

**CIVILIAN POLICE OVERSIGHT ADVISORY BOARD
POLICY AND PROCEDURE REVIEW SUBCOMMITTEE**

Aaron Calderon, Chair
Rowan Wymark, Member
Diane McDermott, CPOA Executive Director
Ali Abbasi, CPOA Deputy Director

Thursday, June 5, 2025, at 3 p.m.
Plaza Del Sol Building, 600 2nd Street NW
Basement Hearing Room

Members Present:

Aaron Calderon, Chair
Rowan Wymark

Members Absent:

Others Present

Diane McDermott, CPOA
Gabe Remer, CPOA
Valerie Barela, CPOA
Chris Sylvan, City Council
Vicent Higgins, City Council

MINUTES

- I. Welcome and Call to Order.** Chair Calderon called to order the Policy and Procedure Review Subcommittee meeting at approximately 3:00 p.m.
- II. Approval of the Agenda**
 - a. Motion.** A motion was made by Chair Calderon to approve the agenda as written. Member Wymark seconded the motion. The motion was passed unanimously.
- III. Public Comment**
 - a.** None. *(See attached Sign-in Sheet)*
- IV. Approval of Minutes from May 1, 2025**
 - a. Motion.** A motion was made by Chair Calderon that the minutes from May 1, 2025, be approved as written. Member Wymark seconded the motion. The motion was passed unanimously.
- V. Initiatives to Enhance Exposure of the CPOAB – *Chris Sylvan & Vince Higgins, City Council Services***

- a. Chris Sylvan noted difficulty in the recruitment of Board members, and Vicne Higgins offered to assist the CPOA, CPOAB, and CPCs with community outreach efforts and recruitment.

VI. APD Policy-Related Activities/Discussion Items:

a. PPRB Drafts Awaiting CPOAB Comment

1. SOP 1-1 Personnel Code of Conduct

- i. CPOA Data Analyst Gabe Remer presented policy recommendations and considerations from the CPOA for SOP 1-1 related to subsection 1-1-3-c (2-3).

(See attached Policy and Procedure Review Subcommittee Report)

- ii. **Motion.** A motion was made by Chair Calderon that the committee push forward on the recommendation for 1-1-3-c (2-3) for consideration of refining the definition of insubordination. Rowan. Member Wymark seconded the motion. The motion passed unanimously.

CPOA Data Analyst Gabe Remer presented policy considerations from the CPOA for SOP 1-1 related to subsection 1-1-4-A-2-d *(See attached Policy and Procedure Review Subcommittee Report)*. There were no recommendations for subsection 1-1-4-A-2-d from the subcommittee.

- iii. CPOA Data Analyst Gabe Remer presented policy considerations from the CPOA for SOP 1-1 related to subsection 1-1-5-A-2, noting that the policy may conflict with SOP 1-4 and there were no recommendations for subsection 1-1-5-A-2 from the subcommittee.

- iv. CPOA Data Analyst Gabe Remer presented the CPOA's policy recommendations for SOP 1-1 related to subsection 1-1-5-A-5.

- v. **Motion.** A motion by Chair Calderon that the subcommittee send to the full board for consideration for 1-1-5-A-5 on the

consideration of adding language to include when outside the presence or hearing of any person, or not saying derogatory remarks towards anybody that is involved in that case or incident. Member Wymark seconded. The motion was passed unanimously.

- vi. CPOA Data Analyst Gabe Remer and Director Diane McDermott presented policy considerations from the CPOA for SOP 1-1 related to subsection 1-1-6-1-a (8), and there were no recommendations for subsection 1-1-6-1-a (8).
- vii. CPOA Data Analyst Gabe Remer presented policy recommendations and considerations from the CPOA for SOP 1-1 related to subsection 1-1-6-A-3-a. (*See attached Policy and Procedure Review Subcommittee Report*)
- viii. **Motion.** A motion was made by Chair Calderon to move SOP 1-1-6-A-3-a move to the full consideration of the Board to forward to APD. Member Wymark seconded the motion. The motion was passed unanimously.

2. SOP 1-10 Peer Support Program

- i. There were no policy recommendations for SOP 1-94.

3. SOP 1-50 Gun Violence Reduction Unit (GVRU)

- i. There were no policy recommendations for SOP 1-50

4. SOP 1-61 Internal Affairs Force Division (IAFD)

There were no policy recommendations for SOP 1-94.

5. SOP 1-91 Tactical Emergency Medical Support (TEMS)

- i. There were no policy recommendations for SOP 1-91.

6. SOP 1-94 (Formerly 6-1) Training Division

- i. There were no policy recommendations for SOP 1-94.

7. SOP 2-4 Use of Respirators

- i. There were no policy recommendations for SOP 2-4.

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

Civilian Police Oversight Advisory Board
Policy and Procedure Review Subcommittee

