

ALBUQUERQUE  
CIVILIAN POLICE  
OVERSIGHT



Mission Statement

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

---

Semi-Annual Report

*July 1<sup>st</sup> 2022- December 31<sup>st</sup> 2022*

**Deirdre Ewing**

Executive Director

**Diane McDermott**

Interim Executive Director

## Contents

List of Acronyms - 4 -
Report Highlights - 5 -
Introduction - 6 -
Complaint Investigation Process - 9 -
Data Source and Limitations - 12 -
<b>Section I. Complaint Details - 13 -</b>
Complaint Sources - 14 -
Complaints by City Council Districts - 15 -
Complaints Trend - 16 -
Investigation Completion Timelines - 17 -
Complaint Dispositions - 18 -
APD SOPs Reviewed in Completed CPOA Investigations - 19 -
Chief Non-Concurrences with CPOA Findings or Disciplinary Recommendations - 21 -
Sustained Findings and Discipline - 24 -
<b>Section II. Employee and Complainant Demographics - 26 -</b>
Employee Demographics - 27 -
Employee Gender, Race, and Ethnicity in Completed Complaints - 28 -
Employee Median Age - 29 -
Employee Rank - 30 -
Employee's Assigned Bureau - 30 -
Employee Assigned Division - 31 -
Demographics of Employees Cited in Sustained Complaints - 32 -
Gender of Employees Cited in Sustained Complaints - 32 -
Race of Employees Cited in Sustained Complaints - 32 -
Ethnicity of Employees Cited in Sustained Complaints - 33 -
Age of Employees Cited in Sustained Complaints - 33 -
Rank of Employees Cited in Sustained Complaints - 34 -
Assigned Bureau of Employees Cited in Sustained Complaints - 34 -
Division of Employees Cited in Sustained Complaints - 35 -
Complainant Demographics - 36 -
Complainant Gender - 37 -
Complainant Race & Ethnicity - 38 -
Complainant Sexual Orientation - 39 -
Complainant Mental Health and Housing Status - 40 -
Complainant Median Age - 42 -



**Section III. APD Use of Force Incidents - 43 -**

Use of Force Definitions - 43 -

Level of Force Used by Area Commands - 45 -

Type of Calls Associated with Force Event - 47 -

CPOAB UOF/OIS Review - 48 -

CPOAB UOF/OIS Out of Policy Case Narratives - 49 -

**Section IV. Public Outreach - 51 -**

**Section V. CPOA/CPOAB Policy Activities, Policy Recommendations provided to APD, CPOAB Training Status & Legislative Amendments to Oversight Ordinance and Policies and Procedures - 53 -**

Policy Recommendations Provided to APD - 58 -

CPOAB Training Status - 59 -

Orientation Program Status - 62 -

First 6-Month Training Program Status - 63 -

8-Hour Training Program Status - 64 -

CPA and APD Civilian Police Academy Training Program Status - 65 -

Legislative Amendments to Oversight Ordinance and/or Policies and Procedures - 65 -

**Section VI. Commendations - 66 -**

Appendix - 69 -

## List of Acronyms

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

## Report Highlights

- ❖ The CPOA recorded 321 complaint notifications and opened (assigned CPC numbers to) 142 complaint investigations against APD personnel during the reporting period starting July 1<sup>st</sup> 2022, and ending December 31<sup>st</sup> 2022.
- ❖ The Agency completed 116 civilian police complaint investigations during this reporting period compared to 97 in the last reporting period.
- ❖ The CPOA onboarded and offboarded an Executive Director during the reporting period. In spite of this, 79.3% of the civilian police complaints closed in this reporting period were closed within 120 days.
- ❖ The complaint closure rate increased by 23.1% from 2021 to 2022.
- ❖ During this period, investigators reviewed an average of 2.2 policy violation allegations per complaint.
- ❖ 46.6% of complaints were self-reported online submissions.
- ❖ 18.1% of the completed investigations were Administratively Closed, a decrease from 20.6% in the last reporting period.
- ❖ In this period, the CPOA completed investigations against 131 APD employees on behalf of 101 identifiable complainants and 10 anonymous complainants.
- ❖ 30 APD Standard Operating Procedures (SOPs) came under review 253 times in the 116 completed complaint investigations. SOP 1-1 Personnel Code of Conduct was reviewed 107 times, which is the most of any SOP in this reporting period.
- ❖ 16 notifications of non-concurrences were received from the Chief of Police, 13 concerned the recommended discipline, 1 concerned a different investigation finding, and 2 cases had disagreements over both the finding and discipline.
- ❖ Of the 131 APD employees identified in completed complaint investigations during this reporting period, 52 (39.7%) were Police Officer 1<sup>st</sup> class.
- ❖ 87.8% of the APD employees identified in complaint investigations were White, 55.7% were Hispanic, and 80.9% were male. 51.5% of known complainants identified as White, 31.7% were Hispanic, and 54.1% were male.
- ❖ IAFD reported 59 Serious Use of Force/Level 3 during the reporting period. The CPOAB reviewed 13 of these after the Force Review Board (FRB).
- ❖ The CPOA received 30 commendations for APD personnel during the reporting period.

## Introduction

The Civilian Police Oversight Agency (CPOA) is an independent agency of the City of Albuquerque, distinct from City government, City Council, and the Albuquerque Police Department. The CPOA consists of the Board (CPOAB) and an Administrative Office (CPOA or “Agency”) led by the Executive Director.

Although a civilian oversight group has existed in some capacity since the twentieth century, the CPOA was established, in its current form, in 2014 after the City of Albuquerque and the Department of Justice entered into a settlement agreement regarding APD’s use of force against civilians. This settlement agreement followed a two-year investigation, as requested in 2011 by the Albuquerque City Council, who expressed concern with the high rate of police shootings, use of lethal force, and the number of settlements stemming from these issues against the City. In their findings letter, the DOJ specified community policing and civilian oversight were necessary components of the public safety ecosystem and, consequently, are also monitored in accordance with the CASA. To achieve CASA compliance, the CPOA abides by city legislation, the CASA, and the Civilian Police Oversight Ordinance, which was last amended in May 2022.

Per the Oversight Ordinance, the CPOA is tasked with investigating and reviewing complaints and commendations submitted by community members concerning APD personnel and provides policy, disciplinary, training and procedural recommendations to the Department. As stated in the Oversight Ordinance (§ 9-4-1-2), the purpose of the CPOA is to:

- (A) Foster and perpetuate policing policies and practices that effectively maintain social order and which at the same time foster mutual trust and cooperation between police and civilians;*
- (B) Ensure that the civilian police oversight body functions as independently as possible from the executive and legislative branches of government of the City of Albuquerque;*
- (C) Provide civilians and police officers a fair and impartial system for the investigations and determinations on civilian police complaints;*

*(D) Gather and analyze information, reports, and data on trends and potential issues concerning police conduct and practices and the related impacts on the community and individuals; and*

*(E) Provide input, guidance and recommendations to the City Council, the Mayor and the Chief of Police for the development of policy for the Albuquerque Police Department.*

The Oversight Ordinance (§ 9-4-1-10) mandates the CPOA to regularly inform the Mayor, the City Council and the public on their efforts by sharing semi-annual reports. The information provided in this report is for period beginning July 1<sup>st</sup> 2022 through December 31<sup>st</sup> 2022. This report is divided into the following sections:

- I. Complaint Details
- II. Employee and Complainant Demographics
- III. APD Use of Force Incidents
- IV. Public Outreach
- V. CPOA/CPOAB Policy Activities, Policy Recommendations provided to APD, CPOAB Training Status & Legislative Amendments to Oversight Ordinance and Policies and Procedures
- VI. Commendations

The first section, ‘Complaint Details,’ identifies the total number of complaints investigated (assigned CPC numbers) and closed (case investigation completed) during the second six months of 2022. This section covers complaint closure timelines, complaint source, the number of complaints in each City Council District and Area Command, and the number of complaints investigated and closed compared to previous years. This section also provides information on the SOPs that came under review in completed investigations, identifies the CPOA investigative findings, and provides a selection of the letters of non-concurrences from the Chief of Police on findings or disciplinary recommendations.

The second section, ‘Employee and Complainant Demographics,’ reports demographic information for both APD employees and the complainants. This section includes information on

gender, race, ethnicity, rank, and age of implicated APD employees, as reported by APD payroll, and the number of employees involved in multiple complaints. For complainants, this report provides self-reported data on gender, race and ethnicity, sexual orientation, housing, mental health status and age.

The third section ‘APD Use of Force Incidents’ gives information on a selection of use of force incidents investigated by IAFD and SUOF incidents reviewed by the CPOAB during the second six months of 2022.

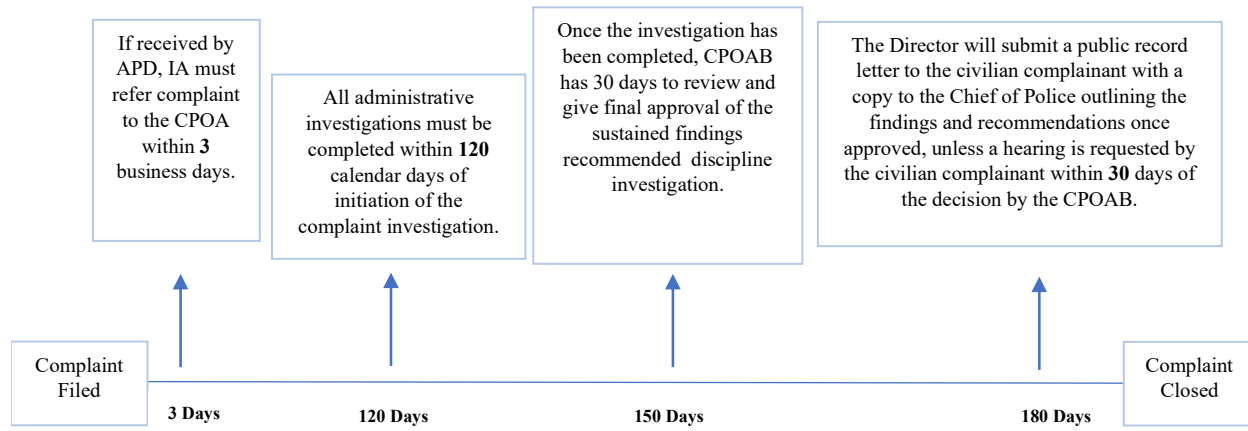
Sections four and five discuss CPOA outreach initiatives and policy recommendations. Section four highlights outreach initiatives undertaken by the CPOA/CPOAB and CPCs during this reporting period. The fifth highlights the CPOAB policy activities, policy, procedural or training recommendations shared with APD, status of the CPOAB members training, suggested amendments to policies and procedures shared outside of the policy cycle, as well as oversight ordinance recommendations provided to the City Council for consideration.

Section six reports on APD employee commendations sent to the CPOA, including demographics of citizens submitting commendations.

Since March 2020, the CPOA has remained operational in a modified capacity due to the declared public health emergency, novel coronavirus. Some of the processes impacted as a result of COVID-19 includes but is not limited to: the ability to conduct in-person interviews for both officers and complainants, and the shift from in-person to online meetings for the CPOA and CPOAB public meetings.



## Complaint Investigation Process



### *Complaint Timelines*

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

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

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

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

Due to the revised Collective Bargaining Agreement (CBA) in January 2022, the CPOA now has 120 days to complete the complaint investigation; a 30-day extension request from the Chief of Police is no longer granted. As such, Paragraph 191 of the Court Approved Settlement Agreement (CASA) requires modification because it contradicts the CBA. APD's On-Body Recording Device (OBRD) non-evidentiary video retention policy of 120 days remains unchanged, so body camera footage of the incident may not be available to CPOA investigators in cases when the citizen does not file the complaint with the CPOA immediately after the incident.

The CPOAB reviews the outcomes of civilian police complaints for informational purposes during the monthly board meetings or special meetings. The CPOAB reviews and votes to authorize the submission of disciplinary recommendations to the Chief of Police. Upon CPOAB approval of the disciplinary recommendations, the Executive Director submits a public record letter to the complainant and a copy to the Chief of Police that outlines the findings and disciplinary recommendations. Upon receipt of the findings, the civilian complainant has 30 days to request an appeal of the CPOAB's decision. If an appeal regarding APD's disciplinary action is requested, the Chief Administrative Officer (CAO) of the City of Albuquerque 30 days to review the appeal and 90 days to decide the disposition of the complaint. If no appeal is requested, the Chief of Police must notify the CPOAB and the original complainant of their final disciplinary decision. The Chief of Police retains sole authority to take disciplinary action against an APD employee for SOP violations.

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

There are six possible CPOA complaint findings:

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

## Data Source and Limitations

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

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

For example, the CPOA UOF data is collected in two ways. The first way is from the IAFD monthly reports. This monthly snapshot includes a preliminary count of the total number of force incidents under investigation that month; broken down by the location of occurrence, level of force used, and the call type associated with force events. The information included in the monthly snapshot received from IAFD is not considered final, as investigations are continuously updated. The second way is through the IA database. Through this source, the CPOA has access to the data for all completed force investigations. Given that IAFD monthly reports represent data as a snapshot in time, there may be discrepancies between the data presented in the monthly report and dynamic data from IA Pro.

## Section I. Complaint Details

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

During the reporting period, the CPOA recorded a total of 321 complaints and opened (assigned CPC numbers in the IA database) 142 complaint investigations. Several complaints opened in the IA database were not assigned to an investigator due to reasons including but not limited to:

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

**Complaints Recorded**

321

**Complaints Opened in the IA database**

142

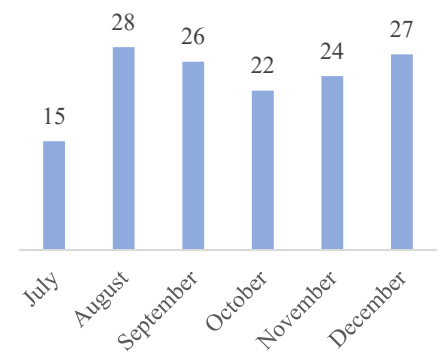
**Complaints Closed**

116

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

The CPOA completed 116 complaint investigations during this reporting period, which is an increase from the 97 complaint investigations completed in the last reporting period. Of the 116 completed investigations:

- 95 were opened before this reporting period while 21 were opened and closed during this reporting period,
- 18.1% were closed administratively,
- 19.7% were opened in the IA database in August.



## Complaint Sources

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

Of the 142 complaints opened during the reporting period, the most frequently used reporting methods were: self-reported and submitted online (46.6%), complaints received through Blue Team<sup>1</sup> (20.7%), and received via email (10.3%).

