

Civilian Police Oversight Agency Board

Patricia J. French, Chair *Jesse Crawford, Vice-Chair*

Chantal M. Galloway *Eric Nixon*

Michael Wartell

Diane McDermott, Interim Executive Director

Thursday, May 19, 2022 - 5:00 p.m.

Members Present:

Patricia J. French, Chair
Jesse Crawford, Vice Chair
Eric Nixon
Michael Wartell

Members Absent:

Others Present:

Diane McDermott, CPOA
Katrina Sigala, CPOA
Valerie Barela, CPOA
Tina Gooch, CPOA/CPOAB Legal Counsel
Elizabeth Martinez, DOJ
Cdr. Mark Landavazo, APD
Cdr. Renae McDermott, APD
Cdr. Greg Weber, APD
Deputy Cdr. Anthony Maez, APD
Erica Wilson, APD ECC
Carlos Pacheco, Sr. Managing City Atty
Ian Stoker, Assistant City Atty
Chris Sylvan, City Council
Martessa Billy, CPC
Rashad Raynor (Perspective Board Appointee)

Attendance: In response to the Public Health Emergency, the Civilian Police Oversight Agency (CPOA) Board meeting on Thursday, May 19, 2022 at 5:00 pm will be held via Zoom video conference.

Viewing: Members of the public will have the ability to view the meeting through GOVTV on Comcast Channel 16, or to stream live on the GOVTV website at: <https://www.cabq.gov/cultural-services/govtv>, or on YouTube at: <https://www.cabq.gov/cpoa/events/cpoa-board-meeting-05-19-2022>. (Please note that the link for YouTube has not yet been generated, however, the link could easily be found on the link provided above prior to the start of the meeting). The GOVTV live stream can be accessed at these addresses from most smartphones, tablets, or computers.

The video recording of this and all past meetings of the CPOA Board will also remain available for viewing at any time on the CPOA's website. CPOA Staff is available to help members of the public access pre-recorded CPOA meetings on-line at any time during normal business hours. Please email CPOA@cabq.gov for assistance.

Public Comment: The agenda for the meeting will be posted on the CPOA website by 5:00 p.m., Monday, May 16, 2022 at www.cabq.gov/cpoa.

The CPOA Board will take general public comment and comment on the meeting's specific agenda items in written form via email through 4:00 p.m. on Thursday,

Civilian Police Oversight Agency Board

Minutes – May 19, 2022

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May 19, 2022. Submit your public comments to: POB@cabq.gov. These comments will be distributed to all CPOA Board members for review.

Minutes

- I. Welcome and call to order.** Chair French called to order the regular meeting of the Civilian Police Oversight Agency Board at 5:01 p.m. A roll call vote of Board members present was taken. All CPOA Board members were present.

Present: Crawford, French, Nixon, Wartell

II. Approval of the Agenda

- a. Motion.** A motion by member Nixon to approve the agenda as drafted.
Roll call vote taken. Motion passed.

For: 4 – Crawford, French, Nixon, Wartell

- III. Approval of Consent Agenda:** The CPOA Executive Director’s findings in each case listed on the consent agenda have been provided to the CPOA Board for their information. The CPOA Board has approved or modified any disciplinary recommendations. The findings become part of the officer’s file, if applicable. Copies of the full findings letters to the citizens are located at <http://www.cabq.gov/cpoa/findings-letters/civilian-complaints-pob-findings>

a. Administratively Closed

264-21 265-21 005-22

b. Unfounded

243-21 253-21 269-21 007-22 025-22

c. Exonerated

245-21 009-22

d. Unfounded and Exonerated

260-21

e. Not Sustained

255-21 019-22

f. Not Sustained and Exonerated

232-21

1. **Motion.** A motion by Vice Chair Crawford to approve the Consent agenda. Roll call vote taken. Motion passed. Motion passed.

For: 4 – Crawford, French, Nixon, Wartell

****Chair French announced that there was a typo on the consent agenda and that the typo was caught by the CPOA****

IV. Public Comments

- a. None.

V. Review and Approval of Minutes from April 14, 2022 Meeting and Special Meeting on May 11, 2022.

- a. Draft minutes from the Civilian Police Oversight Board regular meeting on April 14, 2022 and Special meeting on May 11, 2022 was distributed to each Board Member electronically via a weblink.
- b. **Motion.** A motion by Member Nixon to approve the minutes from the April 14, 2022 regular meeting and the May 11, 2022 special meeting. Roll call vote taken. Motion passed.

For: 4 – Crawford, French, Nixon, Wartell

****Chair French announced that there was a typo on consent agenda list and that it was caught by the CPOA*****

VI. Reports from City Departments

a. APD

1. **IA Professional Standards Division (SOP 7-1, SOP 3-41, SOP 3-46)** – Acting Commander Landavazo reported on the Statistical Data for the month of April 2022. A document titled *Civilian Police Oversight Board, Internal Affairs Professional Standards Division Statistical Data for the Month of April 2022* was screen shared and distributed to CPOA Board members electronically. (*see attached*)

