

# CITY OF ALBUQUERQUE

Albuquerque Police Department



Gorden E. Eden, Jr., Chief of Police  
March 28, 2017

Edward W. Harness, Esq., Executive Director  
Civilian Police Oversight Agency  
600 2<sup>nd</sup> NW  
Room 813  
Albuquerque, NM 87102  
505-924-3770

RE: CPC 139-16      Citizen: ██████████  
Sgt. ██████ L ██████  
Det. ██████ M ██████  
Det. ██████ I ██████

Dear Mr. Harness:

CPC 139-16 was reviewed and the recommendations for the non-concurrence are detailed.

400 Roma NW

Sergeant ██████ L ██████, and Detective ██████ M ██████

**SOP Violation 5-1-10D**

Albuquerque

Upon review of the reports, video, CPOA investigation and statements, I do not concur with the investigators finding of sustained. Sergeant L ██████ and Detective ██████ M ██████ did consult the Matrix as stated in their interviews and forms provided to investigator McDermott.

New Mexico 87102

SOP 5-1-10D states that **“unit supervisors are responsible for assessing each incident to determine if it requires a tactical response”** I conclude that Sergeant L ██████ and Detective ██████ M ██████ both complied with this requirement. Sergeant L ██████ stated that he felt the assessment did not require a tactical response, and I concur with his assessment. The matrix is a guideline that is to be used for determining possible tactical response. I do not see where the investigator reached a score of 25 that would have required a tactical response. Based on the events in this case, at no time were either of these suspects barricaded; and both subjects willingly exited the van when ordered by the sergeant and detectives. Officers are required to make split second decisions and this incident was no different. I feel both Sergeant L ██████ and Detective M ██████ exercised due diligence in serving these arrests warrants. I find this SOP violation to be exonerated.

www.cabq.gov

Sincerely,

GORDEN E. EDEN, JR.  
Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

**Police Oversight Board**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
*Johnny J. Armijo*    *Dr. Susanne Brown*    *Eric H. Cruz*  
*Joanne Fine*    *Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

January 13, 2017  
Via Certified Mail

**Re: CPC #139-16**

Dear Ms.

Our office received the complaint you filed on July 13, 2016 against Officers of the Albuquerque Police Department (APD), regarding an incident that occurred on June 28, 2016. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint on August 9, 2016. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

Upon completion of the investigation, the CPOA determined, based on a preponderance of the evidence, whether or not the APD Officer(s) involved violated Standard Operating Procedures (SOPs). A preponderance of the evidence means that one side has demonstrated a greater weight of evidence (more than 50%) that is more credible and convincing than the other side. If the credible evidence is 50-50, the proper finding is Not Sustained.

Albuquerque

New Mexico 87103

Please be aware, the contract between the Albuquerque Police Officers' Association (APOA) and the City of Albuquerque requires that officers cooperate in the investigation; therefore, the officer's statements may not be made public. Below is a summary of the complaint, the CPOA's investigation, and findings.

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### I. THE COMPLAINT AND INVESTIGATION

Ms. [redacted] was not present for the actual incident and heard about it from her employees, [redacted] and [redacted]. She was told the outreach syringe exchange van had just been raided by the Albuquerque Police Department. Ms. [redacted] expressed concerns about the show of force used, the tactics used, the risks to her employees and the clientele, and the reputation damage the law enforcement interference caused to their outreach. Ms. [redacted] questioned the officers' entry into the syringe exchange van. Mr. [redacted] echoed many of Ms. [redacted]'s concerns as well as some of the conduct he observed. Ms. [redacted] initially stated she would comply with the investigative process, but ultimately never did.

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the complaint, the police reports, the Computer Aided Dispatches (CAD), several lapel videos, state statutes, department of health reference materials, Ms. 's interview, Mr. 's interview, Sgt. L's interview, Detective M's interview, Detective I's interviewed, and Detective V's interview.