**Table 1. Complaint Sources**

Blue- team	Email	311	Online-Self Reported	Online- Call in	In- Person	Written- Mail
24	12	1	54	8	11	6

*Data Source: IA Pro July 1<sup>st</sup> 2022 – December 31<sup>st</sup> 2022*

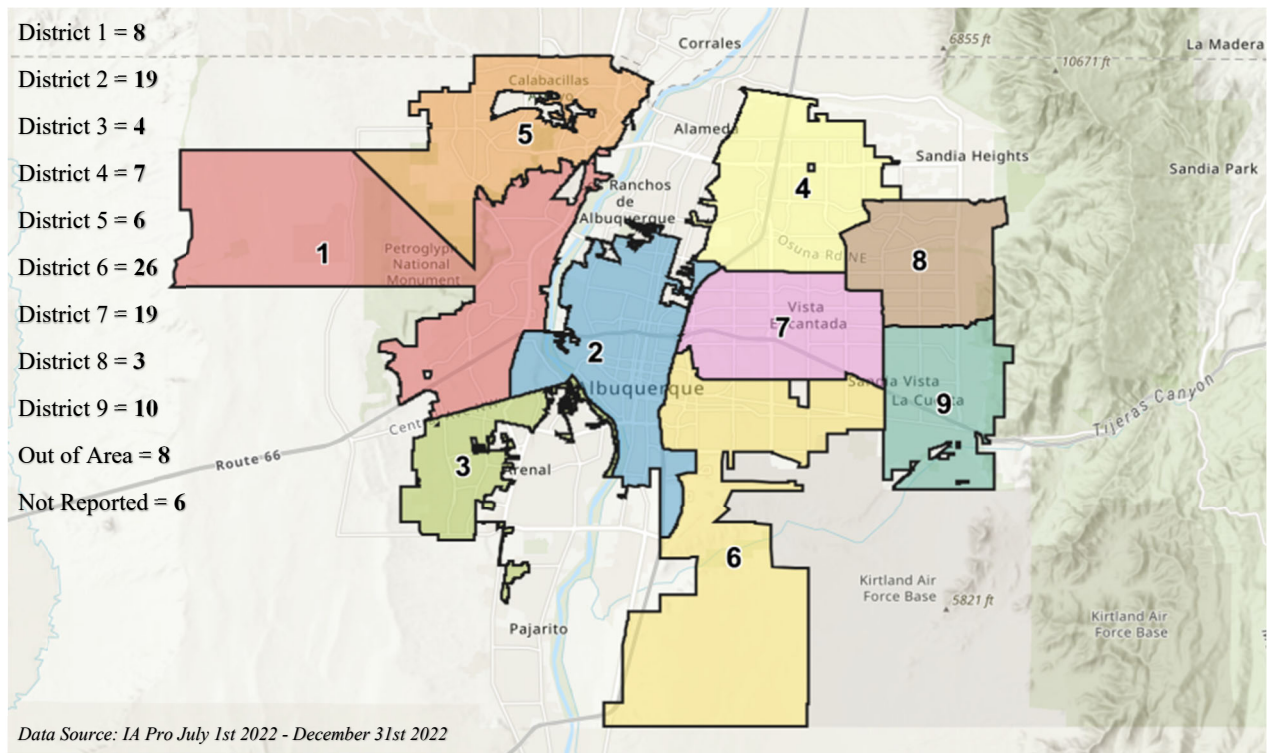
---

<sup>1</sup>Blue Team is a program in IA Pro which allow Incidents (use-of-force, field-level discipline, complaints, vehicle accidents and pursuits) to be entered and routed through the chain-of-command for review and approval. The source for complaints received by APD and forwarded to the CPOA are listed as 'Blue Team' in this report

### Complaints by City Council Districts

Most incidents resulting in a complaint completed during this reporting period took place in City Council Districts 6, 2, and 7, with 22.4% occurring in District 6. The City Council District with the least number of complaints was Districts 8 with 3. 6 complaints did not identify an incident location, so the City Council District is unknown, and are reflected in Figure 1. as “Not Reported.” 8 complaints stemmed from incidents outside of City Council’s jurisdiction. These are labeled in Figure 1. as “Out of Area.”

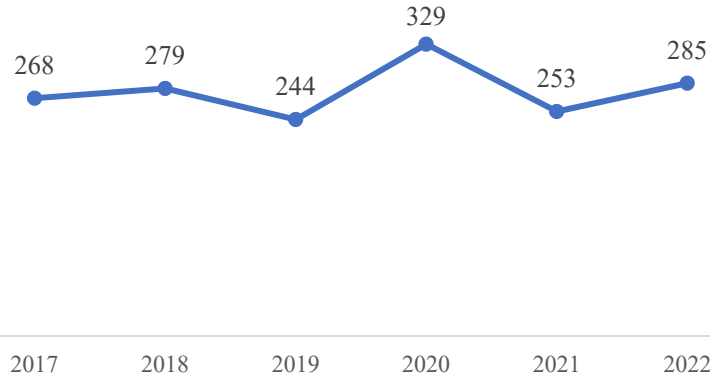
**Figure 1. Complaints by City Council District**



## Complaints Trend

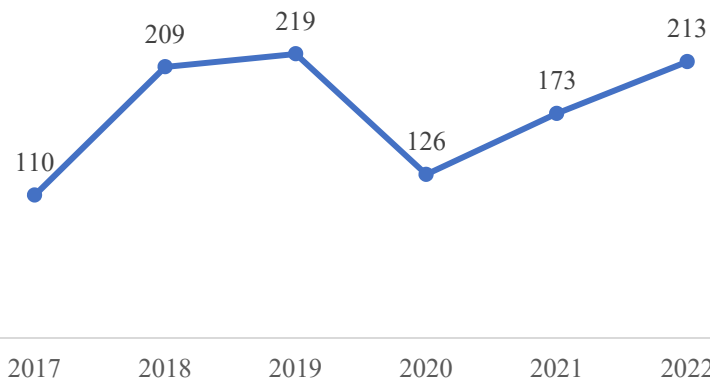
Using data from previous semi-annual reports, we observe the number of complaints entered into the IA database increased from 2021 to 2022 by 12.64% and decreased from 2020 to 2022 by 13.4%. Even though the number of complaints increased from 2021 to 2022, the complaint closure rate increased by 23.1%.

**Figure 2.1. Complaints Opened from 2017 - 2022**



*Data Source: IA Pro- January 1<sup>st</sup> 2017 – December 31<sup>st</sup> 2022*

**Figure 2.2. Complaints Closed from 2017 - 2022**



*Data Source: IA Pro January 1<sup>st</sup> 2017 – December 31<sup>st</sup> 2022*



## Investigation Completion Timelines

Per the renegotiated January 2022 CBA, every investigation shall be concluded within 120 days. For this reporting period, 92 (79.3%) complaints were closed within 120 days.

**Table 2. Investigation Completion Timelines<sup>2</sup>**

Up to 120 days	4 – 5 months	5 – 6 months	6 – 9 months	Over 9 months	<b>Total</b>
92	13	7	4	0	<b>116</b>

*Data Source: IA Pro July 1<sup>st</sup> 2022 – December 31<sup>st</sup> 2022*

4 complaint investigations took between 6 and 9 months to resolve. All 4 resulted in exonerated or unfounded dispositions. 2 of these investigations surpassed 6 months, lasting 188 and 190 days, and 2 investigations surpassed 7 months, lasting 231 and 242 days. The 190-day investigation included an 86-day delay because the complaint alleged procurement and purchasing violations, requiring a suspension of the investigation so that the Office of Inspector General could investigate.<sup>3</sup> The other investigations were protracted due to their complexity, the need to interview multiple witnesses or conduct repeated interviews, and/or periods of waiting for reports or investigations to be completed by other agencies or departments.

<sup>2</sup> 4-5 months is approximately 121-152 days; 5-6 months is approx. 153-182 days; and 6-9 months is approx. 183-274 days.

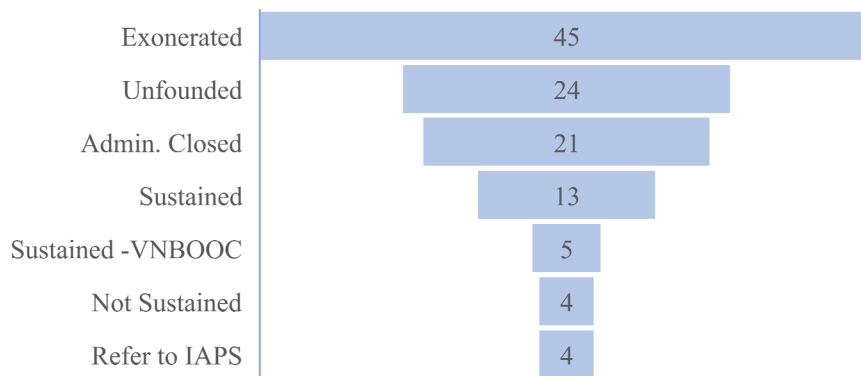
<sup>3</sup> This case was suspended on 12/07/2021 and re-assigned to a CPOA Investigator on 03/03/2022.

### Complaint Dispositions

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

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

**Figure 3. Closed Complaint Findings**



*Data Source: IA Pro July 1<sup>st</sup> 2022 - December 31<sup>st</sup> 2022*

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

**Table 3. Reasons Complaints were Administratively Closed**

Reason for Admin Closed	Count
Lack of Information	5
No Jurisdiction	5
Withdrawn	5
Duplicative	4
No Officer Identified	2
<b>Total</b>	<b>21</b>

*Data Source: IA Pro July 1<sup>st</sup> 2022 – December 31<sup>st</sup> 2022*

### **APD SOPs Reviewed in Completed CPOA Investigations**

During the reporting period, investigators reviewed an average of 2.2 allegations per complaint. There were 55 complaints with more than 1 allegation, 29 complaints with more than two allegations, and 18 complaints with more than three allegations.

30 APD SOPs (including one Special Order) came under review 253 times for the 91 completed complaint investigations that were not administratively closed or referred to IAPS. SOP 1-1 (Personnel Code of Conduct) was reviewed the most (107 times) during civilian complaint investigations. A complete table is displayed on the next page.

**Table 4. SOPs for Completed Complaints and the Recommended Finding from CPOA**

SOP Number & Title	Total Reviews	Recommended Findings by Disposition				
		Exonerated	Unfounded	Not Sustained	Sustained	Sustained VNBOOC
1-1 Personnel Code of Conduct	107	28	66	6	6	1
2-60 Preliminary and Follow up Criminal Investigations	37	23	10		4	
2-21 Apparent Natural Death/Suicide of and Adult	12	10	2			
2-8 Use of On-Body Recording Devices (OBRD)	7	1	3		1	2
2-80 Arrests, Arrest Warrants, and Booking Procedures	6	6				
1-4 Biased Based Policing/Profiling	5		5			
2-71 Search and Seizure Without a Warrant	5	4	1			
2-16 Records	4		1		1	2
2-19 Response to Behavioral Health Issues	4	4				
2-73 Submission of Evidence, Confiscated Property, and Found Items	4	1	1		2	
2-41 Traffic Stops	3	2	1			
2-92 Crimes Against Children	2	1	1			
4-25 Domestic Violence	2	1	1			
2-31 Emergency Medical and Trauma Services	2	2				
2-86 Investigation of Property Crimes	2	1	1			
2-40 Misdemeanor Traffic and City Ordinance Enforcement	2	1				1
1-78 Police Service Aide Program	2	1				1
3-14 Supervisory Leadership	2	2				
2-48 Towing and Wrecker Services	2	1			1	
2-52 Use of Force-General	2		2			
<b>Special Order: SO 20 103<sup>4</sup></b>	2	2				
2-01 Communications	1		1			
3-41 Complaints Involving Department Personnel	1		1			
2-5 Department Vehicles	1			1		
2-68 Interviews and Interrogations	1				1	
4-27 Lost and Found Government-Issued Identification Cards and Driver's Licenses	1				1	
2-46 Response to Traffic Crashes	1				1	
1-2 Social Media	1				1	
2-9 Use of Computer Systems	1		1			
2-10 Use of Emergency Communications	1		1			

*Data Source: IA Pro July 1<sup>st</sup> 2022 – December 31<sup>st</sup> 2022*

<sup>4</sup>SO 20-103 SEXUAL ASSAULTS REPORTED BY PRISONERS: Effective Dec. 3, 2020 – Procedures to follow for all sworn personnel whose prisoner reports a sexual assault to them at the time of arrest or Prisoner Transport Center medical personnel.

### **Chief Non-Concurrences with CPOA Findings or Disciplinary Recommendations**

Section § 9-4-1-4-C-3-g of the Oversight Ordinance stipulates that the Chief of Police may disagree with the CPOA's proposed findings and not implement the recommended discipline. According to this section: *“Imposition of the recommended discipline is at the discretion of the Chief of Police. However, if the Chief of Police does not follow the disciplinary recommendation of the Director, with Board approval, the Chief of Police shall respond in writing, within 30 days of the department's final disciplinary decision, with a detailed explanation of the reason as to why the recommended discipline was not imposed. The Chief shall identify the specific findings of the Director with which the Chief disagrees, or any other basis upon which the Chief declined the Director's disciplinary recommendation.”*

All policy provisions receive a sanction classification from the Chart of Sanctions in SOP 3-46 Discipline System. It is used to calculate the recommended disciplinary action to be taken for any sustained allegations investigated by IA and the CPOA. The Chart of Sanctions displays the range of discipline that could be imposed for a sustained violation (minimum, presumptive, and maximum) and ranks violations by Class, with Class 1 offenses being the most severe and Class 7 being the least. Disciplinary authorities must take into account aggravating and mitigating circumstances when determining final discipline. Violations are also categorized by type into Attendance, Misconduct, and Performance for the purposes of progressive discipline.

During this period, there were 16 cases with non-concurrent dispositions involving 18 policy violation allegations. Of the 16 nonconcurrences received by the CPOA, 13 pertained only to the recommended discipline, 1 exclusively to the recommended finding, and 2 cases had disagreements over both the recommended finding and discipline. 1 case (CPC2022-000087), highlighted in blue in the Table 5., had 3 non-concurrences regarding discipline for 3 separate policy violations. A complete table is displayed on the next page.