2. IA Force Division (SOP 2-52 through SOP 2-57) –

Deputy Commander Anthony Maez provided an update on draft revisions for SOP 2-52 through SOP 2-57 and reported on the Statistical Data for the month of April 2022. A document titled *Civilian Police Oversight Board, Internal Affairs Force Division Statistical Data for the Month of April 2022* was screen shared and distributed to CPOA Board members electronically. (see attached)

b. City Council – Chris Sylvan

1. Chris Sylvan gave a verbal report on the following:

- The withdrawal of one the applicant to the CPOA Board and two other individuals' legislation for appointment to the CPOA Board will be voted on at the June 6, 2022 City Council meeting.
- One of the potential CPOA Board Member Appointees was observing and present during this CPOA Board meeting.
- The amendment to the CPOA Ordinance giving additional time to Board members to complete training passed City Council by a vote 9-0.

c. Public Safety Committee - Chris Sylvan

- 1. Chris Sylvan noted that the Public Safety Committee has not met since March 2022 and there was no report.**

d. Mayor's Office – Pastor David Walker

- 1. Senior Managing Attorney gave a verbal report on behalf of Pastor David Walker and that the appointment of the Superintendent was withdrawn.**

e. City Attorney

- 1. Senior Managing Attorney – Carlos Pacheco gave a verbal report.**

f. CPC – Kelly Mensah

- 1. Community Policing Office Assistant – Marteessa Billy gave a verbal report.**

g. APOA – Shaun Willoughby

1. There was no report.

h. CPOA – Diane McDermott, Interim Executive Director – Diane

McDermott gave a verbal and submitted a written report. *(See attached)*

1. 3 Firms and Cost for CPOA Staff Study

- a. Diane McDermott provided a status update on the Boards request and Chair French requested another update at the next regularly scheduled CPOA meeting.

2. IMR-15 Concerns for CPOA And CPOAB – Diane McDermott and Patricia J. French

- a. Diane McDermott provided feedback to the concerns and criticisms raised in IMR-15 and Chair French requested a follow up report on the concerns addressed and how the agency can improve.

3. Protest Investigations update

- a. Diane McDermott provided a status update on CPC 157-20, CPC 159-20 and CPC 158-20. Diane McDermott will provide intermediate updates on the cases.

VII. Requests for Reconsideration

- a. None.

VIII. Non-Concurrence Cases – APD Representative

- a. 191-21
- b. 202-21

- a. **Motion.** A motion by Chair French to table Non-Concurrence Cases CPC 191-21 and CPC 202-21. Roll call vote taken. Motion passed.

For: 4 – Crawford, French, Nixon, Wartell

- c. 214-21

- a. Interim Executive Director Diane McDermott gave a verbal review of CPOA’s recommend discipline for CPC 214-21.
- b. Erica Wilson with APD’s Emergency Communications Center gave a verbal review of APD’s recommended discipline for CPC 214-21.

d. 248-21

- a. Interim Executive Director Diane McDermott gave a verbal review of CPOA's recommended discipline for CPC 248-21.
- b. Commander Weber gave a verbal review of APD's recommended discipline for CPC 248-21.

IX. Serious Use of Force Cases/Officer Involved Shooting – *Diane McDermott, Interim Executive Director*

a. 21-0063380

1. **Motion.** A motion by Vice Chair Crawford to accept the CPOA Findings and Recommendation for SUOF Case 21-0063380. Roll call vote taken. Motion passed.

For: 4 – Crawford, French, Nixon, Wartell

b. 21-0065420

1. **Motion.** A motion by Vice Chair Crawford to accept the CPOA Findings and Recommendation for SUOF Case 21-0065420. Roll call vote taken. Motion passed.

For: 4 – Crawford, French, Nixon, Wartell

c. 21-0072619

1. **Motion.** A motion by member Nixon to accept the CPOA Findings and Recommendation for SUOF Case 21-0072619. Roll call vote taken. Motion passed.

For: 4 – Crawford, French, Nixon, Wartell

d. 21-0078682

1. **Motion.** A motion by member Nixon to accept the CPOA Findings and Recommendation for SUOF Case 21-0078682. Roll call vote taken. Motion passed.

For: 4 – Crawford, French, Nixon, Wartell

e. File Requests:

1. None.

f. Proposed Case(s) for June 2022 Review:

1. The CPOA Board will revisit the Proposed Case(s) for Review process at a later time.

*****A sixteen-minute break began at 6:35 p.m. and
the meeting reconvened at 6:51 p.m.*****

X. Reports from Subcommittees

a. Case Review Subcommittee – *Eric Nixon*

1. Met April 26, 2022 (video conference)
2. Member Nixon gave a verbal report.
3. Next Meeting May 24, 2022 at 4:30 p.m.

XI. Discussion and Possible Action:

**a. Update on Vendor's to Complete CPOA Staff Study –
*Diane McDermott, Interim Executive Director***

1. Chair French requested that the CPOA provide a minimum of three vendors and cost at the next regular Board meeting for review.

**b. Consideration of PPRB Policies with No Recommendation: -
*Jesse Crawford***

1. **Motion.** A motion by Vice-Chair Crawford to move that the Board approve the list of PPRB Policies with no comments or requests related to the list of Polices and that CPOA Data Analyst Ali Abbasi be tasked to communicate the Boards decision to APD. Roll call vote taken. Motion passed. (see attached)

For: 4 – Crawford, French, Nixon, Wartell

**c. Response from Deputy Chief Griego Concerning OIS APD
Case #19-0077270 – *Patricia J. French***

1. Chair French noted that Deputy Chief Griego submitted a letter in response to the letter sent to APD on August 12, 2021 addressing CPOA Board concerns and the Board discussed OIS Case 19-0077270 and their dissatisfaction with APD's response.
(see attached)