## **II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING SGT. L'S CONDUCT**

A) The CPOA reviewed Standard Operating Procedural Order 2-54-3B2b regarding Sgt. L's conduct, which states:

### ***A show of force shall also be investigated by the supervisor, using a Show of Force Report Form***

Ms. was concerned about the show of force used. Ms. was very concerned with how the officers "swooped" in with weapons out and required individuals to lie on the ground in the heat. It was her understanding that the officers had weapons drawn, the officers yelled at individuals, and her staff had to exit with their hands up. Ms. knew Ms. had been pulled off the van at gunpoint. Mr. stated the officers had weapons pointed directly at the individuals. He did not think anyone pointed their gun specifically at him, but knew Ms. had a gun pointed directly at her head. He did not understand why officers pointed a gun at Ms. as she looked nothing like the client the officers were after. Mr. feared someone would be shot. Ms. did not cooperate with the investigative process.

Sgt. L explained the reason the detectives approached with guns drawn in the low ready position was due to the information that at least one of the subjects was armed and had a propensity for violence. Generally, drugs and weapons are commonly tied together. Sgt. L disagreed that any show of force occurred that required documentation. Sgt. L stated from a video that it might appear detectives had acquired a target, but in fact, the detectives had not. To be sure, he asked the detectives if anyone had raised their firearm or acquired a sight on someone to where a show of force would need to be documented. Everyone said he or she kept his or her weapons at low ready, therefore, a show of force report or investigation did not need to be completed. Sgt. L reviewed the videos after the fact and confirmed everyone kept their weapons at low ready, even when individuals were on the ground. Sgt. L stated his understanding of the policy was if someone was put in sights then that would be a reportable show of force, which did not happen that day.

The Settlement Agreement defines "Use of force" as "physical effort to compel compliance by an unwilling subject above unresisted handcuffing, including pointing a firearm at a person." It further defines "the pointing of a firearm at a person shall be reported in the same manner as a use of force and shall be done only as objectively reasonable to accomplish a lawful police objective." APD policy is more specific and defines "a show of force is the pointing of a firearm or ECW (sparking or painting with the laser) at a person and acquiring a

target.” APD policy defines this is reportable as a show of force that is investigated by the officer’s chain of command. According to APD policy 2-52-3E2f, drawing a firearm or ECW to the low ready position is considered a low-level control tactic and does not require a Use of Force Report. After careful review of the videos, the detectives did not commit a reportable use of force as defined by APD policy. The videos showed weapons were not pointed at the heads of anyone. When Ms. was taken off the van, the officer that assisted her had his rifle lowered. However, citizens understandably felt a show of force occurred in this incident and easily mistook the low ready position for being “pointed at them.” The police report does not impress upon the reader the intensity of the situation. The difference between low ready and on target is very small and likely imperceptible to the average citizen. A reference photo will be included in the letter.

A recommendation is included with the report to determine if APD policy restricts the definition of a show of force beyond what the Settlement Agreement intended and if the Settlement Agreement in fact intended a situation like this to be documented and investigated as a reportable show of force. However, as it stands in APD policy, a reportable show of force did not occur and a show of force report was not required in this incident.

The CPOA finds Sgt. L’s conduct to be **Exonerated** where the investigation determined that the alleged conduct did occur, but did not violate APD policies, procedures, or training.

B) The CPOA reviewed Standard Operating Investigative Bureau Orders 5-1-10D regarding Sgt. L’s conduct, which states:

*SID Detective consults the Matrix for guidance when conducting operations other than search warrants. Unit supervisors are responsible for assessing each incident to determine if it requires a tactical response. Unit supervisors are responsible for communication with tactical supervisors before conducting operations as well as when operations are in progress.*

Ms. did not understand the tactic of waiting until these individuals were at the van before stopping them. It was her understanding the police had been surveilling the subjects for a while. Ms. felt the detectives put people in danger by waiting until the individuals were in a contained space. Mr. thought it was unnecessary to stop these individuals at the exchange and felt it placed others at risk. Mr. did not think it was necessary for everyone to get on the ground. Mr. learned later that the detectives knew where the individuals lived and were following the individuals so he did not understand why the detectives did not stop the individuals on the street or at their house. Both expressed concern that the clients were ordered to the ground. Mr. stated it took time for the clients to comply because the pavement was hot and there were ants.