**Table 5. Non-Concurrences**

<i>CPC Number</i>	<i>Policy</i>	<i>CPOA Finding</i>	<i>APD Finding</i>	<i>CPOA Rec. Discipline</i>	<i>APD Discipline</i>
<i>CPC2022-000055</i>	2-16-2-C-1	Sustained	Exonerated	Verbal Reprimand	None
<i>CPC2022-000135</i>	1-78-3-B-3ab	Sustained	Exonerated	Verbal Reprimand	None
<i>CPC2022-000003</i>	2-7-4-B-1-5	Sustained	Sustained	Verbal Reprimand	NDCA <sup>5</sup>
<i>CPC2022-000024</i>	1-1-5-A-1	Sustained	Sustained	16-hour suspension <sup>6</sup>	NDCA
<i>CPC2022-000027</i>	2-48-2-D-2e	Sustained	Sustained	Verbal Reprimand	NDCA
<i>CPC2022-000035</i>	1-1-5-A-1	Sustained	Sustained	8-hour suspension	Verbal Reprimand
<i>CPC2022-000058</i>	2-73-2-A	Sustained	Sustained	Written Reprimand	NDCA
<i>CPC2022-000071</i>	2-73-2-B-2	Sustained	Sustained	Written Reprimand	NDCA
<i>CPC2022-000086</i>	1-2-4-B-3-v	Sustained	Sustained	Written Reprimand	Verbal Reprimand
<i>CPC2022-000087</i>	2-8-5-B-8b	Sustained	Sustained	Written Reprimand	NDCA
<i>CPC2022-000087</i>	2-60-4-A-5f	Sustained	Sustained	Written Reprimand	NDCA
<i>CPC2022-000087</i>	1-1-4-D-17	Sustained	Sustained	Written Reprimand	NDCA
<i>CPC2022-000100</i>	1-1-5-E-4	Sustained	Sustained	Written Reprimand	NDCA
<i>CPC2022-000116</i>	2-8-4-B	Sustained VNBOOC	Sustained VNBOOC	Verbal Reprimand	NDCA
<i>CPC2022-000154</i>	1-1-5-E-2	Sustained	Sustained	8-hour suspension	Written Reprimand
<i>CPC2022-000165</i>	2-8-5-A	Sustained VNBOOC	Sustained VNBOOC	Written Reprimand	Verbal Reprimand
<i>CPC2022-000169</i>	2-16-5-C-1	Sustained VNBOOC	Sustained VNBOOC	Verbal Reprimand	NDCA
<i>CPC2022-000103</i>	1-1-5-A-4	Not Sustained	Unfounded	None	None

*Data Source: Non-Concurrent Letters Received from APD between July-December 2022*

The majority of disciplinary nonconcurrences resulted from the APD imposing the minimum discipline rather than the presumptive discipline recommended by the CPOA. In the non-concurrence letters received by the CPOA, the APD cited mitigating factors that deemed it

<sup>5</sup>NDCA - Non-Disciplinary Corrective Action

<sup>6</sup>This substantial deviation in discipline resulted from an error in categorization of the offense, affecting the calculation of progressive discipline. The CPOA found the violation to be the officer’s third, Class 6 Misconduct offense. However, the APD determined that the violation should be categorized as the officer’s first, Class 6, Performance offense. As a result, non-disciplinary corrective action was the most appropriate discipline.

appropriate to deviate from the presumptive discipline, such as the employee having little or no disciplinary history, sincere acceptance of responsibility for the violation, and/or because the employee was involved in a unique set of circumstances that are unlikely to reoccur.

For the two more substantial non-concurrences (CPC2022-000055 and CPC2022-000135), the CPOA did submit formal responses to APD rejecting their findings. In CPC2022-000055, the CPOA reiterated that SOP 2-16 (Reports) states that petty misdemeanors shall be documented on a police report, not a CAD, which was not done in this incident. In CPC2022-000135, the CPOA found the police service aide, wrongly, did not ask for the assistance of officers during an incident that involved injuries, in accordance with SOP 1-78 (Police Service Aide (PSA) Program). With regards to this specific allegation, the CPOA maintains that the policy requires the PSA notify a supervisor, even if the supervisor is monitoring the air.

To view redacted copies of the Non-Concurrence Letters, please see “Chief of Police/Police Reform Bureau: Non-Concurrence Letters” on the CPOA website for a yearly listing of the non-concurrence letters received.<sup>7</sup>

---

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

## Sustained Findings and Discipline

Following a review of the CPOA's investigation and recommendation, APD upheld 24 Sustained or Sustained VNBOOC findings for specific policy violations in 18 cases. These cases involved 23 APD employees, each employee was implicated in only one case, and 1 employee had 2 violations in single case.

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

**Table 6. Sustained Complaints and Proposed Discipline by SOP**

Finding		SOP Number & Title	Proposed Discipline		
Sustained	Sustained VNBOOC		NDCA	Verbal Reprimand	Written Reprimand
6	1	1-1 Personnel Code of Conduct	3	2	2
1		1-2 Social Media		1	
1	2	2-8 Use of On-Body Recorded Devices (OBRD)	2	1	
	2	2-16 Reports	1	1	
	1	2-40 Misdemeanor, Traffic and Parking Enforcement		1	
1		2-46 Response to Traffic Crashes			1
1		2-48 Towing Services	1		
4		2-60 Preliminary and Follow-Up Criminal Investigations	1	1	2
1		2-68 Interviews and Interrogations			1
2		2-73 Collection, Submission, and Disposition of Evidence and Property	2		
1		4-27 Lost and Found Government-Issued Identification Cards and Driver's Licenses			1

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

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

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



investigation results, and training if requested or required. The results may be used for purposes such as mandatory training for any or all Department officers, non-disciplinary actions such as reassignment to prevent further similar misconduct, policy development, consideration for promotion for the investigated officer(s), evidence in future grievances for purposes such as notice, and as an aggravating circumstance within the applicable sanction range for future similar infractions by the investigated officer(s). During this period, APD did not issue 10 proposed disciplinary actions as their evaluation of the investigation timeframe exceeded the contractual timelines.

**Table 7. Sustained Complaints and Final Discipline by SOP**

Proposed Discipline		Discipline Issued		SOP Number and Final Discipline											
		Action Taken	Not Issued	1-1	1-2	2-8	2-16	2-40	2-46	2-48	2-60	2-68	2-73	4-27	
NDCA	10	9	1	3		1	1	1			1	1		2	
Verbal Reprimand	7	4	3	1	1	1	1	1				1			
Written Reprimand	7	1	6	1	1					1		2	1		1

---

days for command level review of the investigation and to issue a pre-determination hearing notice; and (3) measured from when the pre-determination hearing ends, a determination with any findings must be sent to the officer within twenty (20) days.

## Section II. Employee and Complainant Demographics

Section § 9-4-1-10-B of the Oversight Ordinance requires demographic reporting on the APD employees and civilians associated with the complaint. This section is divided into two sub-sections: the first provides demographic information on APD employees and the second provides demographic information on complainants for complaints completed during the reporting period. This information can aid in identifying the trends and biases of employees and can also inform the CPOAB on their policy, training, and/or procedural recommendations for APD.

Complaints can be filed against both sworn and non-sworn APD employees. A total of 131 APD employees were identified in the 116 completed investigations during this reporting period. Out of the 116 completed investigations, 17 complaints did not implicate an APD employee. All complaints without an APD employee were administratively closed.

A complaint can involve more than one employee and an employee can be cited in multiple complaints. As seen in Table 8., during the reporting period, most complaints only implicate one APD employee. Further, most employees were implicated in a single complaint for this reporting period, and 10 APD employees were implicated in more than one complaint, represented in Table 9. We use the employee records in IA Pro as they are exported and do not impute missing values nor do we correct values.

**Table 8. Number of Complaints Associated with Multiple Employees**

<b>Number of Complaints</b>	<b>Number of Employees</b>
83	1
26	2
4	3
1	4
2	5

*Data Source: IA Pro July 1<sup>st</sup> 2022 – December 31<sup>st</sup> 2022*

**Table 9. Number of Employees Associated with Multiple Complaints**

Number of Employees	Times Involved
121	1
9	2
1	5

*Data Source: IA Pro July 1<sup>st</sup> 2022 – December 31<sup>st</sup> 2022*

## Employee Demographics

As of December 31<sup>st</sup> 2022, 51.5% of APD employees identified as Hispanic or Latino and 40% identified as White (non-Hispanic or Latino). Additionally, the majority of APD employees identify as male.

**Table 10. Race and Ethnicity Breakdown for All APD Employees**

Race & Ethnicity	Female	Male	Total
American Indian or Alaskan Native	20	23	43
Asian (Not Hispanic or Latino)	4	17	21
Black or African American	2	32	35
Hispanic or Latino	327	445	772
Native Hawaiian or Other Pacific Islander	2	5	7
Two or More Races (Not Hispanic or Latino)	12	16	28
White (Not Hispanic or Latino)	168	431	599
Total	529	969	1498

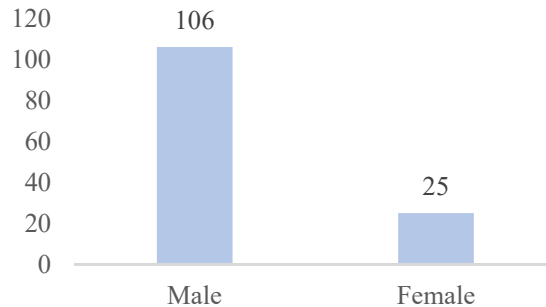
*Data Source: City of Albuquerque, Human Resources*

### Employee Gender, Race and Ethnicity in Completed Complaints

As seen in Figures 3.1 – 3.3, for APD employees implicated in a complaint:

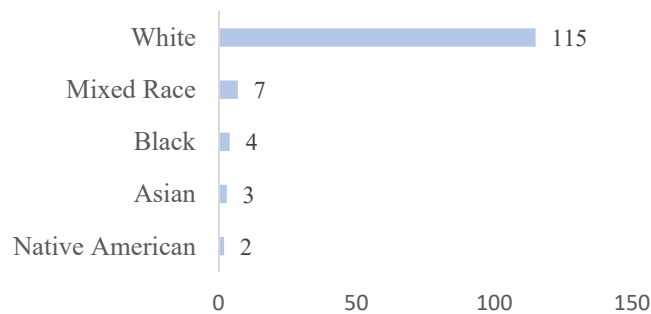
- 80.9% identify as male,
- 87.8% identify as White,
- 55.7% identify as Hispanic

**Figure 3.1. Gender of APD Employees Cited in a Completed Complaint**



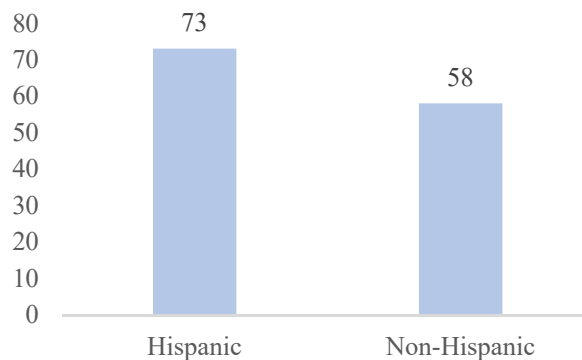
Data Source: IA Pro July 1<sup>st</sup> 2022 – December 31<sup>st</sup> 2022

**Figure 3.2. Race of APD Employees Cited in a Completed Complaint**



Data Source: IA Pro July 1<sup>st</sup> 2022 – December 31<sup>st</sup> 2022

**Figure 3.3. Ethnicity of APD Employees Cited in a Completed Complaint**

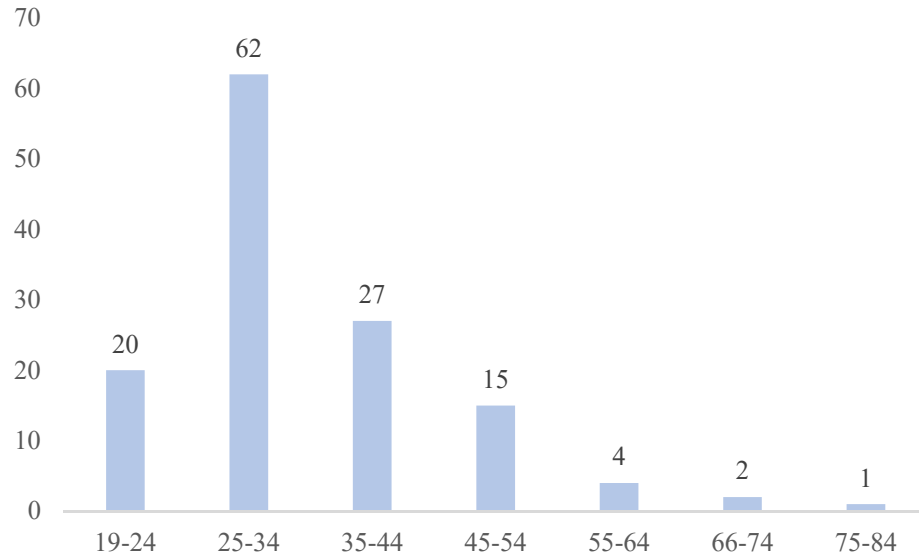


Data Source: IA Pro July 1<sup>st</sup> 2022 – December 31<sup>st</sup> 2022

### Employee Median Age

Most employees cited in a complaint fall in the 25-34 age range (47.3%), followed by the 35-44 age range (20.6%). The youngest APD employee identified in a closed CPOA investigation during this reporting period was 19 years old and the oldest employee was 77 years old at the time when the incident occurred.

**Figure 4. Age for APD Employees Cited in a Completed Complaint**

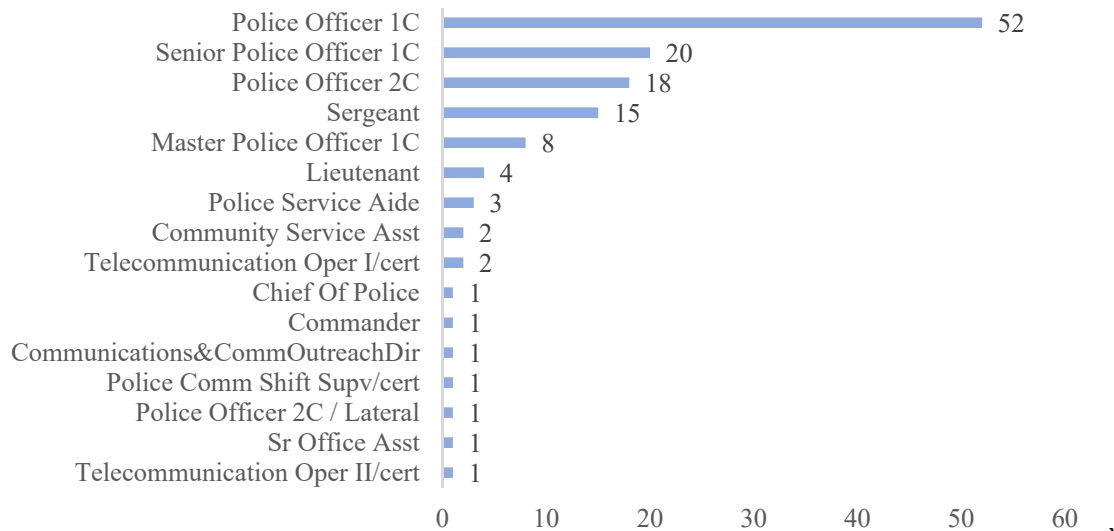


*Data Source: IA Pro July 1<sup>st</sup> 2022 – December 31<sup>st</sup> 2022*

### Employee Rank

Among the 131 employees identified in complaints completed during the reporting period, the largest number of employees were Police Officer 1<sup>st</sup> class (39.7%), followed by Senior Police Officer 1<sup>st</sup> class (15.3%).