2. Interim Executive Director Diane McDermont screen shared CPOA Findings for OIS Case 19-0077270.
 3. The CPOA Board and Interim Executive Director Diane McDermott discussed whether or not the Board had accepted the CPOA findings related to OIS Case 19-0077270.
- d. Findings Letter Sent from CPOA to Complainant – *Patricia J. French***
1. Chair French recommends that the CPOAB and CPOA review the CPOA Findings letter related to the appeal process and that the Interim Executive Director send a copy of the letter to the CPOA Board for further discussions.
- e. Approval of CPOA Board Letterhead – *Patricia J. French***
1. The CPOA Board and Interim Executive Director Diane McDermott discussed the Board's use of City letterhead.
 2. Chair French noted that there maybe situations where she would send out communications and not utilize the CPOA.
 3. Executive Director Diane McDermott noted that the instruction from the Mayor's Office was that the CPOA Board cannot be provided blank City letterhead and member Wartell requested that communication in writing.
- f. Consideration of Proposed MOU between the City of Albuquerque, CPOA/CPOAB and APOA on OIS/SUOF Materials – *Tina Gooch, CPOA/CPOAB Legal Counsel***
1. Senior Managing Attorney Carlos Pacheco and CPOA/CPOAB Legal Counsel Tina Gooch provided an update on the status of the proposed MOU between the City of Albuquerque, CPOA/CPOAB and APOA on OIS/SUOF Materials. Mr. Pacheco will follow up with the APOA and provide an update at the next regularly scheduled CPOA Board meeting.
- g. CPA Training Requirement for CPOA Board – *Patricia J. French***
1. The CPOA Board discussed their concerns with the Citizen Police Academy Training Requirement.

2. **Motion.** A motion by Chair French that the Board ask City Council to remove and/or eliminate the CPA training requirement from the CPOA Ordinance. Roll call vote. Motion passed.

For: 4 – Crawford, French, Nixon, Wartell

3. Chair French will communicate the will of the Board to City Council.

h. Ride-along Scheduling – *Patricia J. French*

1. The CPOA Board discussed the ride-along scheduling process. Interim Executive Director Diane McDermott noted she will verify that Board members have satisfied the background requirement and will forward the central request form process to Board members.

i. Response from CPOAB concerning IMR-15 – *Jesse Crawford*

1. CPOA/CPOAB Legal Counsel Tina Gooch provided the deadline for submission of the Board's concerns with IMR-15 and recommends that the Board highlight the lack of a full complement of the Board.
2. The Board's IMR Liaison Vice-Chair Crawford requested that the Board email their concerns with IMR-15 to him by June 2, 2022.

j. APD Chief Response to Social Media Policy – *Diane McDermott, Interim Executive Director*

1. Interim Executive Director Diane McDermott gave an update and a summary of the Chief's response.

k. Scheduling CPOA Board Special Meeting for Review of SUOF/OIS Backlog

1. The Board recommends to hold two (2) special meetings on June 23, 2022 at 5 p.m. and July 28, 2022 at 5 p.m. to review the backlog of SUOF/OIS cases.
2. The Board and Interim Executive Director Diane McDermott discussed the means in which the Board receives SUOF/OIS case materials for review.

I. Approval of Response to OMA Complaint – *Patricia J. French and Tina Gooch, CPOA/CPOAB Legal Counsel*

1. CPOA/CPOAB Legal Counsel noted receipt of an OMA complaint and requested a motion for approval to respond to the complaint.
2. **Motion.** A motion by Member Wartell to authorize the response to the OMA complaint written by CPOA/CPOAB Legal Counsel Tina Gooch. Roll call vote taken. Motion passed.

For: 4 – Crawford, French, Nixon, Wartell

m. Motion to Approve CPOA Board Selection of Candidate for Executive Director – *Patricia J. French*

1. **Motion.** A motion by Chair French to accept the selection of Ms. Deidre Ewing to the position of Executive Director of the CPOA and that the Board grant the Chair authorization to communicate and/or finalize any personnel matters pertaining to the hiring process. Roll call vote taken. Motion passed.

For: 4 – Crawford, French, Nixon, Wartell

XII. Other Business

1. Chair French recognized former Board member Ms. Chantal M. Galloway's for her dedication and loyalty to the Board. She also acknowledged her as a senior Board member and noted the extensive time she spent working with the Board and Agency. Chair French requested that the CPOA look into ordering Ms. Galloway a plaque noting her years of service on the CPOA Board.
2. Member Wartell inquired into the number of Board members that would make up a quorum giving the number of Board members currently on the Board.

XIII. Adjournment- *Next Regularly scheduled CPOA Board meeting will be on June 9, 2022 at 5:00 p.m.*

- a. **Motion.** A motion by member Wartell to adjourn the meeting. Roll call vote taken. Motion passed.

For: 4 – Crawford, French, Nixon, Wartell

- b. The meeting was adjourned at 9:02 p.m.