Sgt. L stated one of his detectives received information about two individuals, both of which had felony warrants. The detective learned one subject often had a firearm in his possession. The detective received information about the whereabouts of these individuals for that specific day. Sgt. L expressed concern the opportunity may not be there if they delayed or if

there were plans to commit additional crimes. Sgt. L stated he utilized the search/arrest Risk Assessment Matrix, but Sgt. L stated the Matrix is generally inadequate for arrest warrant operations and more applicable for search warrant operations. He and Detective M discussed how to handle the operation. Sgt. L stated he made sure he had background checks on the two individuals and checked the CIT database for mental health concerns. He reviewed Detective M's operation to make sure it was within policy and tactically sound, but the situations evolve rapidly so fluidity in decision-making was necessary. He briefed the other participants. Sgt. L agreed the detectives followed the two subjects to several locations until they felt the situation was the safest and most optimal to take the individuals into custody. He did not want to rush the take down and these were calculated decisions on his part. Sgt. L explained the detectives could not take the subjects into custody at either of the two residences they stopped because the detectives could not get into positions before the subjects left and went mobile. The subjects stopped in a parking lot, but the detectives could not take them into custody there because of the positioning and the briefness of their stop. Sgt. L explained having a field unit conduct a traffic stop would be inappropriate and unsafe due to the likely presence of a gun and a possible pursuit risk. Detectives planned to use a vehicle-blocking maneuver, but both traffic and the subjects' direction thwarted that plan. At the parking lot at 60th and Central the subjects remained there for longer than they had been at any other location so the detectives were able to get into position. In his position, he did not see additional individuals. Sgt. L explained when both subjects exited the car that was the optimal time to take the subjects into custody. Since the detectives were in a tactically safe position even with other individuals present, his team could handle the situation. Sgt. L and the other detectives explained individuals were ordered to the ground for officer safety, which superseded the individuals' brief discomfort.

The CPOA does not specifically analyze tactics or determine if the best tactical call was made to apprehend the subjects. The CPOA instead looks at whether officers complied with policy in their development and execution of a plan. Based on the Risk Assessment Matrix the score these subjects would have received by policy required the specialized unit to contact the tactical Lt. for assistance in the execution of the warrant. Sgt. L should have assessed the incident for a possible tactical response. After his interview, Sgt. L provided the Risk Assessment Matrix he filled out for this operation, but it was lacking in detail. Whether the consultation with the tactical unit would have changed the tactics used or the operation is speculative, but the Assessment was not used correctly.

The CPOA finds Sgt. L's conduct to be **Sustained** where the investigation determined that the alleged misconduct did occur.

### **III. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING DETECTIVE M'S CONDUCT**

A) The CPOA reviewed Standard Operating Procedural Order 2-71-3F1a&f regarding Detective M's conduct, which states:

*A warrantless search can be conducted pursuant to a lawful arrest. Such a search must be conducted during or very near the time and place of the arrest and must be limited in scope*

*to: a. Searching the arrested person and any containers discovered on his/her person, or within the arrested person's control if the officer has reason to believe the containers belong to or were used by the arrested person. f. An officer may request a voluntary statement (verbal or written) giving the officer permission to search the person and the vehicle in accordance with the Department SOP.*

Ms. understood the van had been entered and inspected. Ms. stated the van was a health service facility and there were issues of confidentiality. Mr. also did not feel it was appropriate for Detective M to enter the van when all individuals had already been removed. Mr. stated he did not grant permission to detectives to enter, but after watching the video realized Ms. had.

Detective M asked if he could enter the van and check for things possibly hidden by one of the subjects. Ms. granted him permission. Detective M stated he did not extensively search the van, just a cursory look in the area that one of the subjects had been. He looked in the one subject's property, but saw it was new needles and syringes so he did not have need to look further. Since Ms. had granted permission for him to enter, he did not consider it an issue.

The lapel videos showed Detective M asked for permission to check the van where one subject had been. Ms. granted permission. The lapel video showed Detective M briefly looked at the one subject's property, but saw they were new, sealed syringe boxes so he did not need to examine them further. He looked under the table because the subject had been seated there. In the circumstances, this was permitted and did not require a warrant.

The CPOA finds Detective M's conduct to be **Exonerated** where the investigation determined that the alleged conduct did occur, but did not violate APD policies, procedures, or training.

