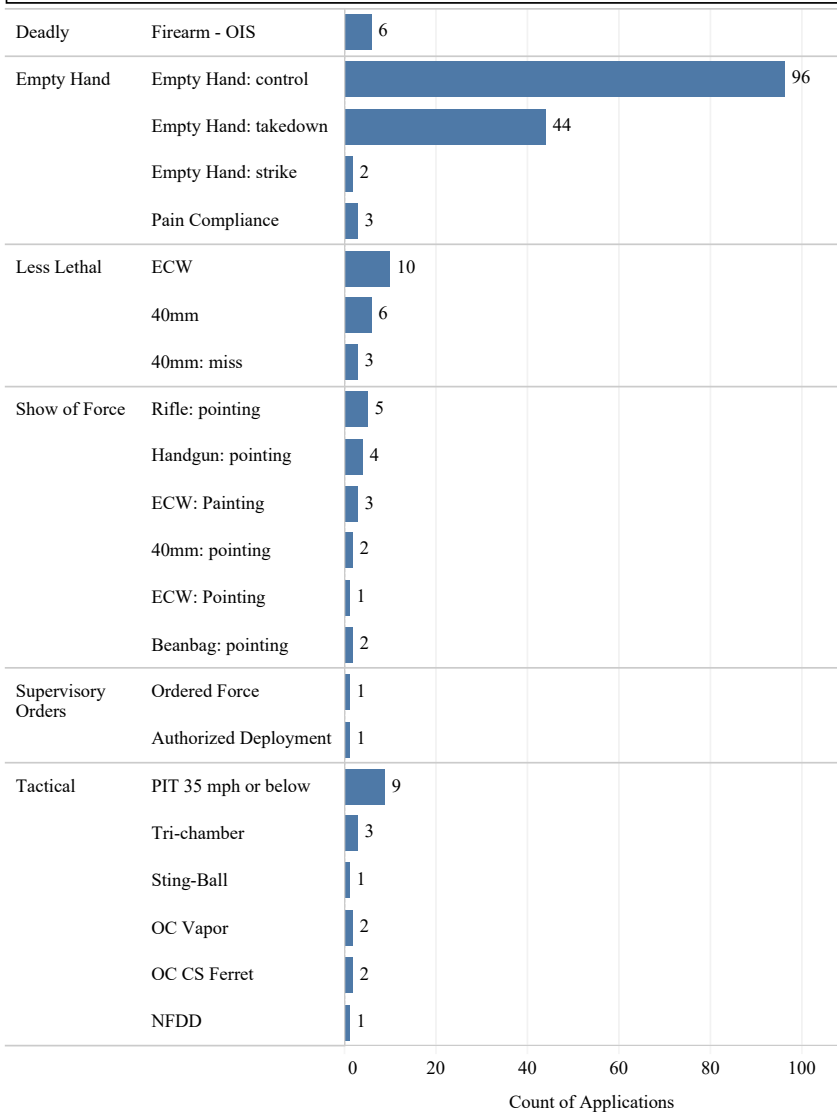
Officers are dispatched to calls for service and the original and final type of call for service are tracked. The table on the right shows the final call types for all calls involving force during the month.

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".

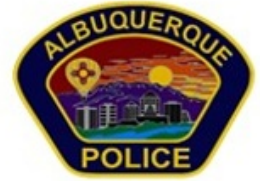
Final Call Types Associated with Force Events

| | |
|----------------------------------|-----------|
| Aggravated Assault/Battery | 3 |
| Auto/Car Jacking | 1 |
| Behavioral Health | 1 |
| Burglary Committed | 1 |
| Burglary Residential | 1 |
| Cover Assistance | 1 |
| Disturbance | 2 |
| Drunk Driver | 1 |
| Family Dispute | 6 |
| Investigation | 1 |
| Juvenile Call | 1 |
| Onsite Suspicious Person/Vehicle | 11 |
| SWAT | 1 |
| Stolen Vehicle Found | 1 |
| Suspicious Person/Vehicle | 6 |
| Traffic Stop | 3 |
| Wanted Person | 10 |
| Grand Total | 51 |

Total Force Applications for Each Type of Force Used



During April 2024, there were 51 Force Cases with a total of 207 Force Applications.