ATTACHMENTS

DRAFT

CIVILIAN POLICE OVERSIGHT BOARD

**INTERNAL AFFAIRS PROFESSIONAL STANDARDS DIVISION
STATISTICAL DATA FOR THE MONTH OF April 2022**

INTERNAL CASES FOR THE MONTH OF April 2022

Total Internal Cases Completed in the month of April 2022- 26

16 completed cases (sent out to the area command)

1. IA Cases opened in the month of April 2022: 26
 2. Area Command IA cases opened for the month of April 2022: 28
 3. Pending IA Cases for the month of April 2022: 27
 4. Internal Cases Mediated: 0
-

DISCIPLINE IMPOSED FOR INTERNAL CLOSED CASES IN April 2022

I-137-22

1-1-6C3 Obey All Department and Supervisory Orders

Exonerated

None

I-106-22

1-1-6A1 Honesty, Integrity, and Accountability

Sustained

1-1-6A3 Honesty, Integrity, and Accountability

Not Sustained

None

1-1-5D1 Reporting for Duty

Exonerated

None

I-80-22

1-1-6C3 Obey all Department and Supervisory Orders

Sustained

Written Reprimand

I-64-22

3-21-2B8 Non-Duty Disability Leave

Exonerated

None

I-56-22

1-13-4A6 Responding Officer and FSB Supervisor Responsibilities

Exonerated

None

4-25-3A2b determining whether to issue a summons or effect and arrest

Exonerated

None

I-50-22

2-73-2A Submission of Evidence, Confiscated Property, and Found items

Sustained

Written Reprimand

I-48-22

1-1-4A2 Authority of Federal, State, and Local Laws and Regulations

Unfounded

None

I-114-22

1-1-4A2 Authority of Federal, State, and Local Laws and Regulations

Unfounded

None

2-8-5A Mandatory recording

Sustained

Written Reprimand

I-41-22

2-60-4A5b Preliminary Investigations

Sustained

NDCA

1-1-4A2b Department personnel shall obey

Not Sustained

None

I-37-22

2-56-4A7 General requirements of Officer Who use Force

Sustained

Written reprimand

I-35-22

2-73-2A Evidence/Property/Found Item accountability

Sustained

Written reprimand

I-33-22

1-1-4A2 Authority of Federal, State, and Local Laws and Regulations

Unfounded

None

I-31-22

1-1-6C2 Obey all Department and Supervisory Orders

Sustained

Written Reprimand

I-25-22

1-1-6C2 Obey all Department and Supervisory Orders

Sustained

Verbal reprimand

1-1-6C2 Obey all Department and Supervisory Orders

Sustained

Written reprimand

I-24-22

1-1-6C2 Obey all Department and Supervisory Orders

Sustained

None

I-22-22

1-1-4A2a Authority of Federal, State, and Local Laws and Regulations

Unfounded

None

I-19-22

3-51-4D1b Special Order

Sustained

NDCA

I-7-22

1-1-6C2 Obey all Department and Supervisory Orders

Sustained

Written reprimand

1-1-6C2 Obey all Department and Supervisory Orders

Sustained

None

I-5-22

1-1-4A2c Authority of Federal, State, and Local Laws and Regulations

Unfounded

None

I-674-21

2-8-4F Rules

Sustained

Written Reprimand

I-673-21

1-1-4B2 Compliance with Laws, Rules, and Regulations

Exonerated

2-55-4D1 De-escalation Techniques and Guidelines

Exonerated

2-80-2K1 Execution of Arrest Warrants

Exonerated

2-60-4A5f Preliminary Investigations

Exonerated

None

I-672-21

2-57-3C1h On-Scene responsibilities of supervisors reviewing use of force

Sustained

Written reprimand

2-8-5A Mandatory recording

Sustained

Written reprimand

2-80-2R1a
Photographs of Officers and Suspects/Prisoners
Unfounded
None

I-646-21
2-82-4B2 Transporting Individuals
Exonerated
None
1-1-6C3 Obey all Department and Supervisory orders
Sustained
Written reprimand
2-8-5B Mandatory recording
Sustained
Written reprimand

I-623-21
Special order 20-57 ECW usage
Sustained
Written reprimand

I-592-21
1-1-6A1 Honesty, Integrity, and Accountability
Unfounded
None
1-1-6A1 Honesty, Integrity, and Accountability
Sustained
Suspension

I-507-21
2-45-4J3c Pursuit Intervention Technique
Sustained
Written reprimand
2-45-4C2 Assisting units
Exonerated
None
3-14-4A5 Supervisory leadership
Sustained
Written reprimand
2-45-4J3c Assisting units
Sustained
Verbal reprimand

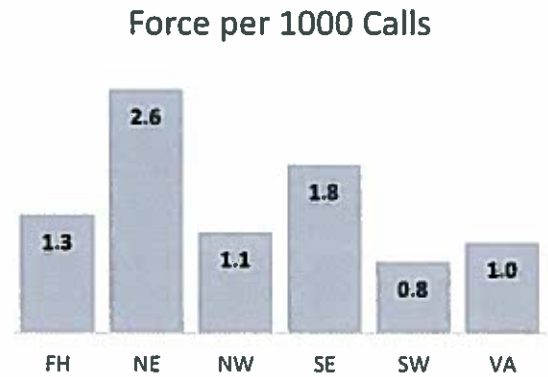
2-45-4J3c Stopping a Pursued vehicle
2-12-4B Pursuit Intervention technique
2-45-4A1a Initiating-Primary Pursuit Unit
2-45-4A4a.b.c Pursuit by Motor vehicle, rules and procedures
Sustained
Suspension
2-52-41a-f Lawful Objectives
2-52-4E1 Totality of the circumstances
2-12-5I Pursuit Intervention Techniques and guidelines
Sustained
Dismissal
2-45-4C2 assisting units
Sustained verbal reprimand
2-45-4J3c Stopping a pursued vehicle
Sustained
Written reprimand