B) The CPOA reviewed Standard Operating Investigative Bureau Orders 5-1-10D regarding Detective M's conduct, which states:

*SID Detective consults the Matrix for guidance when conducting operations other than search warrants. Unit supervisors are responsible for assessing each incident to determine if it requires a tactical response. Unit supervisors are responsible for communication with tactical supervisors before conducting operations as well as when operations are in progress.*

Ms. did not understand the tactic of waiting until these individuals were at the van before stopping them. It was her understanding the police had been surveilling the subjects for a while. Ms. felt the detectives put people in danger by waiting until the individuals were in a contained space. Mr. thought it was unnecessary to stop these individuals at the exchange and felt placed others at risk. Mr. did not think it was necessary for everyone to get on the ground. Mr. learned later that the detectives knew where the individuals lived and were following the individuals so he did not understand why the detectives did not stop the individuals on the street or at their house. Both expressed

concern that the clients were ordered to the ground. Mr. ) stated it took time for the clients to comply because the pavement was hot and there were ants.

Detective M explained he received information that two individuals had outstanding felony warrants for their arrest. He was advised these individuals sold narcotics and had a handgun in their possession. He utilized his resources, identified the true names of the individuals, and confirmed the individuals had felony warrants. According to Detective M, a Risk Assessment Matrix was only completed for search warrants and so he did not think one was completed for this incident, since this was an arrest warrant operation. Detective M agreed the detectives followed the two subjects to several locations until they felt the situation was the safest and most optimal to take the individuals into custody. Detective M explained their preferred time to take the subjects into custody was when both subjects were away from their car, which was the likely location of the gun. Detective M explained the detectives could not take the subjects into custody at either of the two residences they stopped because the detectives could not get into positions before the subjects left and went mobile. The subjects stopped in a parking lot, but the detectives could not take them into custody there because of the positioning and the briefness of their stop. Detective M explained having a field unit conduct a traffic stop would be inappropriate and unsafe due to the likely presence of a gun and a possible pursuit risk. Detectives planned to use a vehicle-blocking maneuver, but both traffic and the subjects' direction thwarted that plan. At the parking lot at 60th and Central the subjects remained there for longer than they had been at any other location so the detectives were able to get into position. Detective M stated both individuals then exited the car so that was the optimal time to take the subjects into custody. Since the detectives were in a tactically safe position even with other individuals present, the team could handle the situation. Detective M and the other detectives explained individuals were ordered to the ground for officer safety, which superseded the individuals' brief discomfort.

The CPOA does not specifically analyze tactics or determine if the best tactical call was made to apprehend the subjects. The CPOA instead looks at whether officers complied with policy in their development and execution of a plan. Based on the Risk Assessment Matrix the score these subjects would have received by policy required the specialized unit to contact the tactical Lt. for assistance in the execution of the warrant. Detective M should have consulted the Matrix, as it is not just for search warrants. Whether the consultation with the tactical unit would have changed the tactics used or the operation is speculative, but the Assessment was not used correctly.

The CPOA finds Detective M's conduct to be **Sustained** where the investigation determined that the alleged misconduct did occur.

#### **IV. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING DETECTIVE I'S CONDUCT**

A) The CPOA reviewed Standard Operating Procedural Order 2-71-3F1d&e regarding Detective I's conduct, which states:

*A warrantless search can be conducted pursuant to a lawful arrest. Such a search must be conducted during or very near the time and place of the arrest and must be limited in scope to: d. Conducting a protective sweep of the area adjoining the arrest. e. Conducting a sweep of any other area within the premises which officers reasonably suspect might harbor a person who could endanger them.*

Ms. understood the van had been entered and inspected. Ms. stated the van was a health service facility and there were issues of confidentiality. Mr. also did not feel it was appropriate for Detective I to enter the van when all individuals had already been removed.

Detective I explained he entered and cleared the van of individuals to make sure there were no other individuals to pose a threat. The fact that it was a medical facility did not change any decision to perform a protective sweep. Sgt. L supported Detective I's decision to ensure no one posed a threat to the officers.

The lapel videos showed Detective I entered and looked briefly for additional people. He then exited as soon as he saw there were no others present. In the circumstances, this was permitted and did not require a warrant.

The CPOA finds Detective I's conduct to be **Exonerated** where the investigation determined that the alleged conduct did occur, but did not violate APD policies, procedures, or training.

B) The CPOA reviewed Standard Operating General Order 1-1-4D15 regarding Detective I's conduct, which states:

*Personnel will treat the public with respect, courtesy, and professionalism at all times.*

Mr. reviewed the videos provided to him by the ACLU of the incident. After he watched the videos, Mr. complained that some officers were rude to the clients and seemed unconcerned for their trauma. One of the clients revealed he had been shot by police before and was very upset by the events. Mr. felt Detective I made unnecessary jokes later, such as joking with one of the clients about being arrested to boost his arrest stats.