Completed Force Investigations - April 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 | |
| 7 | | 51 | |
| Average Days to Completion | | Average Days to Completion | |
| 8.6 | | 85.5 | |
| Minimum Days to Completion | Maximum Days to Completion | Minimum Days to Completion | Maximum Days to Completion |
| 3 | 15 | 76 | 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 April 2024

| | Total Force Cases |
|------------------|-------------------|
| In Policy | 54 |
| Out of Policy | 3 |
| To Be Determined | 1 |
| Grand Total | 58 |

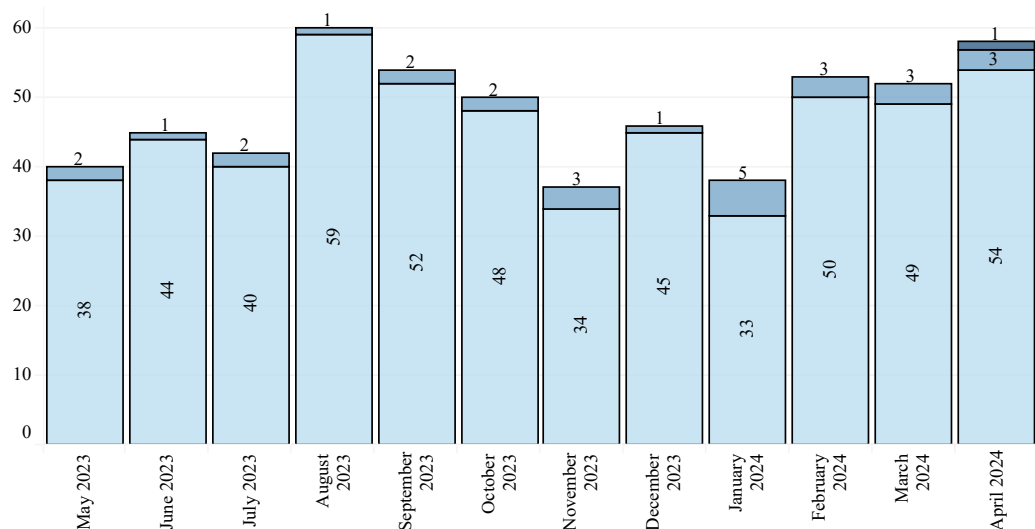
Out of Policy Force Cases by Area Command

| | |
|-------------|---|
| Foothills | 2 |
| Southeast | 2 |
| Grand Total | 4 |

Case Disposition

- To Be Determined
- Out of Policy
- In Policy

Policy Outcomes Prior 12 Months



Policy Updates for the CPOAB

Emily Selch

2024-05-07

Policy meetings

There has been 1 P&P meetings(s) and 1 PPRB meeting(s) since the CPOAB last met on April 11, 2024. The CPOA made 0 recommendation(s) at these policy meeting(s). The last P&P meeting was on April 17, 2024 and, moving forward, will operate online. Now, the only forum the CPOAB can engage directly with the policy holders will be at PPRB.

At the 1 PPRB meeting(s):

- There were 3 SOPs discussed. Of these, 3 were approved and 0 were either tabled or sent back for revisions.
- There were 0 SOP(s) discussed at more than 1 of these meetings.
- Below is a list of the SOPs discussed and the date they were discussed.

| Date | SOP |
|------------|-------|
| 2024-04-24 | 1-48 |
| 2024-04-24 | 1-53 |
| 2024-04-24 | 2-113 |

30-day review

The CPOA has submitted formal recommendations during the 30-day review for 1 SOP(s) since the CPOAB last met on April 11, 2024. See below for a list of these SOP(s).

| Date | SOP |
|------------|-----|
| 2024-04-18 | 1-1 |

Use of Force Case Review Process

Board Member Presenting: _____

- **Case Overview:**
 - Case Number
 - Summary of Case
 - What Force was used?
 - List Each One
 - Summary of Findings from IAFD
- **Discussion:**
 - **Pre- Use of Force**
 - Summary of Pre-Use of Force
 - Describe from the video what you saw.
 - Are there any questions on the pre-UOF?
 - From Board Members?
 - Do we think it was appropriate, why?
 - From CPOA Director?
 - Do we have any questions or clarifying questions for the commander?
 - **Actual Use of Force**
 - Summary of Actual Use of Force Used
 - Describe from the video what you saw.
 - Are there any questions on the actual UOF?
 - From Board Members?
 - Do we think it was appropriate, why?
 - From CPOA Director?
 - Do we have any questions or clarifying questions for the commander?
- Are there any areas of concern or disagreement on this specific case?
- Is there any further discussion or additional questions that board members would like to bring forward on this case?

Recommendations:

- Do we have any possible policy recommendations that could be sent to APD that we would like to propose and discuss?

• **Findings:**

Do the board members agree with the findings of the Internal Affairs Force Division investigation?

- Yes-
 - The Civilian Police Oversight advisory board affirms and upholds the findings of APDs Internal Affairs Force Division investigation for case #_____.
- No-
 - The Civilian Police Oversight Advisory Board disagrees with the finds of APDs Internal Affairs Force Division investigation due to the following reasons:
 - LIST A BRIEF REASON, SUCH AS POLICY, TYPE OF FORCE ETC (The WHY)
 - We will add more context in letter to APD.