Civilian Police Oversight Agency Board

INTERNAL AFFAIRS FORCE DIVISION

STATISTICAL DATA FOR THE MONTH OF APRIL 2022

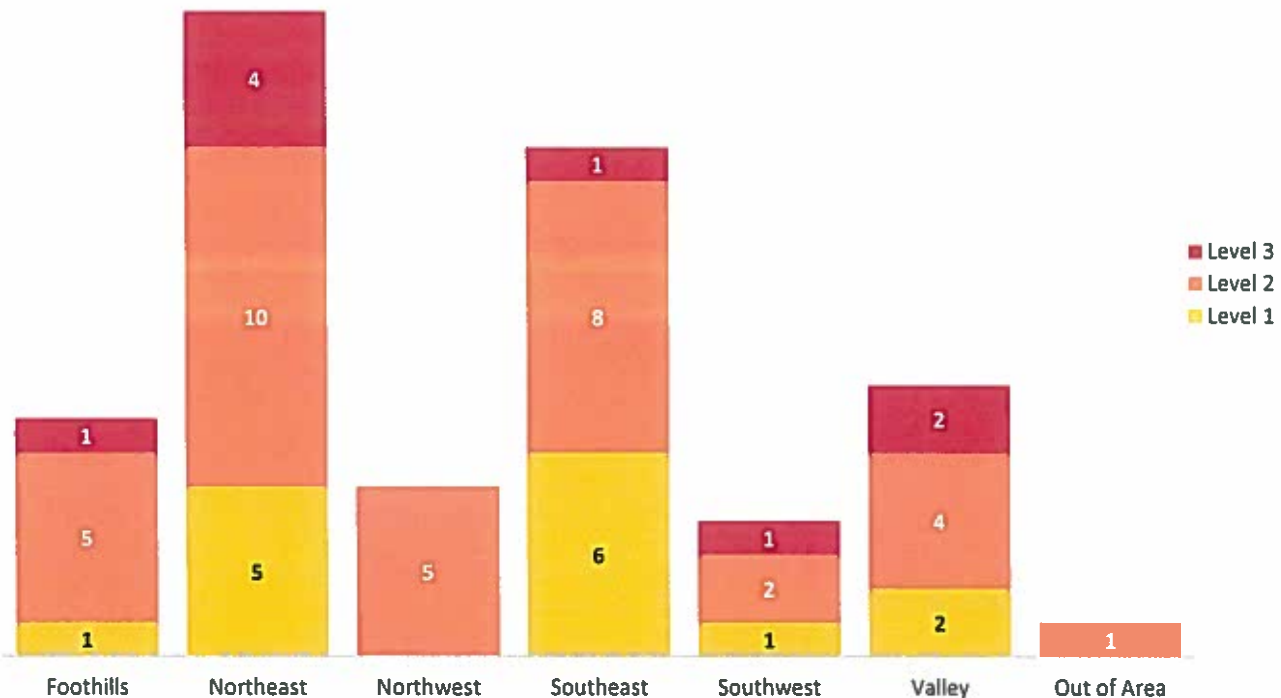
	Level 1	Level 2	Level 3	Total	CAD
Foothills	1	5	1	7	5599
Northeast	5	10	4	19	7374
Northwest		5		5	5155
Southeast	6	8	1	15	9357
Southwest	1	2	1	4	5568
Valley	2	4	2	8	7600
<i>PTC</i>					
Total	15	34	9	58	



Force cases are now categorized by three levels. If a case involves multiple applications of force, it is categorized as the most serious at the case level. These counts are not considered final as investigations are continuously updated.