In the initial approach to apprehend the subjects, one of the uninvolved individuals constantly ranted that police had shot him before. Detective I agreed he told him they did not want to shoot him again and to "zip his pie hole." He agreed he told the man essentially to shut up so that things would go quicker. Detective I wanted to reassure the man that they did not want to shoot him so that was why he said what he said; it was not intended as any sort of threat. Once the situation was calm and under control, Detective I agreed he joked and bantered with some individuals present. Their operation was stressful, but once it was controlled, he did not need to maintain that commanding presence. He intended to alleviate stress from the individuals and that was why he joked around. He felt his joking with individuals improved their outlook on police, not harm it so he felt it was appropriate. The people he joked with joked back and they had a rapport.



On the initial apprehension, when one of the subjects repeatedly complained about having been shot before by police, Detective I responded, "We don't want to shoot you again so zip your pie hole and listen." The tone did not come across as reassurance and given the man's prior experience with police, was unnecessary and insensitive. The lapel videos showed after things were calm the subjects in custody and Detective I engaged in mutual friendly banter. Detective I provided water to the subjects as it was a hot day. An uninvolved client came by and Detective I asked jokingly if she had warrants. She happened to mention there had been a recurring problem with an old warrant and Detective I joked with her to allow him to improve his stats by arresting her. The woman seemed unoffended and understood Detective I to be joking. However, the conduct, particularly earlier, was disrespectful.

The CPOA finds Detective I's conduct to be **Sustained** where the investigation determined that the alleged misconduct did occur.

**Additional Concern Reviewed:**

Ms. \_\_\_\_\_ did not know if the detectives knew they were interfering with a needle exchange, but, given their organization's community outreach and length of time at that location, she could not see how the detectives did not know about their presence. Ms. \_\_\_\_\_ believed the APD Area Commands of all their outreach locations were aware. Ms. \_\_\_\_\_ stated the detectives' actions created fear and confusion among the staff and the clients. Media articles quoted Ms. \_\_\_\_\_ as saying; the arrest of two people seeking services was "shocking." Ms. \_\_\_\_\_ expressed if the detectives knew the purpose of the van and acted anyway, that was of concern. Ms. \_\_\_\_\_ did not understand why the fact that the arrest took place at the syringe exchange was not mentioned in the reports she later read. Mr. \_\_\_\_\_ assumed the reason Detective M said he was not targeting the homeless was because Detective M realized "he messed up." Mr. \_\_\_\_\_ felt the officers knew the purpose of the van before they made contact because their outreach had been around so long. Mr. \_\_\_\_\_ believed arrested individuals would talk about it since they probably had many of the same clients. Mr. \_\_\_\_\_ believed at least one detective knew it was a needle exchange, but the others may not have. He based this belief on the videos he saw after the fact, but he did not recall what specifically gave him that impression. Mr. \_\_\_\_\_ stated if officers were staking out the area and saw people coming and going, their purpose was obvious. Both felt the officers should not have approached the exchange and should have known it was an exchange. Ms. \_\_\_\_\_ stated their organization works with the Valley Area Command since their physical facility was located in that area, but meetings occur with other law enforcement entities as needed. Ms. \_\_\_\_\_ did not think a formal schedule of their mobile exchanges had been provided to law enforcement. Mr. \_\_\_\_\_ agreed their schedule was circulated primarily through word of mouth. Ms. \_\_\_\_\_ stated their vans were not marked in order to avoid stigmatization for their clientele. There has not been outreach to the Narcotics Unit in APD over concerns about stigma and compromising clients' anonymity.