**Figure 5. Employee Rank Breakdown for APD Employees Cited in a Complaint**

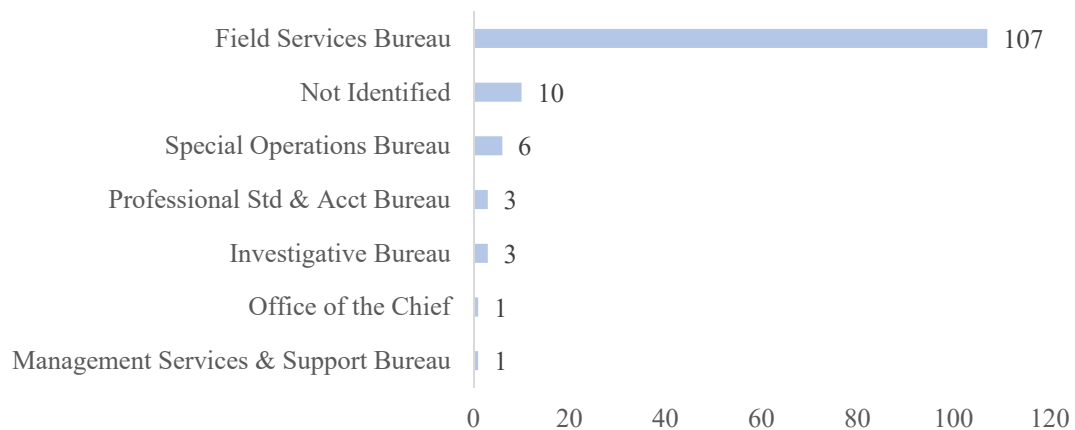


Data Source: IA Pro January 1<sup>st</sup> 2022-June 30<sup>th</sup> 2022

### Employee's Assigned Bureau

The majority of the complaints identified employees from the Field Services Bureau. 10 employees did not have information regarding their assigned bureau in the IA database.

**Figure 6. Employee Bureau for APD Employees Cited in a Completed Complaint**

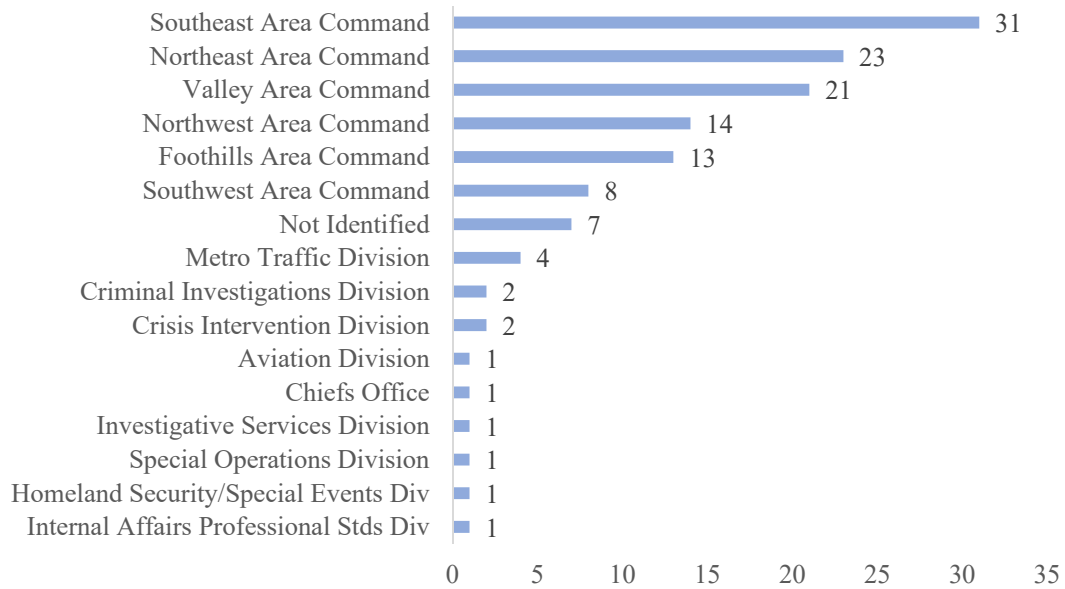


Data Source: IA Pro July 1<sup>st</sup> 2022 – December 31<sup>st</sup> 2022

### Employee Assigned Division

Most employees implicated in completed complaints were assigned to the Southeast and Northeast APD Area Commands. 5 complaints did not include incident location, so we do not know the employee assigned division for the APD employees implicated in these complaints.

**Figure 7. Employee Division for APD Employees Cited in a Completed Complaint**



*Data Source: IA Pro July 1<sup>st</sup> 2022 – December 31<sup>st</sup> 2022*

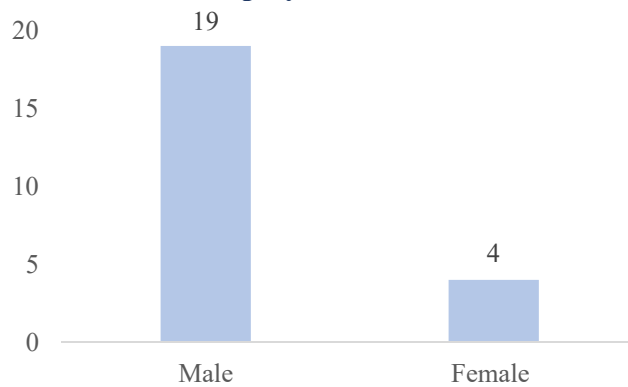
## Demographics of Employees Cited in Sustained Complaints

After evaluating the CPOA's investigation and recommendation, the APD identified 18 cases involving 24 sustained or sustained VNBOOC findings for specific policy violations. Demographics of the 23 implicated employees are presented below.

### Gender of Employees Cited in Sustained Complaints

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

**Figure 8.1. Gender of Employees Cited in Sustained Complaints**

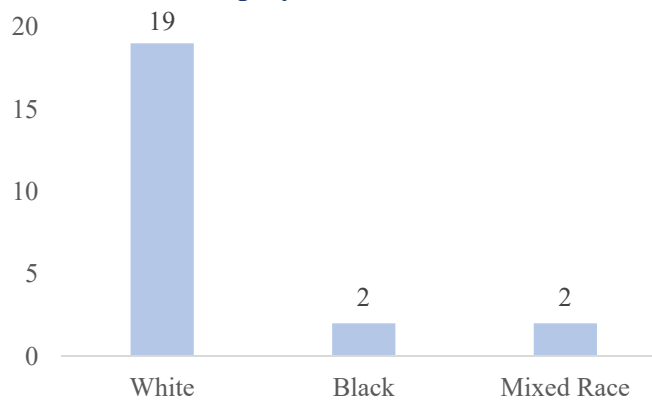


*Data Source: IA Pro July 1<sup>st</sup> 2022 – December 31<sup>st</sup> 2022*

### Race of Employees Cited in Sustained Complaints

The majority of employees cited in a sustained complaint identified as White (82.6%).

**Figure 8.2. Race of Employees Cited in Sustained Complaints**



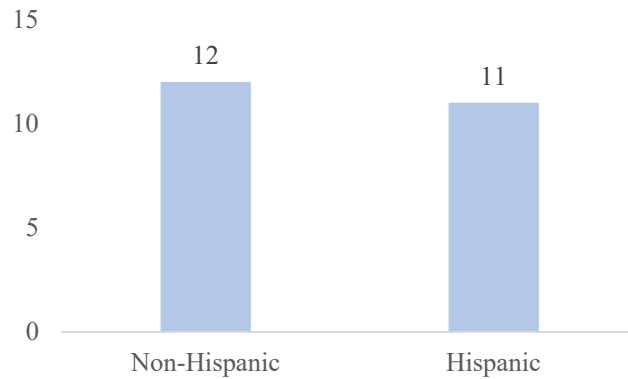
*Data Source: IA Pro July 1<sup>st</sup> 2022 – December 31<sup>st</sup> 2022*



### Ethnicity of Employees Cited in Sustained Complaints

The ethnicity of employees cited in a sustained complaint was almost even, with just over half of the employees cited in a sustained complaint identifying as Non-Hispanic (52.2%).

**Figure 8.3. Ethnicity of Employees Cited in Sustained Complaints**

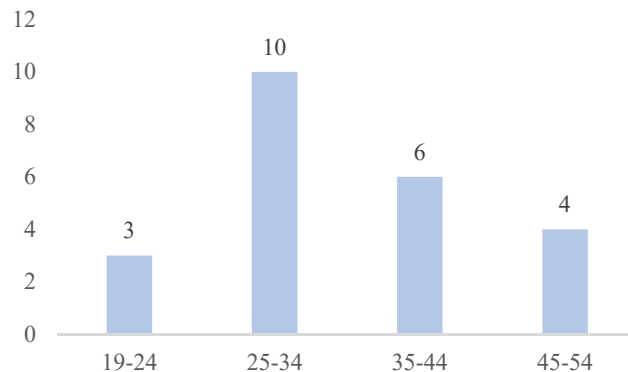


*Data Source: IA Pro July 1<sup>st</sup> 2022 – December 31<sup>st</sup> 2022*

### Age of Employees Cited in Sustained Complaints

Most employees cited in a sustained complaint fall in the 25-34 age range (43.5%), followed by the 35-44 age range (26.1%). The youngest APD employee identified in a sustained finding during this reporting period was 19 years old and the oldest employee was 54 years old at the time when the incident occurred.

**Figure 8.4. Age of Employees Cited in Sustained Complaints**

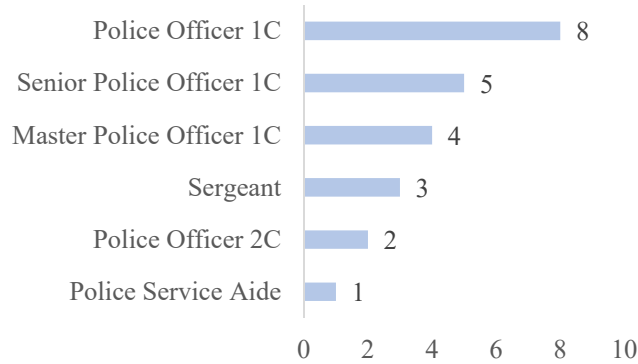


*Data Source: IA Pro July 1<sup>st</sup> 2022 – December 31<sup>st</sup> 2022*

### Rank of Employees Cited in Sustained Complaints

The largest number of employees cited in a sustained complaint were Police Officer 1st class (34.8%).

**Figure 8.5. Rank of Employees Cited in Sustained Complaints**

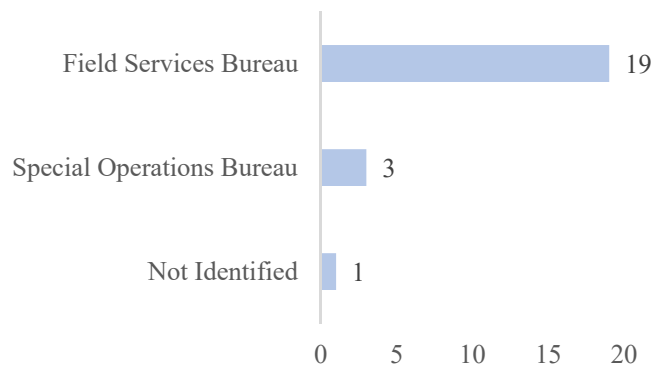


*Data Source: IA Pro July 1<sup>st</sup> 2022 – December 31<sup>st</sup> 2022*

### Assigned Bureau of Employees Cited in Sustained Complaints

The majority of the sustained complaints cited employees from the Field Services Bureau (82.6%). 1 employee did not have information regarding their assigned bureau at the time of the incident in the IA database.

**Figure 8.6. Bureau of Employees Cited in Sustained Complaints**

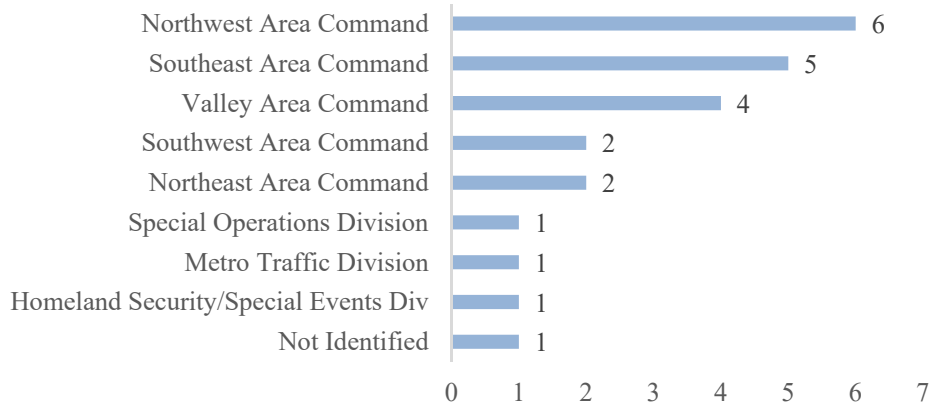


*Data Source: IA Pro July 1<sup>st</sup> 2022 – December 31<sup>st</sup> 2022*

### Division of Employees Cited in Sustained Complaints

The Northwest Area Command was the division with the most employees cited in sustained complaints (26.1%). 1 employee did not have information regarding their assigned bureau at the time of the incident in the IA database.

**Figure 8.7. Division of Employees Cited in Sustained Complaints**



*Data Source: IA Pro July 1<sup>st</sup> 2022 – December 31<sup>st</sup> 2022*

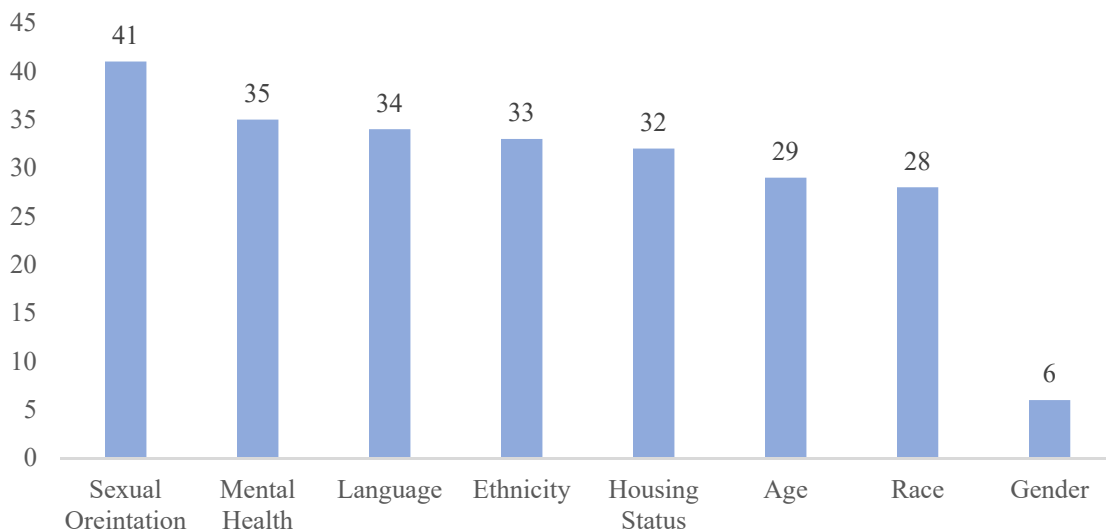
## Complainant Demographics

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

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

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

**Figure 9. Complaints Missing Demographic Information**



*Data Source: IA Pro July 1<sup>st</sup> 2022 – December 31<sup>st</sup> 2022*

For the reporting period, the CPOA completed 116 CPC investigations on behalf of 101 identifiable complainants and 10 anonymous complainants. 4 complainants filed 2 separate complaints and 1 complainant filed 3 separate complaints. For these descriptive statistics, anonymously reported complainants will be excluded from the analysis because it is possible for a complainant to submit multiple complaints, including an anonymous complaint. Additionally, the analyst cannot know whether multiple anonymous complaints come from the same person. As such, anonymously reported complainants are excluded to avoid overcounting demographic summary statistics.