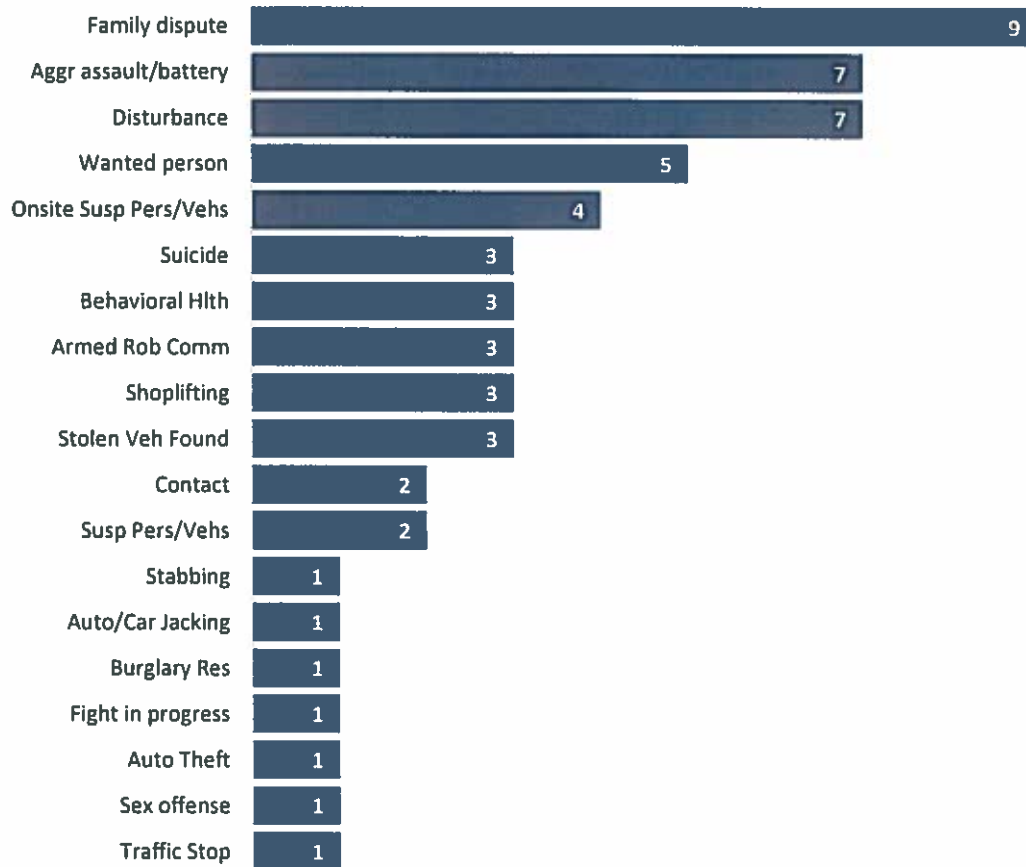
- Level 1 is force that is likely to cause only transitory pain, disorientation, or discomfort during its application as a means of gaining compliance. This includes techniques which are not reasonably expected to cause injury, do not result in actual injury, and are not likely to result in a complaint of injury (i.e., pain compliance techniques and resisted handcuffing). Pointing a firearm, beanbag shotgun, or 40 millimeter launcher at a subject, or using an ECW to "paint" a subject with the laser sight, as a show of force are reportable as Level 1 force. Level 1 force does not include interaction meant to guide, assist, or control a subject who is offering minimal resistance.
- Level 2 is force that causes injury, could reasonably be expected to cause injury, or results in a complaint of injury. Level 2 force includes use of an ECW, including where an ECW is fired at a subject but misses; use of a beanbag shotgun or 40 millimeter launcher, including where it is fired at a subject but misses; OC Spray application; empty hand techniques (i.e., strikes, kicks, takedowns, distraction techniques, or leg sweeps); and strikes with impact weapons, except strikes to the head, neck, or throat, which would be considered a Level 3 use of force.
- Level 3 is force that results in, or could reasonably result in, serious physical injury, hospitalization, or death. Level 3 force includes all lethal force; critical firearms discharges; all head, neck, and throat strikes with an object; neck holds; canine bites; three or more uses of an ECW on an individual during a single interaction regardless of mode or duration or an ECW application for longer than 15 seconds, whether continuous or consecutive; four or more strikes with a baton; any strike, blow, kick, ECW application, or similar use of force against a handcuffed subject; and uses of force resulting in a loss of consciousness.

April 2022 Force Events



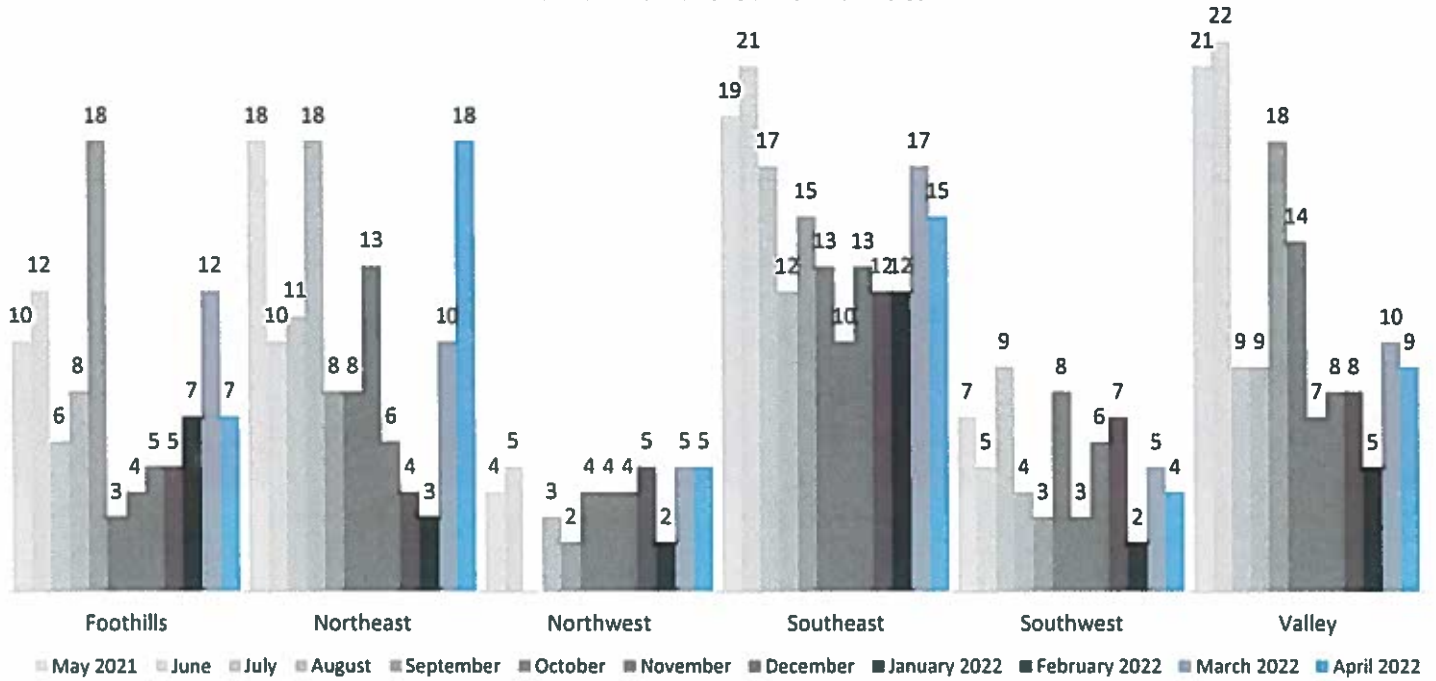
Civilian Police Oversight Agency Board
INTERNAL AFFAIRS FORCE DIVISION
STATISTICAL DATA FOR THE MONTH OF APRIL 2022