All of the detectives interviewed as well as the sergeant stated when they saw the van they had no idea it was a syringe exchange outreach; all they saw was an unmarked white van. Only one detective thought it provided some sort of service, but he thought it was a meals on

wheels. All the detectives and sergeant have several years of experience in the Narcotics unit and all of them stated their only knowledge about harm reduction was that the service existed, but they did not know the details. They all believed needle exchanges took place at physical buildings, not at mobile sites. All expressed consultation with APD Area Commands occurred with certain operations, but in this case, their final destination was unknown so they could not have consulted with Area Commands prior to the operation. Most of the detectives stated they either did not see the additional individuals because of their position or saw the people, but did not realize the individuals were there for a specific purpose. Most of the detectives did not mention the fact that the arrest took place at a needle exchange site in their reports because it was an immaterial detail. Detective M stated he did not mention it because he assumed the needle exchange wished to remain anonymous since the van was unmarked and therefore as a courtesy did not expose it in his report. Detective M informed the employees he was not targeting the homeless because of what he considered previously skewed media stories about law enforcement operations and certain populations. Sgt. L stated if he had known that was an outreach and that clients were present he would have waited for a different opportunity to apprehend the subjects. Sgt. L stated they were in the dark about how that organization operated and had not intended on interfering.

The lapel videos showed the radio chatter between all the detectives talked about the van in passing, but there was never anything mentioned about services or a syringe exchange occurring. The lapel videos showed the detectives did not know there were employees present until after they started the apprehension operation and the employees showed their badges. The lapel videos showed one of the employees immediately identified the purpose of their presence and the van to Detective M, hence a lack of surprise. APD policy does not prohibit taking action at a needle exchange site. The idea that syringe exchanges are "sacred spaces" is not expressed in APD policy or NMSA 1978 24-C Harm Reduction Act. The New Mexico Department of Health Harm Reduction Protocols state, "Program staff and volunteers must not interfere or obstruct law enforcement personnel who may be involved in a situation with a program participant while performing their duties." Based on the statements from both Albuquerque Healthcare for the Homeless staff and APD personnel, a lack of communication, understanding of purposes, and elements of mistrust from each of the parties contributed to the situation occurring. A recommendation is included in this report to modify APD policy and suggest appropriate liaisons be established to aid in education and communication.

You have the right to appeal this decision.

1. If you are not satisfied with the findings of the CPOA, please request an appeal in a signed writing to the undersigned within 30 days of receipt of this letter. Include your CPC number.

The POB may grant a Request for Reconsideration only upon the complainant offering proof that:

A) The APD policy or APD policies that were considered by the POB were the wrong policies or they were used in the wrong way; or,

- B) The APD policy or APD policies considered by the POB were chosen randomly or they do not address the issues in your complaint; or,
- C) The findings of the POB had no explanation that would lead to the conclusion made by the POB; or,
- D) The findings by the POB were not supported by evidence that was available to the POB at the time of the investigation.

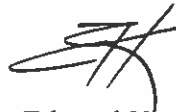
2. If you are not satisfied with the final disciplinary decision of the Chief of Police, you can request a review of the complaint by the city's Chief Administrative Officer. Your request must be in writing and within 30 days of receipt of this letter. Include your CPC number.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey> .

Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

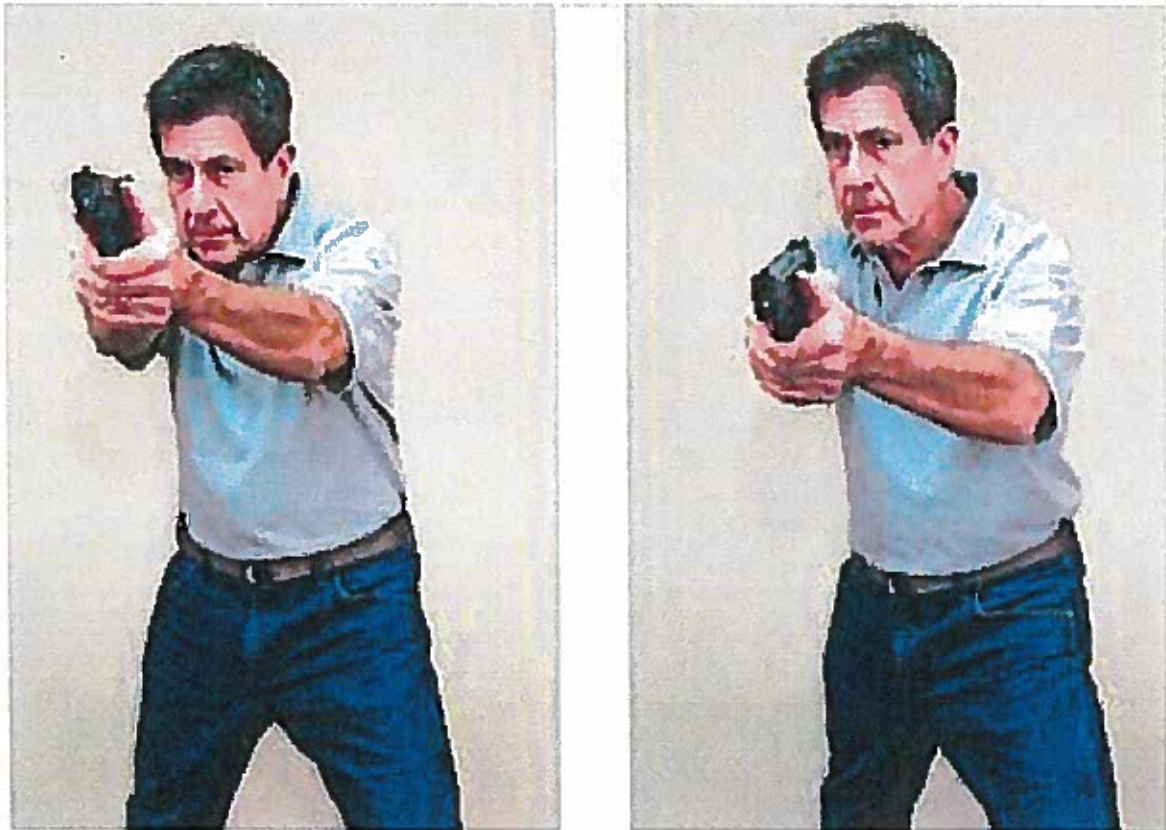
Sincerely,

The Civilian Police Oversight Agency by



Edward Harness, Esq.  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



Left: Gun on-target at suspect / Right: Low ready

Mroz, R. (2014, January). Ready Positions: What We Have Here Is A Failure To Differentiate. Retrieved from <http://americancopmagazine.com/ready-positions/>

**Risk Assessment Matrix**

<u>POINTS</u>	<u>FACTS</u>	<u>SCORE</u>
<b>SEARCH/ARREST WARRANT:</b>		
5	Is the offense a felony? <i>If No, Consult Tactical Lieutenant</i> Arrest Warrant for a non-violent felony	_____
2	Search warrant is for drugs	_____
2	Search warrant is for evidence of a crime against a person	_____
<b>LOCATION:</b>		
5	Service of warrant requires the use of mechanical breaching tools	_____
25	Location is fortified or requires special breaching tools	_____
3	Location has known aggressive attack dogs	_____
10	Verified firearms at location (UC or CI)	_____
5	Size of location/ two or more levels	_____
3	Location has counter surveillance equipment/people	_____
25	Drug manufacturing location/large scale narcotics distribution	_____
1	Sympathetic subjects near target location	_____
<b>AUXILIARY SUBJECTS:</b>		
5	4 or more subjects verified at location (UC or CI)	_____
3	High probability of small children/elderly/ or physically challenged	_____
<b>TARGET SUBJECT(S):</b>		
1	Subject of warrant has property crimes history only	_____
3	Subject of warrant has history of crimes against persons or has an outstanding warrant for a crime against persons.	_____
5	Subject has history of multiple Felony Arrests for non-violent crimes(within 10 years)	_____
5	Subject of warrant has made statements about resisting arrest	_____
2	Subject of warrant has history of Felony drug arrests (Within last 10 years)	_____
10	Subject of warrant has violent criminal history (Within last 10 years)	_____
15	Subject of warrant has history of using firearms in crimes (Past 10 Years)	_____
15	Subject of warrant is known and verified to carry firearms (CI or UC)	_____
15	Subject of warrant has previous conviction for firearms violation(Within 10 years)	_____
10	Subject of warrant has history of assault on police/resisting arrest (Within 10 years)	_____
25	Subject has outstanding warrant for Homicide, Rape, Felonious Assault, Aggravated Robbery, or Aggravated Assault/Battery and is barricaded in a structure	_____*
2	Target/Subject is unknown	_____
15	Subject of warrant has a documented history of mental health issues	_____
<b>TOTAL SCORE:</b>		_____*

- Give the appropriate point value to each category that applies. If the total score is **25 or more, contact SWAT** for assistance in the execution of the warrant.
- Check all categories that apply.