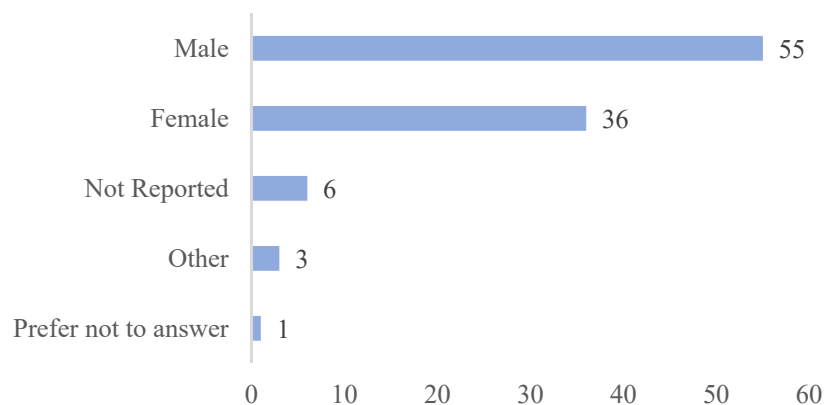
**Table 11. Demographic Information in Anonymous Complaints**

Race	Ethnicity	Age	Gender	Sexual Orientation	Homeless at Time of Incident
6 Not Reported	6 Not Reported	10 Not Reported	5 Not Reported	8 Not Reported	8 Not Reported
3 White	2 Non-Hispanic		3 Male	1 Heterosexual	1 Yes
1 Prefer Not to Answer	1 Hispanic		1 Female	1 Prefer Not to Answer	1 No
	1 Prefer Not to Answer		1 Prefer Not to Answer		

### Complainant Gender

Of the total 101 complainants, the majority of complainants (54.5%) identified as male.

**Figure 10. Gender of Complainants that Filed a Completed Complaint**

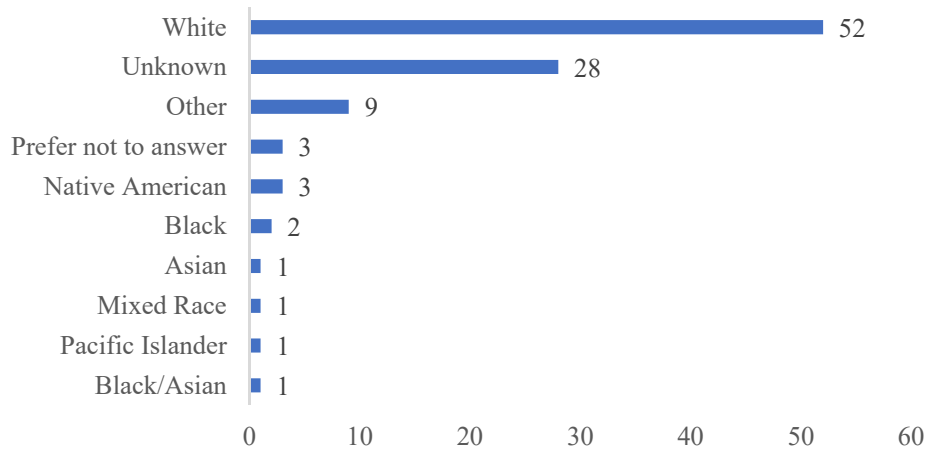


Data Source: IA Pro July 1<sup>st</sup> 2022 – December 31<sup>st</sup> 2022

### Complainant Race & Ethnicity

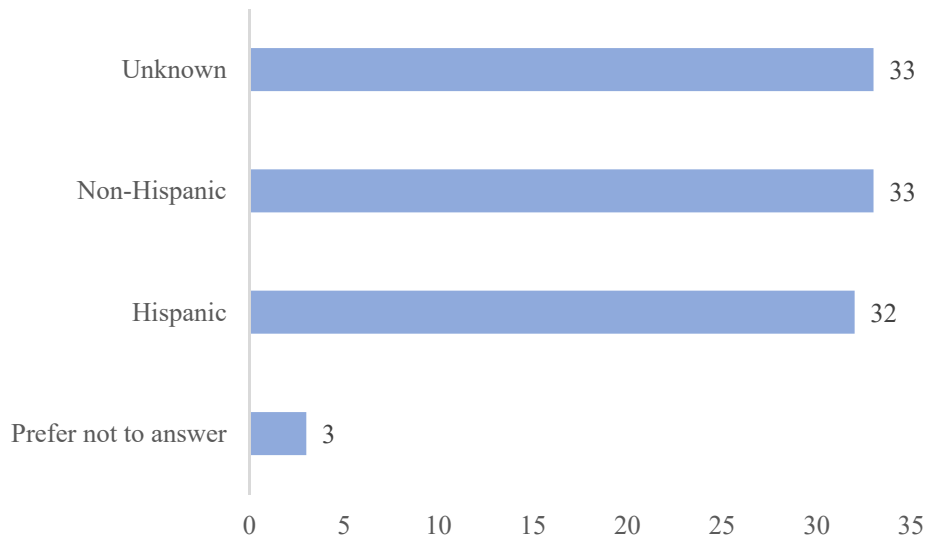
As shown in Figure 11.1., most of the 101 identifiable complainants identify as White (51.5%).

**Figure 11.1. Race of Complainants that Filed a Completed Complaint**



Data Source: IA Pro July 1<sup>st</sup> 2022 – December 31<sup>st</sup> 2022

**Figure 11.2. Ethnicity of Complainants that Filed a Completed Complaint**

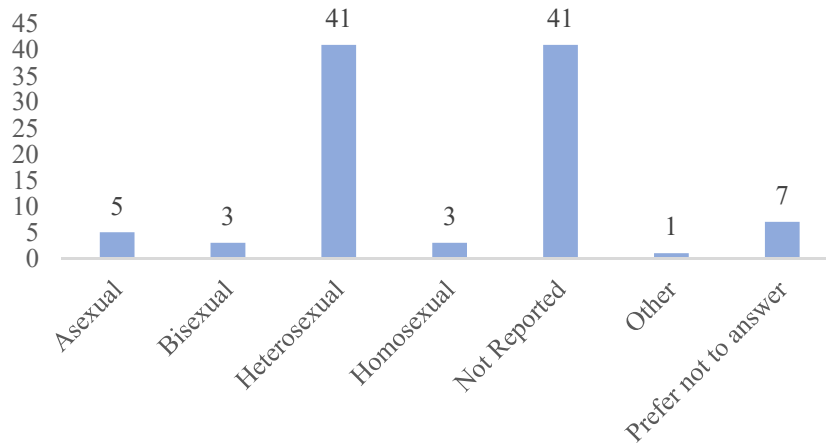


Data Source: IA Pro July 1<sup>st</sup> 2022 – December 31<sup>st</sup> 2022

### Complainant Sexual Orientation

For the complaint investigations completed during this period, 41 (40.6%) of the complainants identified as heterosexual while 48 of the complainants did not provide information regarding their sexual orientation (41 did not report, 7 preferred not to answer).

**Figure 12. Sexual Orientation of Complainants that Filed a Completed Complaint**



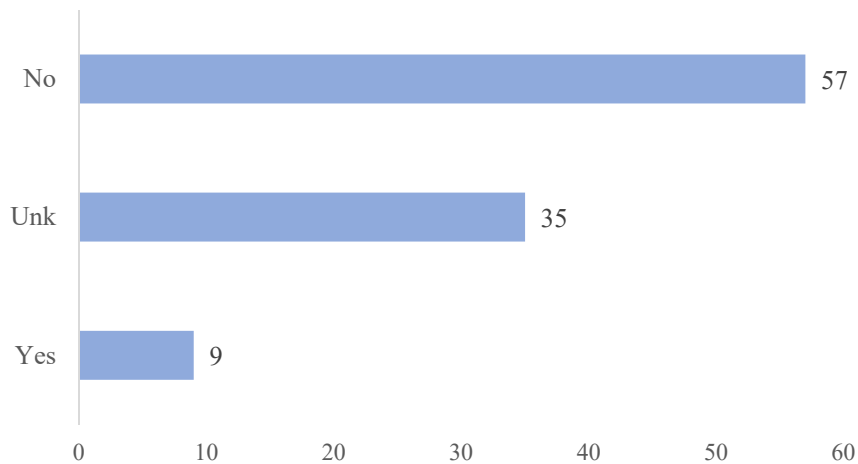
*Data Source: IA Pro July 1st 2022 – December 31st 2022*

### Complainant Mental Health and Housing Status

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

For this reporting period most complainants self-reported having not experienced mental health issues or homelessness. 8.9% of complainants stated they had experienced mental health issues while the majority (56.4%) reported not having experienced mental health issues. 34.7% of complainants did not answer this question on the form.

**Figure 13. Mental Health Status of Complainants that Filed a Completed Complaint**

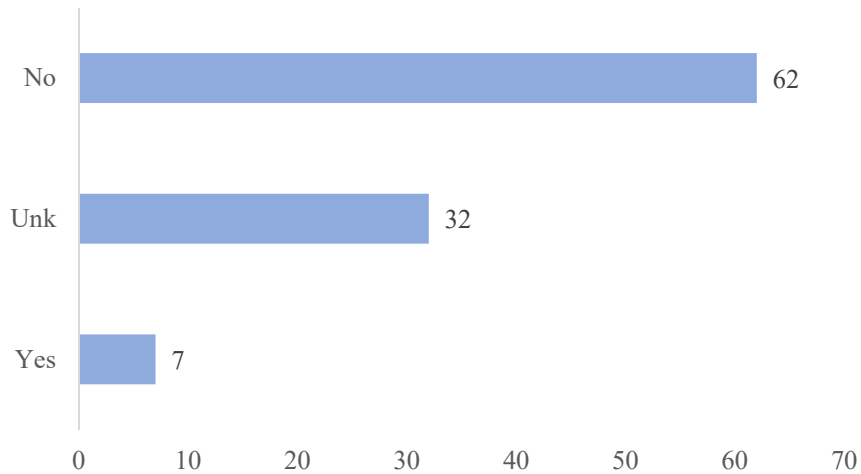


Data Source: IA Pro- July 1<sup>st</sup> 2022 – December 31<sup>st</sup> 2022



The majority of complainants (61.4%) stated they were not unhoused at the time of the incident. 7 complainants (6.9%) stated they were unhoused when the incident occurred. Again, a large number of complainants (31.7%) did not answer whether or not they were unhoused at the time of the incident.

**Figure 14. Homelessness Status of Complainants that Filed a Completed Complaint**

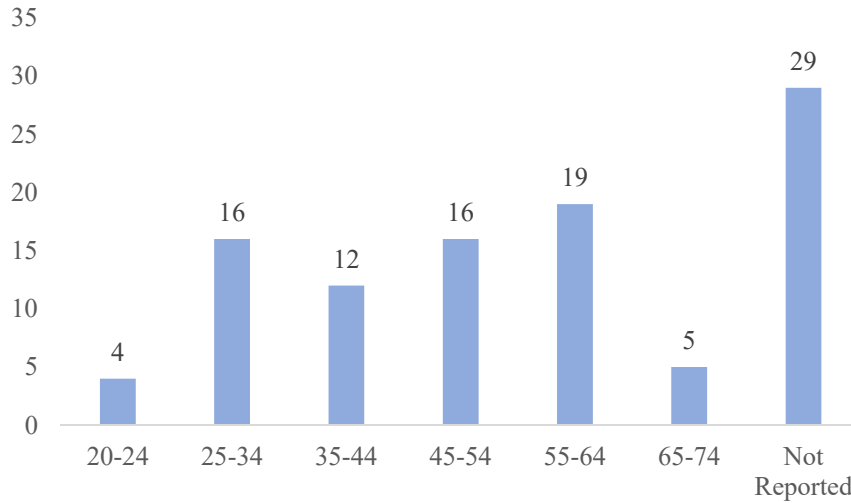


*Data Source: IA Pro- July 1<sup>st</sup> 2022 – December 31st 2022*

### Complainant Median Age

Many complainants submitting complaints completed during the reporting period did not share age information. For complainants that do report, the age distribution at the time of the incident is highest for the 55-64, 25-34, and 45-54 age buckets. The youngest complainant was 20 years old while the oldest was 74 years old.

**Figure 15. Age Breakdown of Complainants that Filed a Completed Complaint**



*Data Source: IA Pro- July 1<sup>st</sup> 2022 – December 31<sup>st</sup> 2022*

### Section III. APD Use of Force Incidents

IAFD investigates UOF/OIS incidents, not the CPOA/CPOAB. However, the CPOA/CPOAB does review materials, prepare findings, and may recommend disciplinary action for UOF/OIS incidents when appropriate. This process begins at the FRB, where the CPOA Executive Director is an attendee with commenting authority in order to review a sampling of serious use of force incidents and quarterly use of force analytics. FRB members receive investigatory materials and assess whether the use of force was in or out of policy. The CPOA/CPOAB then reviews select redacted materials to comply with the CBA presented at the FRB, and a full case file when requested, for a selection of UOF Level 3 and Level 2 incidents. Upon review, the CPOA Executive Director and CPOAB confer and jointly submit their findings on these select incidents to APD.

Given the described CPOA/CPOAB involvement in reviewing UOF/OIS incidents, below is a summary of these incidents, including a more detailed description of those considered out of policy. Note this section includes information from both IA Pro and the IAFD monthly reports so that CAD (Computer-Aided Dispatch) data, which is not retrievable from the IA database, can be included.

#### **Use of Force Definitions**

SOP 2-53 (Use of Force-Definitions) outlines the list of all events which will be classified among three force levels. All Level 3 force incidents will be identified as serious uses of force in this report. Different levels of force are defined as:

- **Level 1 Use of Force:** Force that is likely to cause only transitory pain, disorientation, and/or discomfort during its application as a means of gaining compliance
  - a. This includes techniques that are not reasonably expected to cause injury, do not result in an actual injury, and are not likely to result in a complaint of injury (i.e., pain compliance techniques and resisted handcuffing).
  - b. Shows of force, including: pointing a firearm, beanbag shotgun, 40-millimeter impact launcher, OC spray, or ECW at an individual, or using an ECW to “paint” an individual with the laser sight or utilizing a warning arc. A show of force is reportable as a Level 1 use of force.