Call Types Associated with April 2022 Force Events

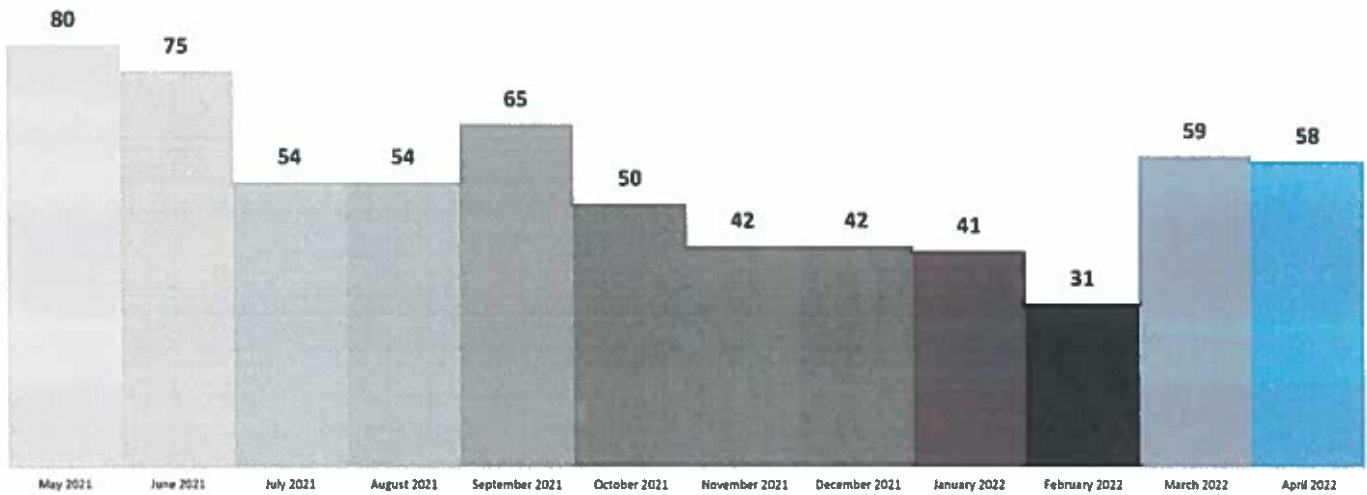


Civilian Police Oversight Agency Board
INTERNAL AFFAIRS FORCE DIVISION
STATISTICAL DATA FOR THE MONTH OF APRIL 2022

Twelve Months of Force Data



Twelve Months of Force Data
(Includes Out of Area)



CPOA Report 5/19/22

We opened 40 CPCs since the date of the last meeting 4/14/22

We received information on 19 driving complaints since the date of the last meeting. These predominately came from 311.

We closed 14 CPCs which are on the agenda. The Board was provided with the complaints and the findings letters for its information. There are no sustained this month

On April 28 the City Council's Committee of the Whole reviewed budget presentations and information. There were no questions for the CPOA

In order to plan for the APD meeting with Amici regarding the IMR report a date must be selected between the two choices. A motion is not needed, but I just need to Board's preference.

- June 21, 2022, 10:15-11:15 am MST
- or
- June 23, 2022, 1:30-2:30 pm MST

The 2nd half of the semi-annual CPOA report will be up on Sharepoint to review. Once it is approved by the Board at the June meeting it will be forwarded to City Council.

The next Monitor's site visit will be June 6-10 to discuss IMR 15

City Council contemplated one Board member 5/16/22, but then withdrew the candidate from consideration. It is not finalized yet, but Council did approve extending the completion of the Citizens Police Academy for CPOAB to a year. Council is contemplating other members 6/6/22

PPRB Policies for Review – May 2022

2-100 Emergency Communications Center Division

- Minor edits for language consistency
- Changes in dispatch procedure related to MDTs
- Procedural changes related to CAD system

3-1 Dispatch Radio Procedures

- Removed entirely for integration into 2-100

2-96 Clandestine Drug Laboratory and Indoor Marijuana Grow Site Investigations

- Minor edits for language consistency
- Clarification around the distinction between case agent and site safety officer

2-73 Collection, Submission, and Disposition of Evidence and Property

- Substantial edits, however, most are minor (e.g. consistent language use)
- Change in the evidence management system and procedures for entering evidence.

2-76 Court

- Minor edits for language consistency
- Changes to process for notices of court hearings and scheduling around leave

3-24 In-The-Line-Of-Duty Death Notification and Benefits

- Minor edits for language consistency
- Removes very specific requirements on means of notification (language used, etc)

1-71 Operations Review Section

- Minor edits for language consistency
- Expands Operations Review responsibility from field services only to the entire department
- Removes commendation letter and bid responsibilities

1-87 Scientific Evidence Division

- Minor edits for language consistency
- Minor procedure changes



Timothy M. Keller
Mayor

City of Albuquerque

Albuquerque Police Department



Harold J. Medina
Chief of Police

April 13th, 2022

Interoffice Memorandum

To: Harold J. Medina, Chief of Police

From: J. J. Griego, Deputy Chief, Management Services and Support Bureau

Subject: CPOAB letter dated August 12th, 2021

We received this letter on 04/13/22. The CPOAB requests that the “Force Review Board submit written explanations for their findings.” And also that a “Force Review Board representative present an explanation of the FRB findings and stand for questions...”