UNKNOWN ORIGIN

SGT

6/28/16

\* - AUTOMATIC SWAT RESPONSE FOR BARRICADE



**ALBUQUERQUE POLICE DEPARTMENT  
INVESTIGATIVE BUREAU ORDERS**

SOP 3-01

Effective: 02/24/16 Expires: 02/24/17 Replaces: 01/17/16

<b>Risk Assessment Matrix</b>		
<b>Points</b>	<b>Facts</b>	<b>Score</b>
<b>SEARCH WARRANT SERVICE</b>		
	Is the offense a felony? <i>If No, Consult Tactical Lieutenant</i>	
5	Warrant for a non-violent felony	
2	Search warrant is for drugs	
2	Search warrant is for evidence of a crime against a person	
<b>LOCATION</b>		
5	Service of warrant requires the use of mechanical breaching tools	
25	Location is fortified or requires special breaching tools	
3	Location has known aggressive attack dogs	
10	Verified firearms at location (UC or CI)	
5	Size of location / two or more levels	
5	Location has counter-surveillance equipment/people	
25	Drug manufacturing location/large-scale narcotics distribution	
1	Sympathetic subjects near target location	
<b>AUXILLARY SUBJECTS</b>		
5	4 or more subjects verified at location (UC or CI)	
3	High probability of small children/elderly/or physically challenged	
<b>TARGET SUBJECT(S)</b>		
1	Has property crimes history only	
5	Has history of crimes against persons or has an outstanding warrant for a crime against persons	
5	Has history of multiple felony arrests	
5	Have made statements about resisting arrest	
2	Has history of felony drug arrests (within 10 years)	
10	Has violent criminal history (within 10 years)	
15	Has history of using firearms during crimes (within 10 years)	
15	Is known and verified to carry firearms (CI or UC)	
15	Has previous conviction for firearms violation (within 10 years)	
10	Has history of assault on police/resisting arrest (within 10 years)	
25	Has outstanding warrant for Homicide, Rape, Felonious Assault, Aggravated Robbery, or Aggravated Assault/Battery	
15	Has a documented history of mental health issues	
2	Is unknown	
<b>TOTAL SCORE:</b>		

Give the appropriate point value to each category that applies.  
 If the total score is 25 or more, contact SWAT for assistance in the execution of the warrant  
 Check all categories that apply.

# SEARCH/ARREST WARRANT SERVICE

Location:

## Risk Assessment Matrix

POINTS	FACTS	SCORE
<b>Search/ Arrest Warrant</b>		
0	Is the offense a felony? If No, consult Tactical Lieutenant	
5	Arrest Warrant for a non-violent felony	
2	Search warrant is for drugs	
2	Search warrant is for evidence of a crime against a person	
<b>LOCATION</b>		
5	Service of warrant requires the use of mechanical breaching tools	
25	Location is fortified or requires special breaching tools	
3	Location has known aggressive attack dogs	
10	Verified firearms at location (UC or CI)	
5	Size of location/ two or more levels	
5	Location has a counter surveillance equipment/ people	
25	Drug manufacturing location/ large scale narcotics distribution	
1	Sympathetic subjects near target location	
<b>AUXILIARY SUBJECTS</b>		
5	4 or more subjects verified at location (UC or CI)	
3	High probability of small children/ elderly/ or physically challenged	
<b>TARGET SUBJECT(S)</b>		
1	Subject of warrant has property crimes history only	
5	Subject of warrant has history of crimes against persons or has an outstanding warrant for a crime against persons	
5	Subject has history of multiple Felony Arrests	
5	Subject of warrant has made statements about resisting arrest	
2	Subject of warrant has history of Felony drug arrests (within last 10 years)	
10	Subject of warrant has violent criminal history (within last 10 years)	
15	Subject of warrant has history of using firearms during crimes (within 10 years)	
15	Subject of warrant is known and verified to carry firearms (CI or UC)	
15	Subject of warrant has previous conviction for firearms violation (within 10 years)	
10	Subject of warrant has a history of assault on police/ resisting arrest (within 10 years)	
25	Subject has outstanding warrant for Homicide, Rape, Felonious Assault, Aggravated Robbery or Aggravated Assault/ Battery	
2	Target/ subject is unknown	
15	Subject of warrant has a documented history of mental health issues	

**TOTAL SCORE: 0**

- Give the appropriate point value to each category that applies.
- If the total score is 25 or more, contact the Tactical Lt. for assistance in the execution of the warrant.
- Check all categories that apply.