- c. Level 1 use of force does not include interaction meant to guide, assist, or control an individual who is offering minimal resistance.
- **Level 2 Use of Force:** Force that causes injury, could reasonably be expected to cause injury, or results in a complaint of injury.
  - a. Level 2 use of force includes:
    - i. Use of an ECW, including where an ECW is fired at an individual but misses;
    - ii. Use of a beanbag shotgun or 40-millimeter impact launcher, including where it is fired at an individual but misses;
    - iii. OC spray use including where it is sprayed at an individual but misses; iv. Empty-hand techniques (e.g., strikes, kicks, takedowns, distraction techniques, or leg sweeps); and v. Strikes and attempted strikes with impact weapons. This excludes strikes to the head, neck, throat, chest, or groin, with a beanbag shotgun or 40-millimeter impact launcher and strikes to the head, neck, throat, torso, or groin with a baton or improvised impact weapon, which are considered Level 3 uses of force.
  - **Level 3 Use of Force:** Force that results in, or could reasonably result in, serious physical injury, hospitalization, or death.
    - a. Level 3 use of force includes:
      - i. Use of deadly force;
      - ii. Critical firearm discharges;
      - iii. Use of force resulting in death or serious physical injury;
      - iv. Use of force resulting in hospitalization;
      - v. Strikes to the head, neck, throat, chest, or groin with a beanbag shotgun or 40-millimeter impact launcher and strikes to the head, neck, throat, torso, or groin with a baton or improvised impact weapon;
      - vi. Use of force resulting in a loss of consciousness;
      - vii. Police Service Dog bites;
      - viii. Three or more applications of an ECW on an individual during a single interaction, regardless of the mode or duration of the application, and regardless of whether the applications are by the same or different officers;

- ix. ECW application on an individual during a single interaction for longer than 15 seconds, whether continuous or consecutive, regardless of the mode of application;
- x. Neck holds;
- xi. Four or more strikes with a baton or improvised impact weapon; and
- xii. Any Level 2 use of force against a handcuffed individual.

In 2022, APD used force in 590 cases, which included a total of 626 force interactions. A force interaction is an encounter involving a single individual at a specific time and place. A single force case may involve multiple force interactions, occurring either with different individuals or at various locations involving the same individual. A force interaction can also involve multiple officers, each using various force techniques with an individual.

For a detailed review of UOF data from 2022, please see “Annual Use of Force Report 2022” prepared by the APD Analytics Division, found on the City of Albuquerque and APD websites.<sup>10</sup>

According to the IA database, there was a total of 309 UOF incidents during the reporting period. There were 253 Level 1 and Level 2 incidents and 56 Level 3 (SUOF) incidents. According to the IAFD Monthly Reports to the CPOAB, there was a total of 304 UOF incidents, 260 Level 1 and 2 incidents and 44 Level 3 incidents. Given the IAFD Monthly Reports represent a snapshot in time, a discrepancy of 5 incidents is reasonable. This section will focus on the IAFD Monthly Reports, as that is the information that was presented to the CPOAB during the meeting.

### **Level of Force Used by Area Commands**

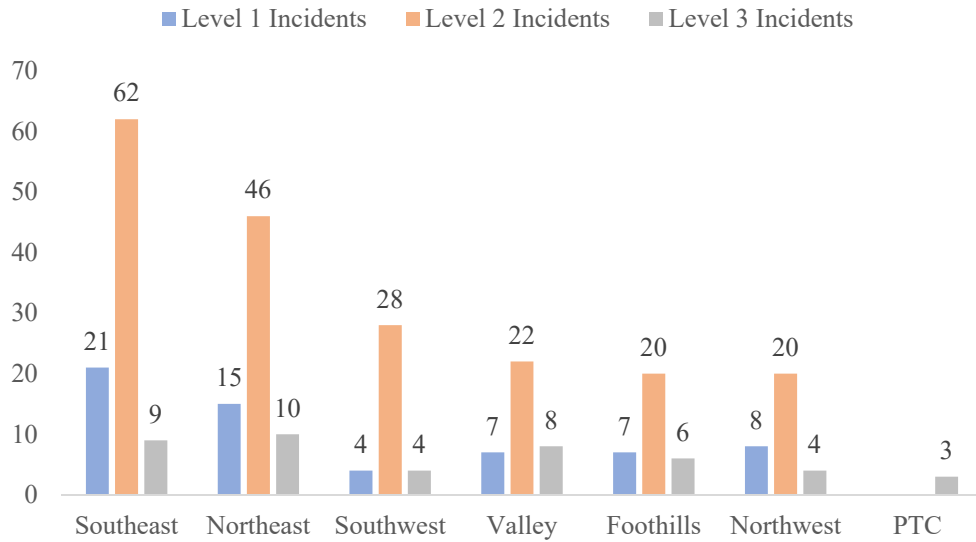
The majority of UOF incidents (106 incidents) during this reporting period occurred in the Southeast Area Command, where Level 1 force was investigated 21 times, Level 2 force 62 times, and Level 3 force 15 times. The Southeast Area Command also had the highest number of Level 3 force incidents (10 incidents) during this reporting period. Note that IAFD does not investigate

---

<sup>10</sup>APD Releases 2022 Use of Force Report, City of Albuquerque, <https://www.cabq.gov/police/news/apd-releases-2022-use-of-force-report>; Use of Force Annual Review, APD, <https://www.cabq.gov/police/public-reports>

Level 1 use of force, and these are forwarded to the respective Area Commands. Prisoner Transport Center (PTC) is within Valley Area Command’s jurisdiction. However, cases occurring at PTC are reported separately.

**Figure 16. Force Incidents by Level and APD Area Commands**



*Data Source: IAFD Monthly Report to CPOAB July 1<sup>st</sup> 2022 – December 31<sup>st</sup> 2022*

### Type of Calls Associated with Force Event

During the reporting period, there were a total of 304 force investigations in the IAFD monthly reports. Given that call type comes from the IAFD monthly reports, the denominator for this section is 304, and not 309. As seen in the table below, a majority of the calls leading to a UOF event were categorized as a ‘Family Dispute’ or ‘Disturbance.’

**Table 12. Call Types Associated with a Use of Force Incidents**

<i>Call Type</i>	<i>Count</i>	<i>Call Type</i>	<i>Count</i>
Family Dispute	45	Shooting	3
Onsite Suspicious Person/Vehicles	37	Onsite Disturbance	2
Disturbance	30	DV Escort/Violation	2
Aggravated Assault/ Battery	26	DOA	2
Wanted Person	24	Child Neglect	2
Suspicious Person/Vehicle	22	Aggravated Driver	2
SWAT	13	Missing Person	1
Fight in Progress	11	Welfare Check	1
Suicide	10	Direct Traffic	1
Narcotics	9	Traffic Accident No Injuries	1
Auto Theft	8	Armed Robbery Residence	1
Behavioral Health	7	Burglary	1
Armed Robbery Commercial	6	Auto/Car Jacking	1
Burglary Commercial	5	Shoplifting	1
Shots Fired	4	Investigation	1
Vandalism	4	Burglary Auto	1
Drunk Driver	4	Traffic Accident Injuries	1
Stolen Vehicle Found	3	ALPR Hit	1
Burglary Residence	3	Cover Assistance	1
Traffic Stop	3	BAIT Vehicle Theft	1
Theft/Fraud/Embezzlement	3	<b>Total</b>	<b>304</b>

*Data Source: IAFD reports to CPOAB July 1st 2022 – December 31st 2022*

### CPOAB UOF/OIS Review

The CPOAB reviewed 13 UOF incidents during this reporting period. Of the 13 SUOF/OIS the CPOA/CPOAB reviewed and discussed, 2 incidents were found to be out of policy. In this period, the CPOAB findings matched all of the findings made by APD.

The CPOAB’s disposition after review of these cases is listed below.

**Table 13. CPOAB SUOF/OIS Review**

<i>Case Number</i>	<i>Special Meeting Date</i>	<i>CPOAB Finding</i>	<i>APD Finding</i>
21-0017967 OIS	10/20/2022	Out of Policy	Out of Policy
20-0036730 SUOF	12/12/2022	Out of Policy	Out of Policy
16-0003286 OIS	10/20/2022	Within Policy	Within Policy
19-0031543 OIS	10/20/2022	Within Policy	Within Policy
19-0044654 OIS	10/20/2022	Within Policy	Within Policy
19-0060599 OIS	10/20/2022	Within Policy	Within Policy
21-0013737 OIS	10/20/2022	Within Policy	Within Policy
21-0064418 OIS	10/20/2022	Within Policy	Within Policy
18-0110490 OIS	11/14/2022	Within Policy	Within Policy
18-0118590 OIS	11/14/2022	Within Policy	Within Policy
21-0011959 OIS	11/14/2022	Within Policy	Within Policy
20-0037585/20-0037588 SUOF	12/12/2022	Within Policy	Within Policy
21-0015116 SUOF	12/12/2022	Within Policy	Within Policy

*Data Source: CPOAB Special Meeting Minutes July 1st 2022 – December 31st 2022*

To see descriptions and the findings made by the CPOAB for cases in this period, please visit the CPOA website for a yearly listing of the CPOAB’s Agenda, Minutes, and Board Finding Letters.<sup>11</sup> The Board Finding Letters for each “Special Meeting” include the review and disposition of SUOF/OIS cases by the CPOAB. It should be noted that the CPOAB conducted their review of cases differently in the December 12<sup>th</sup> Special Meeting because there was no acting CPOA Executive Director at the time of the meeting. Instead of reviewing cases independently with the Executive Director to determine policy compliance, the CPOAB reviewed APD’s findings and accepted them.

<sup>11</sup>Civilian Police Oversight Advisory Board (CPOAB), <https://www.cabq.gov/cpoa/police-oversight-board>



## **CPOAB UOF/OIS Out of Policy Case Narratives**

The CPOAB found 2 incidents to be out of policy, 1 OIS, and 1 SUOF.

### *21-0017967 OIS*

The incident reference number is APD Case 21-0017967/IAFD Case C2021-000125. The incident took place on March 7, 2021. According to the finding letter, Officer #1 conducted a traffic stop of subject, Mr. G. When prompted for his identification, Mr. G produced an ID for a Samuel Hodder. Officer #1 recognized that the photograph on Samuel Hodder's ID did not match that of the person he was interacting with, Mr. G. Officer #1 received confirmation that Samuel Hodder had reported his driver's license and concealed carry permit stolen and then opened the driver's side door and instructed Mr. G to exit the vehicle. Mr. G proceeded to put his keys back into the ignition and restarted the vehicle. Officer #1 reached into the vehicle in an apparent attempt to turn the vehicle off. Mr. G pulled away from the scene, and Officer #1 fired multiple shots after the fleeing vehicle. Mr. G was shot once and survived the injury. The CPOA/CPOAB agreed with APD's finding that the use of force (shots fired) in this matter was outside of policy.

### *20-0036730 SUOF*

The incident reference number is APD Case 20-0036730 /IAFD Case F2020-000335. The incident took place on May 5, 2020. According to the case file, four officers were dispatched to Embassy Suites at 1000 Woodward Pl. NE in reference to a male subject who was abusing 911 communications by making unnecessary calls to 911. After over an hour of trying to get the subject to leave the property peacefully, the subject again began calling 911 with officers on scene. It accumulated to the subject calling 911 a dozen times, and the decision to arrest him was made. The subject was placed in handcuffs without resistance; however, the subject refused to sit and stay in the patrol car, so the two officers engaged in multiple Level 1 force techniques to control the subject and get him into the vehicle. Before the officers could close the door, the subject put his left foot in the doorframe and one officer then attempted to shut the door, striking the subject's foot with the door. The subject would later complain of pain and numbness in his left foot, resulting in Level 3 UOF by the officer. The original investigative finding for all of the applications of force

in the incident by all officers was in policy. However, during the presentation of this case, the FRB found that the 4th application of force (shutting the door) of one officer was outside of policy.

## Section IV. Public Outreach

There was a total of 9 CPOAB meetings held during the reporting period, including *six* monthly meetings and 3 special meetings, all of which were held via Zoom video conference due to the coronavirus public health emergency. In addition to standard case and policy reviews, discussions and announcements at the CPOAB meetings concerned the following:

- In July 2022, Interim Executive Director Diane McDermott returned to her position as CPOA Lead Investigator and the City Council confirmed the selection of Deirdre Ewing as Executive Director of the CPOA. In December 2022, Deirdre Ewing resigned as Executive Director of the CPOA
- City Council passed the CPOAB annual performance evaluation
- The CPOAB and CPOA sought and received approval to attend the 2022 NACOLE conference in Fort Worth, Texas
- The CPOAB welcomed new members: Greg Jackson and Angela Luce in June 2022 and Rashad Raynor in October 2022
- Judge Victor Valdez was named the new Superintendent of Police Reform
- CPOA Data Analyst Ali Abbasi transferred to the APD Analytics department, and his position remained unfilled by the end of the reporting period
- The CPOAB, CPOA Executive Director, CPOA/CPOAB legal counsel, and the City attorney discussed the CPOAB's 2023 semi-annual audit
- Re-instated the APD ride-along requirement for CPOAB members
- Confirmed the 120-day complaint investigation includes the CPOA Executive Director's review time whereas previously APD counted the Executive Director's review as part of the APD review time
- Engaged with Independent Monitoring Report 16 and hosted the Independent Monitors for a hearing and site visit

There were *no* Community Outreach sub-committee meetings held during the reporting period. Member Chantal Galloway resigned from her role as Chair of the Outreach sub-committee in May 2022, and sub-committee meetings did not resume during the reporting period following her resignation.

Although the Community Engagement Specialist remains unfilled, the community policing councils (CPCs) continued their ongoing community engagement efforts, culminating in a total of 21 events during the reporting period. Notably, the CPCs spearheaded the following public outreach activities during this reporting period:

- In July 2022, the CPCs gave a presentation and interview on the Wings of Life television show, attended the Michael Padilla job fair in South Valley, and hosted a Community Advisory Board Meeting
- In August 2022, the CPCs attended National Night Out, met with City Council hopefuls, tabled during the First Responders appreciation event, and hosted a public community forum
- In September 2022, the CPCs met with ex-Councilmember Joe Abbin, interviewed with Maria Wolfe on Gov-TV, tabled at the Goodwill Job Fair, and attended an Albuquerque Town Hall meeting
- In October 2022, the CPCs hosted Coffee with a Cop, tabled at the Fentanyl Summit, hosted a Town Hall, met with Councilmember David Griffin, and interviewed with Maria Wolfe on Gov-TV
- In November 2022, the CPCs interviewed with KABQ-TV and attended the Nob Hill ECHO Public Safety event
- In December 2022, the CPCs met with the Downtown ECHO team and Harold Bailey of the NAACP and hosted an end-of-year dinner for collaborators

## **Section V. CPOA/CPOAB Policy Activities, Policy Recommendations provided to APD, CPOAB Training Status & Legislative Amendments to Oversight Ordinance and Policies and Procedures**

The CPOAB is entrusted with committing a majority of its time to policy-related functions. As it is stated in the Oversight Ordinance: *“The Board shall review and analyze policy suggestions, analysis, studies, and trend data collected or developed by the Administrative Office, and shall by majority vote recommend policies relating to training, programs, and procedures or other matters relating to APD. Any such policy recommendations shall be supported by specific, written findings of the Board in support of the proposed policies. The Board's policy recommendations shall be submitted to APD and to the City Council. The Board shall dedicate a majority (more than 50%) of its time to the functions described in this subsection.”* (§ 9-4-1-4-C-5-a). In their first year of existence, the CPOAB created a set of operating procedures designed to meet these obligations and later created the Policy and Procedures Review Sub-Committee (PnP) to review and make recommendations on APD policies and procedures to ensure compliance and consistency with the CPOA mission.