We can speak to generalities to the purpose and process of the FRB but providing specific logic behind each board members vote will not be possible. The FRB meeting was held on April 23rd, 2020. The members of the Board at that time were DCOS Ross, DC Medina, DC Gonzales, Commander Byrd, and Commander Duran. The only extant person on the Department is now Chief Medina who shared many of the concerns that the CPOAB had.

The FRB identified the concerns and a referral to Internal Affairs Force Division was made to address the concerns related to policy, tactics, training, equipment and supervision.

The policy quoted is “Paragraphs 25- 4A, B, C, E” I am assuming this is a typo as the policy is 2-52. Below is what is to be believed to be the relevant policy sections that were in effect at the time.

What I can do is speak generally to the role of FRB and the process. It is important to note that issues or concerns related to policy, training, supervision, equipment or tactics, do not automatically render a use of force out of policy. It appears that the FRB recognized all of these deficiencies however when a subject points what is perceived as a firearm at Police Officers they are permitted to use force to defend themselves and others.

2-52-4 Use of Force Requirements

A. General Requirements

1. Policing at times requires that an officer exercise control of a violent or resisting subject to make an arrest or to protect the officer, other officers, or members of the community from risk of imminent harm. Clearly, not every potential violent confrontation can be de-escalated. However, officers do have the ability to impact the direction and the outcome of many situations they handle, based on their decision-making and the tactics they choose to employ. The officer shall consider and use, where appropriate, de-escalation techniques.

2. Officers should continually assess the situation in order to increase an officer's ability to bring a situation to a safe, peaceful conclusion. This conclusion may be accomplished by using time, distance, information, isolation, teamwork, force array, coordination and other techniques, to maximize an officer's advantage.

B. Assessing the Situation

The following questions help an officer assess the "totality of the circumstances," i.e., the facts and conditions confronting an officer when making decisions. Officers should consider these questions when assessing a situation that may require use of force:

1. What resources can the officer use to de-escalate the situation or to minimize the need for the use of force?
2. Can the officer allow the person time to submit to arrest before using force?
3. Is the officer using the minimum amount of force necessary to carry out lawful objectives?
4. Is the person physically or mentally capable of complying with the officer's commands?
5. Does the officer have an opportunity to utilize additional resources or other officers to bring the situation to a peaceful resolution?
6. What is the risk of bodily harm to the subject and/or officer as a result of the officer's lawful use of force in light of the level of threat the subject posed to the officer or others?
7. Does the proximity of weapons allow the subject to access them?
8. What is the time available to an officer to make a decision? What efforts has the officer made to gain additional time?
9. What are the physical considerations for the officer, such as officer exhaustion or injury during a physical confrontation?
10. Are innocent bystanders present who could be harmed if force is or is not used?
11. Are there hostile bystanders present who are sympathetic to the subject?

C. De-escalation

1. Officers should look for opportunities to de-escalate the situation. When reasonable under the totality of circumstances and where it may be accomplished without increasing the risk of harm to the officer or others, officers should—

- a. gather information about the incident;
- b. assess the risks to the subject(s), officer(s) and general public;
- c. assemble resources;
- d. communicate and coordinate a response; and e. attempt to slow the momentum of the incident.

2. In their interaction with subjects, officers shall use advisements, warnings, verbal persuasion, and other tactics prior to escalating to the use of force, if feasible. Officers should recognize that they may be able to move to a more tactically sound position or to a position which allows greater distance between them and the subjects, in order to consider or use a greater variety of tactical options.

3. Officers are expected to recognize that their approach to a civilian interaction may influence whether a situation escalates to the need for use of force.

4. When a use of force is necessary, officers will assess each incident to determine, based on policy, training and experience, which use of force option will de-escalate or control the situation.

5. Supervisors will become involved as soon as practicable in the management of an overall response to potentially violent encounters by coordinating resources and officers' tactical actions. Supervisors should possess a good knowledge of tactics and ensure that officers under their supervision perform to Department standards.

6. A degree of force which may have been justified earlier in an encounter does not remain justified indefinitely. Force shall be de-escalated as resistance decreases.

E. Minimum Amount of Force

When force is necessary and objectively reasonable, officers shall strive to use the minimum amount of force that is feasible within the available range of objectively reasonable force options.

1. Officers need not start at the lowest level of force in every situation. Prior to using a particular force option, officers should evaluate their objectively reasonable options and select an option anticipated to minimize the level of injury to the subject and the officer while achieving the arrest or lawful objective.

2. While utilizing a particular force option, officers should continually assess whether the opportunity exists for them to safely deescalate their level of force while still achieving the arrest or lawful objectives.

3. Whether a particular use of force is the minimum amount of force necessary must be objectively judged from the perspective of a reasonable officer on the scene, rather than from 20/20 hindsight. The objective determination of "minimal" must account for the fact that officers are often forced to make split-second judgments, in circumstances that are tense, uncertain, and rapidly evolving.