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

- It identifies a problem and proposes a solution,
- It is supported by data,
- It is transparent to the community,
- It is clear, understandable, trainable, and acceptable to the Police Department, and
- It has a good chance of being adopted.

CPOA/CPOAB recommendations are given serious consideration in the APD policy development and review process. CPOAB members, the CPOA Executive Director, and staff regularly participate in PnP meetings, during which APD subject matter experts present new policies and modifications to existing policies for review. In this forum, members have the opportunity to ask questions and recommend policy changes. In addition to PnP meetings, the CPOAB designee and the CPOA Executive Director also attend the Policy and Procedures Review Board (PPRB) meetings to finalize and vote on the SOPs before they reach the CPOAB for an additional 30-day review and commentary on further modifications before final approval prior to publishing.

During the reporting period, there were a total of 13 PnP meetings. The SOPs presented and discussed at those meetings are as follows:

<b>Policies presented at Policy and Procedures Review Unit</b>			
1	SOP 1-10 Peer Support Program	34	SOP 3-46 Discipline System
2	SOP 2-1 (Formerly 2-06) Uniforms	35	SOP 1-12 (Formerly) Volunteer and Internship Programs
3	SOP 2-12 Pursuit Intervention Technique	36	SOP 3-7 Remote Work
4	SOP 2-14 Use of Cell-Site Simulator Technology	37	SOP 3-15 Physical Personnel Positions and Seniority
5	SOP 2-15 Small Unmanned Aircraft Systems (SUAS) Operations	38	SOP 3-31 Physical Fitness Assessment
6	SOP 1-15 (Formerly 5-2) Air Support Unit	39	SOP 3-40 Civil Litigation Process
7	SOP 1-30 Community Ambassador Program	40	SOP 1-57 (Formerly 3-03 and 5-7) Identification Disposition Unit
8	SOP 1-80 (Formerly 6-5) Prisoner Transport Unit (PTU)	41	SOP 1-81 Proactive Response Team
9	SOP 2-37 (Formerly 4-16) Meal Breaks	42	SOP 2-4 Use of Respirators
10	SOP 2-50 (Formerly 3-66) Crash Review Board (Formerly Safety Review Board)	43	SOP 3-29 (Formerly 2-7 and 4-12) Issuance and Usage of Area Command Equipment

11	SOP 2-47 Crashes Involving Department-Issued Vehicles	44	SOP 1-31 Court Services
12	SOP 1-9 Compliance and Oversight Division	45	SOP 1-35 Crime Scene Specialists Unit
13	SOP 1-17 Aviation Division	46	SOP 1-75 Planning Division
14	SOP 2-69 Informants (Formerly 2-04)	47	SOP 2-10 Use of Emergency Communications
15	SOP 3-53 Self-Assessments	48	SOP 2-67 Photographic Arrays and Field Identifications
16	SOP 1-15 Air Support Unit	49	SOP 2-68 Interviews and Interrogations
17	SOP 1-27 Cold Case Unit	50	SOP 2-72 Procedures for Serious Crimes Call-Outs
18	SOP 1-36 Officer Wellness Program	51	SOP 2-86 Auto Theft and Motor Vehicle Theft-Related Investigations
19	SOP 2-7 Damage to Civilian Property	52	SOP 2-113 Custom Notifications Gun Buy-Back Program
20	SOP 2-85 Certificates for Evaluation	53	3-23 Retirement Observance
21	SOP 1-19 Shield Unit	54	SOP 1-5 Harassment / Sexual Harassment in the Workplace
22	SOP 1-36 Officer Wellness Program	55	SOP 1-21 Bicycle Patrol
23	SOP 1-54 Honor Guard Team	56	SOP 1-22 Automated License Plate Reader Program
24	SOP 1-58 Crime Gun Intelligence Center CGIC	57	SOP 2-5 Department Vehicles
25	SOP 1-67 Multi-Agency Task Force (MATF)	58	SOP 2-9 Use of Computer
26	SOP 2-63 Crime Stoppers Investigations	59	SOP 2-84 Body Cavity Searches
27	SOP 2-107 Use of Crime Scene Specialists (CSS) Unit	60	SOP 2-98 Gunshot Detection Procedure
28	SOP 1-2 Social Media	61	SOP 2-28 Flood Control Channel Action Plan
29	SOP 1-14 Rapid Accountability Diversion (RAD) Program	62	SOP 2-30 Emergency Command Post

30	SOP 1-97 Data Analysis Division	63	SOP 2-36 Police-News Media Relations and Release of Police Identification Photographs
31	SOP 2-50 Crash Review Board	64	SOP 2-101 Department-Vehicle Grapppler Device
32	SOP 2-70 Execution of Search Warrants	65	SOP 2-110 Facial Recognition
33	SOP 3-41 Complaints Involving Department Personnel		

A total of 10 APD Policy and Procedures Review Board (PPRB) meetings were held during this reporting period. The SOPs presented and discussed at those meetings are as follows:

<b>Policies, Forms, Patches presented at PPRB</b>			
1	SOP 1-52 (Currently 6-10) Homeland Security Unit	38	SOP 1-91 (Currently 1-92) Tactical Emergency Medical Support (TEMS)
2	SOP 2-32 (Formerly 1-40) Exposure to Blood and Bodily Fluids	39	SOP 2-15 Small Unmanned Aircraft Systems (SUAS) Operations
3	SOP 3-33 (Formerly 3-20 and 3-49) Performance Evaluation and Management System	40	SOP 2-33 Rights and Safety of Onlookers
4	Cold Case Unit Patch	41	SOP 2-47 Crashes Involving Department-Issued Vehicles
5	50th Anniversary Balloon Fiesta Patch	42	SOP 2-60 Preliminary and Follow-up Criminal Investigations
6	SOP 2-59 Extreme Risk Firearm Protection Order	43	SOP 2-83 Hospital Procedures and Rules
7	SOP 2-64 Violence Intervention Program (VIP) Custom Notifications Deliveries	44	SOP 3-53 Self-Assessments
8	SOP 2-74 Submission of Felony Cases to the District Attorney	45	SOP 4-22 Shoplifting
9	SOP 2-108 Electronic Communications Privacy Act Procedures	46	SOP 1-17 (Formerly 4-9) Aviation Division
10	SOP 3-44 Review of Completed Administrative Investigation Cases	47	SOP 1-27 Cold Case Unit



11	SOP 3-50 Forms Control	48	SOP 2-7 Damage to Civilian
12	Prisoner Transport (PTU) Patch	49	SOP 2-21 Apparent Natural Death/Suicide of An Adult
13	SOP 1-41 Evidence Unit	50	SOP 2-66 Victim and Witness Assistance
14	SOP 1-56 Horse Mounted Unit	51	SOP 2-69 (Formerly 2-04) Informants
15	SOP 1-65 Metropolitan Court Protection Unit	52	SOP 2-85 Certificates for Evaluation
16	SOP 3-12 Awards and Recognition	53	SOP 2-95 Undercover High-Risk Vehicle Containment Procedures
17	SOP 3-25 Bid Process	54	SOP 2-112 Violence Intervention Program Call-in (Gun Violence Demonstration Enforcement Action)
18	SOP 3-34 Training Committee	55	Cops for Kids Patch
19	SOP 3-44 Review of Completed Administrative Investigation Cases	56	SOP 1-19 Shield Unit
20	SOP 1-1 (Formerly 1-04 and 1-4) Personnel Code of Conduct	57	SOP 1-27 Cold Case Unit
21	SOP 1-10 Peer Support Program	58	SOP 1-36 Department Personnel Wellness Program
22	SOP 1-50 Gun Violence Reduction Unit	59	SOP 1-54 Honor Guard
23	SOP 1-59 (Formerly 4-1 and 4-4) Impact Teams	60	SOP 2-1 Uniforms
24	SOP 1-72 Organized Crime Unit (OCU)	61	SOP 2-18 Contact with Individuals with Hearing, Speech, and/or Vision Impairments/Disabilities
25	SOP 2-12 Pursuit Intervention Technique (PIT)	62	SOP 2-37 Meal Breaks
26	SOP 2-31 (Formerly 1-08) Emergency Medical and Trauma Services	63	Robbery Patch
27	SOP 2-74 (Formerly 2-39) Submission of Felony Cases to the District Attorney	64	SOP 2-107 Use of Crime Scene Specialists Unit
28	SOP 2-103 (Currently 4-23) Trespass Notification	65	SOP 2-63 Crime Stoppers Investigations
29	SOP 1-30 Community Ambassador Program	66	SOP 1-97 Data Analysis Division
30	SOP 1-53 Homicide Unit	67	SOP 1-58 Crime Gun Intelligence Center

31	SOP 2-14 Use of Cell-Site Simulator Technology	68	SOP 1-15 Air Support Unit
32	SOP 2-25 Bomb Threats and Bomb Emergencies	69	SOP 1-14 Rapid Accountability Diversion
33	SOP 2-65 Language Access Procedure	70	SOP 3-40 Civil Litigation Process
34	SOP 3-6 Language Access Policy	71	SOP 3-15 Sworn Personnel Positions and Seniority
35	Reality Based Training Patch	72	SOP 2-25 Bomb Threats and Bomb Emergencies
36	SOP 1-9 (Currently 8-2) Compliance and Oversight Division	73	SOP 2-13 StarChase Pursuit Management System
37	SOP 1-80 Prisoner Transport Unit (PTU)	74	Organized Crime Scene Unit Patch

### Policy Recommendations Provided to APD

During this reporting period, the CPOA/CPOAB sent policy recommendations concerning SOP 2-65 (Language Access Procedure) and SOP 3-6 (Language Access Policy) to APD. This formal policy recommendation seeks clarity on the restrictions on the use of non-professional or alternative interpreters and languages covered by the language access services. CPOA/CPOAB found an issue with inconsistent permissibility of the use of non-professional or alternative interpreters and recommended that APD either grant individuals the right to use non-professional or alternative interpreters in certain circumstances or fully disallow it. The CPOA/CPOAB also recommended that languages covered by the language access services be stated directly in the SOP or that the section on safe harbor languages be removed in its entirety.

The CPOA/CPOAB also discussed an additional policy recommendation that had not been formally made to APD at the close of this reporting period. This policy recommendation concerns prohibiting the use of department equipment to intimidate a family member. Due to changes with the CPOAB, it is unknown whether a response to these policy recommendations was received. However, these policy recommendations will be considered when these policies are introduced during the formal policy process.

### CPOAB Training Status

Section § 9-4-1-5-G-6 of the revised Oversight Ordinance stipulates, “*The Director shall track training progress for each Board member, verify completion of the initial and on-going training requirements for each Board member, and include this information for each Board member as part of the semi-annual reports required by this article.*” Section § 9-4-1-5-G-(1-4) lists all the orientations and pieces of training that are mandated and recommended for CPOAB members. This includes:

1. *Required Orientation. Prior to participation in any 20 meeting of the Board, a newly appointed member must first:*
  - a. *Be trained by the CPOA staff or CPOA legal counsel on CPOA policies, and procedures; and*
  - b. *Attend at least one Board meeting as an observer (except for reappointed members).*
2. *Required Training. The city shall provide, and each Board member shall complete, a training program within the first six months of the member's initial appointment that consists, at a minimum, of the following:*
  - a. *Training on the 2014 DOJ Settlement Agreement with the City of Albuquerque (or any subsequent agreements), and Findings Letter of April 10, 2014 (or any subsequent findings letters);*
  - b. *Training on this ordinance and the duties, obligations, and responsibilities that it imposes on Board members and the CPOA;*
  - c. *Training on State and local laws regarding public meetings and the conduct of public officials, including but not limited to inspection of public records, governmental transparency, ethics;*
  - d. *Training on civil rights, including the Fourth Amendment right to be free from unreasonable searches and seizures, including unreasonable uses of force;*
  - e. *Training on all APD policies related to use of force, including policies related to APD's internal review of force incidents;*
  - f. *Training provided to APD officers on use of force;*



Note some external factors may impact the completion status for some members, including the training not being offered or COVID-19. The value “N/A” is used in the table when the information is unknown, the training was not offered, or because the Board had been dissolved by the time the training requirement was due.

**Orientation Program Status**

Per section § 9-4-1-5-G-1 of the Oversight Ordinance, members of the CPOAB, upon appointment, shall complete an orientation program to include training by the CPOA staff or CPOA legal counsel on CPOA policies and procedures and attendance of at least one Board meeting as an observer (except for reappointed members). The status of this requirement is identified in the table below:

**Table 14. Board Member Orientation Status**

<b>Board Member</b>	<b>Initial Appointment Date</b>	<b>Be trained by the CPOA staff or CPOA legal counsel on CPOA policies, and procedures</b>	<b>Attend at least one Board meeting as an observer (except for reappointed members)</b>
<b>Eric Nixon</b>	03/12/2020	Completed	Completed
<b>Patricia French</b>	06/07/2021	Completed	Completed
<b>Jesse Crawford</b>	10/04/2021	Completed	Completed
<b>Michael Wartell</b>	03/07/2022	Completed	Completed
<b>Greg Jackson</b>	06/09/2022	Completed	Completed
<b>Rashad Raynor</b>	06/09/2022	Completed	Completed
<b>Angela Luce</b>	10/17/2022	Not Completed	Completed

### First 6-Month Training Program Status

Section § 9-4-1-5-G-2 of the Oversight Ordinance requires CPOAB members to complete certain training within the first 6 months of serving on the CPOAB. The status of this requirement is identified in the table below:

**Table 15. CPOAB Member 6-Month Training Status**

<b>Section § 9-4-1-5-G-2</b>	<b>Patricia French (Deadline: 12/04/2021)</b>	<b>Jesse Crawford (Deadline: 04/04/2022)</b>	<b>Eric Nixon (Deadline: 09/12/2020)</b>	<b>Michael Wartell (Deadline: 09/07/2022)</b>	<b>Greg Jackson (Deadline: 12/09/2022)</b>	<b>Rashad Raynor (Deadline: 12/09/2022)</b>	<b>Angela Luce (Deadline: 04/17/2023)</b>
<b>CASA Training (a)</b>	Completed	Completed	Completed	Completed	Completed	N/A	Not completed
<b>Oversight Ordinance Training (b)</b>	Completed	Completed	Completed	Completed	Not completed	N/A	Not completed
<b>Public Meetings /Conduct of Public Official Training (c)</b>	Completed	Completed	Completed	Completed	Not completed	N/A	N/A
<b>Civil Rights Training (d)</b>	Completed	Completed	Completed	Completed	N/A	N/A	N/A
<b>Use of Force Training (e-f)</b>	Completed	Not completed	Completed	Not completed	N/A	N/A	N/A
<b>Two APD Ride-Along (h)</b>	Not completed	Not completed	Not completed	Completed	N/A	N/A	N/A
<b>Internal Affairs Training (i)</b>	Not completed	Not completed	Not completed	Not completed	N/A	N/A	N/A
<b>APD Curriculum Training (j)</b>	Not completed	Not completed	Completed	Not completed	N/A	N/A	N/A

### 8-Hour Training Program Status

Section § 9-4-1-5-G-3 stipulates, “Board members shall receive eight hours of annual training on any changes in law, policy, or training in the areas outlined under subsection (2) above, as well as developments in the implementation of the 2014 DOJ Settlement Agreement (or any subsequent agreements) until such time as the terms of the agreement are satisfied. Board members shall also participate in at least two police ride-along for every six-months of service on the Board. The status of this requirement is identified in the table below:

**Table 16. CPOAB Member 8-Hour Training Status**

	<b>Patricia French (Deadline: 06/07/2022)</b>	<b>Jesse Crawford (Deadline: 10/04/2022)</b>	<b>Eric Nixon (Deadline: 03/12/2022)</b>	<b>Michael Wartell (Deadline: 03/07/2023)</b>	<b>Greg Jackson (Deadline: 06/09/2022)</b>	<b>Rashad Raynor (Deadline: 06/09/2022)</b>	<b>Angela Luce (Deadline: 10/17/2023)</b>
<b>Annual trainings on changes in laws, policies, training or developments in the implementation of 2014 DOJ settlement agreement</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>NACOLE Training</b>	Completed	Not completed	Completed	Not completed	Not completed	Not completed	Not completed
<b>Two Ride-Along (every six months of service)</b>	Completed 1 ride	Not completed	Not completed	Not completed	Not completed	Not completed	Not completed



**CPA and APD Civilian Police Academy Training Program Status**

In addition to previous training obligations, as of this reporting period, CPOAB Board members are now required to complete portions of the APD Civilian Police Academy within 1 year of their initial appointment. The status of this requirement is illustrated in the table below:

**Table 17. CPOAB Member Annual Training Status**

	<b>Patricia French (Deadline: 06/07/2022)</b>	<b>Jesse Crawford (Deadline: 10/04/2022)</b>	<b>Eric Nixon (Deadline: 03/12/2022)</b>	<b>Michael Wartell (Deadline: 03/07/2023)</b>	<b>Greg Jackson (Deadline: 06/09/2022)</b>	<b>Rashad Raynor (Deadline: 06/09/2022)</b>	<b>Angela Luce (Deadline: 10/17/2023)</b>
<b>APD Civilian Police Academy</b>	Completed	Not completed	Completed	Not completed	Not completed	Not completed	Not completed

**Legislative Amendments to Oversight Ordinance and/or Policies and Procedures**

There were no relevant legislative amendments to the Oversight Ordinance or policies and procedures during this reporting period.

## Section VI. Commendations

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

During the reporting period, the CPOA received *30* commendations for APD personnel. *1* commendation was regarding APD as a whole, *2* were regarding specific units or teams within APD, *7* were commending a pair of officers, and *20* recognized an individual officer.

A total of *17* APD employees were named in the commendation submission, while *11* commendations stated that the employee's names were unknown when filed, *5* of which were driving commendations. *1* unit within APD (242-COPS Reception) received *2* separate commendations, and there was *1* officer who individually received *3* separate commendations.

The most common reason (*9* commendations) cited in the commendation form was "Exceptional Service." This category represents situations where APD personnel went beyond expectations to lend service or assistance. Additionally, there were *5* "General Commendations," which highlight commendable behavior without specifying detailed reasons, providing a broad acknowledgment of APD's or an employee's efforts. A complete table is displayed on the next page.

**Table 18. APD Commendations**

<i>Employees Recognized</i>	<i>Employee(s) Gender</i>	<i>Employee Type</i>	<i>Situation</i>	<i>Reason</i>
2	2 Male	Officers	Welfare/Wellness Check	Professionalism
1	Female	242-COPS Reception	Non-Emergency Calls Service	Professionalism
2	2 Male	Officers	Welfare/Wellness Check	Professionalism
1	Female	242-COPS Reception	Non-Emergency Calls Service	Professionalism
1	Male	Officer	Traffic/Vehicle Assistance	Professionalism
2	2 Male	Officers	Support Services	Professionalism
1	Female	Officer	Unknown	Professionalism
1	Male	Officer	Traffic/Vehicle Assistance	Kindness
2	2 Male	Officers	Non-Emergency Assistance	Kindness
1	Male	Officer	Unknown	Kindness
All of APD		All of APD	General Commendation	General Commendation
7		Area Officers	General Commendation	General Commendation
2	2 Male	Officers	Unknown	General Commendation
Mobile Team		Officers and PSAs	Unknown	General Commendation
1	Female	Officer	Unknown	General Commendation
2	2 Male	Officers	Responding to Emergency	Exceptional Service
1	Male	Officer	Traffic/Vehicle Assistance	Exceptional Service
1	Female	Officer	Responding to Emergency	Exceptional Service
1	Female	Officer	Responding to Emergency	Exceptional Service
1	Female	Officer	Traffic/Vehicle Assistance	Exceptional Service
1	Male	Officer	Traffic/Vehicle Assistance	Exceptional Service
1	Male	Officer	Traffic/Vehicle Assistance	Exceptional Service
1	Female	APD Reception	Non-Emergency Calls Service	Exceptional Service
APD Crew Working Twinkle Light Parade		Officers and PSAs	Special Event Security	Exceptional Service
1	Male	Officer	Driving	Excellent Driving
1	Male	Officer	Driving	Excellent Driving
1	Male	Officer	Driving	Excellent Driving
1	Male	Officer	Driving	Excellent Driving
1	Female	Officer	Driving	Excellent Driving
2	2 Male	Officers	Driving	Excellent Driving

*Data Source: Commendation Intake July 1<sup>st</sup> 2022 – December 31<sup>st</sup> 2022*

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

**Table 17. Demographics of Citizens that Filed a Commendation**

<i>Age</i>	<i>Gender</i>	<i>Race</i>	<i>Ethnicity</i>	<i>Sexual Orientation</i>	<i>Mental Illness</i>	<i>Homeless</i>	<i>Preferred Language</i>	<i>Source</i>
17 Unknown	12 Unknown	12 Unknown	12 Unknown	12 Unknown	14 No	14 No	16 Unknown	15 Online Form
2 Prefer Not to Answer	8 Male	11 White	12 Non-Hispanic	12 Heterosexual	12 Unknown	12 Unknown	14 English	6 Email
3 35-44	6 Female	5 Prefer Not to Answer	6 Prefer Not to Answer	6 Prefer Not to Answer	3 Prefer Not to Answer	4 Prefer Not to Answer		5 Mail-In
3 45-54	4 Prefer Not to Answer	1 Asian			1 Yes			4 311
2 65-74		1 Other						
2 75-82								
1 85-94								

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

## Appendix

### I. Civilian Police Oversight Agency (CPOA) Staff

**Deirdre Ewing**

Executive Director

**Diane L. McDermott**

Interim Executive Director/Lead

Investigator

**Ali Abbasi**

Data Analyst

**Tressler J. Stephenson**

Investigator

**Misael Palalay**

Investigator

**Toni Rodriguez**

Investigator

**Antonio Coca**

Investigator

**Robert Grooms**

Investigator

**Juan Sotres**

Investigator

**Katrina Sigala**

Senior Administrative Assistant

**Valerie Barela**

Administrative Assistant

**Kelly Mensah**

Community Policing Councils Liaison

**Marteessa Billy**

CPC Administrative Assistant

## **II. Civilian Police Oversight Agency Board (CPOAB)**

### **A. Volunteer Board Members**

#### **Patricia J. French, Chair**

Ms. French is a retired City of Albuquerque Employee who spent over 30 years with the Albuquerque Police Department. During her tenure at the Police Department, she served as Records Supervisor and in her final two years with the City as the False Alarm Reduction Supervisor. Ms. French also served on the Public Employees Retirement Association of New Mexico Board (PERA) for many years. She served four years as Chair of the Board. In addition to her service on the PERA Board, Ms. French has been involved in a wide range of community service activities which has included serving on the Rio Grande Credit Union Supervisory Committee, the Brookline College Criminal Justice Program Advisory Committee, First Vice President of the Retired Public Employees of New Mexico and President of American Federation of State, County & Municipal Employees (AFCME) Local 3022. Known for her commitment to representing the working class, labor, teachers, veterans, the individuals who have paid their debt to society but are still not allowed to vote, Ms. French has served her community well. Ms. French is a leadership expert who has the experience of high-energy to take on challenges presented to her. Ms. French brings unique perspectives gained from her understanding of how policies are created at APD. She was trained to perform internal investigations and has done many through her years with APD. She believes that her knowledge and expertise in reviewing investigations and knowledge of what questions to ask and what to look for are invaluable to the committee.

Term: Appointed 06-07-2021, Expires 02-02-2025

#### **Jesse Crawford, Vice-Chair**

Originally from Portland, Oregon, Mr. Crawford moved to New Mexico to attend New Mexico Tech. For the last six years, he has lived in Albuquerque and worked in the technology industry with a background including an MS in Information Security. He is interested in law enforcement and public safety and how they interact with social justice and believes strongly in the value of civilian oversight of law enforcement. Mr. Crawford believes that the Board can contribute positive change in the community by providing transparent, equitable oversight of APD and demonstrating a process of accountability. Mr. Crawford has an extensive history of involvement in community organizing and volunteerism. He has volunteered with organizations working with the underhoused, poverty eradication groups, and LGBTQIA advocacy organizations.

Term: Appointed 10-04-2021, Expires 02-02-2023

**Eric Nixon:** Mr. Eric Nixon is currently a Project Manager for the Department of Homeland Security. Mr. Nixon's interest in serving comes from having immersed himself in learning about social justice and equity issues that occur in the community. Mr. Nixon has served as a member of the NW Area Command CPC. This experience has given him a background for voting on and

advocating the CPC's recommendations regarding policing activities and policy changes at APD. Mr. Nixon is dedicated to performing the tasks of the Board as a resolute Board Member and impartial voice intent on finding the best solutions for ensuring APD integrity and accountability.

Term: Appointed 03-12-2020, Expires 02-02-2024

### **Michael Wartell**

Mr. Michael Wartell is a retired professor and university administrator who has spent several years as a successful administrator. In addition to serving in numerous University and College leadership positions, he has held the position of Dean of the School of Natural Sciences and Mathematics at Slippery Rock University, Dean of the College of Letters and Sciences at James Madison University, and provost and vice president of academic affairs at Humboldt State University. During Mr. Wartell's final tenure as an administrator, he successfully led Indiana University-Purdue University Fort Wayne through two successful five-year strategic plans that increased enrollment, saw the completion of new facilities, and grew the budget by convincing the state legislature of its importance. As a community leader, Mr. Wartell has been a member of several boards, including the City of Albuquerque Labor Management Relations Board, the Bernalillo County Protest Board, and the Bernalillo County Detention Facility Management Oversight Board. He has also served on numerous non-profit boards in addition to these. Mr. Wartell would like to bring to the CPOA Board methods for fostering trust between the community and the Albuquerque Police Department. He is aware that this approach can be achieved through organizational transparency, professionalism, and knowledge that training deficiencies and inconsistencies in the criminal justice system all contribute towards increasing the gap between the community and law enforcement.

Term: Appointed 03-07-2022, Expires 02-02-2025

### **Greg Jackson**

Mr. Jackson is currently the owner and Coach of Jackson Wink MMA and Jackson's MMA Acoma. Mr. Jackson has spent many years as a volunteer teaching police departments around the country how to reduce the need for violent or lethal force and de-escalate interactions. He has developed a unique style, thanks to his expertise in mixed martial arts, that helps officers keep suspects safer while keep themselves safer as well. Mr. Jackson believes his experience and trained eye in this area will make me a crucial asset to the board as we review matters concerning use of force. Mr. Jackson is an active member of our community who steps in and volunteers wherever he feels he can be of service to our community. As an instructor of Mindfulness techniques, he hopes that the unique quality of that skill will be an asset to the Board.

Term: Appointed 06-09-2022, Expires 02-02-2023

### **Rashad Raynor**

Mr. Raynor is currently employed at Sandia National Laboratories as an electrical engineer. Like most engineers, he has a strong analytical and detailed mind which he feels will be a valuable asset to this board. The primary reason Mr. Raynor is seeking to serve on this Board is because he believes this type of service to our community will have a healing effect on all of us who live here. His desire to serve on the CPOA Board has its roots in a desire to provide a safer

environment for his children, but he feels that it is something that he wants to see for everyone, and we should not have to wait until some distant time in the future to realize this dream. He believes that ethical policing is in critical need, and the partnership between citizens and law enforcement is a way of bringing about real change in law enforcement. It is his hope that the CPOA Board can bridge that gap and be an impartial judge that tries to find the truth that lies somewhere in the middle. Mr. Raynor's ideas regarding a successfully functioning Board are further complemented by his years of service to the community as President of the NAACP Youth Chapter for the Southwest Region, Graduate Student Aide for Advancement of Adolescent Girls in STEM (Science, Technology, Engineering and Math) as well as the STEM Ambassador for Sandia Labs.

Term: Appointed 06-09-2022, Expires 02-02-2024

**Angela Luce:** Ms. Luce is currently the owner and founder of Golden Mean Solutions which works with families in New Mexico to address the challenges that are facing most of the families in our state today. Ms. Luce has been working with children and families for more than a decade. She holds a Bachelor of Science degree in Sociology, specializing in children and families. Over the years, she has studied the dynamics of families across cultures and societies, considering their similarities, differences, and challenges. As a former Child Abuse Investigator at the New Mexico Children Youth and Families Department (CYFD), Ms. Luce assessed family circumstances for the highest interests of the child(ren), the same standard used in New Mexico Family Court. A key part of this process was meeting with families to understand their communication styles, barriers to communication, and strengths as a family. Ms. Luce currently serves as an American Youth Soccer Organization (AYSO) Board Member which is a role that she has been active in for several years. In this capacity as a Board Member, she has been an Assistant Regional Commissioner, a tournament director and an onboarding and training administrator for the organization. Her desire to serve our community is a motivator which drives her interest in joining the CPOA Board. With a background ranging from investigations to training and teaching to business and accounting, and everything in between, she has a broad range of knowledge which will be an asset to the Board. As a result of having worked with so many cultures, genders, and socioeconomic groups, she is able to consider and utilize multiple perspectives and act accordingly, all while aiming for impartiality.

Term: Appointed 10-17-2022, Expires 02-02-2024



## **B. Civilian Police Oversight Agency Board Sub-Committees**

**Case Review Sub-Committee:** Reviews Civilian Complaints alongside the CPOA Executive Director.

**Members:**

Eric Nixon

Jesse Crawford

**Policy and Procedures Review Sub-Committee:** Reviews Albuquerque Police Department policies and procedures, and makes recommendations on changes to ensure that compliance and consistency aligns with the Civilian Police Oversight Agency's mission.

**Members:**

Jesse Crawford

Patricia J. French

**Community Outreach Sub-Committee:** Members of the Civilian Police Oversight Agency Board discuss community outreach and engagement efforts.

**Members:**

**Personnel Sub-Committee:** Discuss business regarding Civilian Police Oversight Agency administrative human resource decisions.

**Members:**

Patricia J. French

Michael Wartell

Eric Nixon