Thursday, June 5, 2025

- i. There were no policy recommendations for SOP 2-14.
 - ii. Chair Calderon recommended that the item be sent to the full board for a possible presentation on using cell-site simulator technology.
- 9. SOP 2-25 (Formerly 1-28) Bomb Threats and Bomb Emergencies
 - i. There were no policy recommendations for SOP 2-25.
- 10. SOP 2-37 Meal Breaks
 - i. There were no policy recommendations for SOP 2-37
- 11. SOP 2-47 Crashes Involving Department-Issued Vehicles
 - i. CPOA Data Analyst Gabe Remer presented policy recommendations and considerations from the CPOA for SOP 2-47 and related SOP 2-46-4-F Crashes Involving City Vehicles (*See attached Policy and Procedure Review Subcommittee Report*)
 - ii. The subcommittee discussed Police Service Aids (PSA) involvement in responding to traffic crashes involving APD unit vehicles and the potential conflict of interest.
 - iii. **Motion.** A motion was made by Chair Calderon that the subcommittee forward the recommendation to the full board for SOP 2-47. Member Wymark seconded the motion, which was passed unanimously.
- 12. SOP 2-60 Preliminary and Follow-Up Criminal Investigations
 - i. There were no policy recommendations for SOP 2-60.
- 13. SOP 2-71 (Formerly 2-17) Search and Seizure Without a Warrant
 - i. CPOA Data Analyst Gabe Remer presented policy recommendations and considerations from the CPOA for SOP 2-71. (*See attached Policy and Procedure Review Subcommittee Report*)

- ii. The subcommittee discussed PSA's confiscation of license plates, related SOPs, case law, and emphasized PSA safety concerns.
- iii. **Motion.** A motion was made by Chair Calderon to approve the recommendation to go to the full board for consideration of PSA's removing license plates. Member Wymark seconded the motion. They passed unanimously.
- iv. CPOA Data Analyst Gabe Remer presented policy recommendations and considerations from the CPOA for SOP 2-71 related to subsection 2-71-4-G-1-d and 2-71-4-F. (*See attached Policy and Procedure Review Subcommittee Report*)
- v. The subcommittee discussed the word "may" versus "shall" when articulating exigent circumstances requiring action to prevent immediate loss or destruction of evidence, related case law pertaining to SOP 2-71, and confusion with language involving inventory searches.
- vi. **Motion.** A motion was made by Chair Calderon that the subcommittee move the recommendation for SOP 2-71-4-F to the full board for consideration. Member Wymark seconded the motion. The motion passed unanimously.

14. SOP 2-73 Collection, Submission, and Disposition of Evidence and Property

- i. There were no policy recommendations for SOP 2-73.

15. SOP 2-76 Court

- i. CPOA Data Analyst Gabe Remer presented policy considerations from the CPOA for SOP 2-76. (*See attached Policy and Procedure Review Subcommittee Report*)
- ii. The subcommittee had no policy recommendations or considerations for SOP 2-76.

16. SOP 2-108 Electronic Communications Privacy Act Procedures Civilian Police Oversight Advisory Board Policy and Procedure Review Subcommittee

Thursday, June 5, 2025

- i. There were no policy recommendations for SOP 2-108.
- 17. SOP 2-113 Custom Notification Gun Buy-Back (CNGBB) Program**
 - i. There were no policy recommendations for SOP 2-113.
 - ii. Chair Calderon requested that the CPOA do further research into the policy for a follow-up discussion at a later time.

18. SOP 3-25 Bid Process

- i. There were no policy recommendations for SOP 3-25.

19. SOP 3-34 Training Committee

- i. There were no policy recommendations for SOP 3-34.

b. APD Response to Policy Recommendations [Standing item]

- i. CPOA Data Analyst Gabe Remer provided an update on the responses received from APD regarding SOP 1-46, SOP 2-78, and SOP 1-92. (*See attached Policy and Procedure Review Subcommittee Report*)

VII. Other Business

- a. None.

VIII. Next Meeting Thursday, July 3, 2025, at 3 p.m.

- a. Chair Calderon noted that the following Policy and Procedure Subcommittee will be held at the new CPOA office building.

IX. Adjournment

- a. The meeting was adjourned at 5:37 p.m.

APPROVED:

Aaron Calderon, Chair
Policy & Procedure Review Subcommittee

Date

CC: Isaac Padilla, City Council Staff
Ethan Watson, City Clerk
Brook Bassan, City Council President (via email)

Minutes drafted and submitted by:
Valerie Barela, Administrative Assistant

DRAFT

ATTACHMENTS

DRAFT



CIVILIAN POLICE OVERSIGHT ADVISORY BOARD POLICY AND PROCEDURE REVIEW SUBCOMMITTEE PUBLIC COMMENT SIGN-IN SHEET

SUBCOMMITTEE MEETING DATE: JUNE 5, 2025

NAME (PLEASE PRINT)

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



City of Albuquerque

Civilian Police Oversight Agency



Policy and Procedure Review Subcommittee Report Board Meeting

06/05/2025
6/12/2025

Policy Recommendations

SOP 1-1 Personnel Code of Conduct:

▪ Recommendations and considerations from CPOA:

1. 1-1-3-c (2-3) – Consider refining definition of insubordination. IAPS receives IARs for situations that don't rise to this level.
 - In PPRB, CPOA recommending adding something like “reasonable differences of opinion do not rise to insubordination,” but was denied by policy author.
 - In PPRB, Presenter agreed it may need more consideration, said he would talk to IAPS (training focus)
2. 1-1-4-A-2-d – Consider an exception for traffic violations as this may not best be a responsibility of IAPS, but personnel supervisors and commanders.
 - Was in last version of 1-1 as well, but the past version of 1-1 (effective 6/09/2021) did not explicitly mention traffic violations as the current version does.
3. 1-1-5-A-1 – Likely change: Chief said he wouldn't support sanction level this high, especially considering progressive discipline.
 - Presenter said this “came in from IA force from February.”
4. 1-1-5-A-2 – PPRB Question: Why is the discipline for this not N/A and refer to biased based SOP (1-4)?
 - Presenter: This is kind of a catch-all for everything that may be “discrimination” but “not be biased based.”
 - The most notable difference between the policies is that 1-1 uses “discriminate” while 1-4 uses “bias.”
 - 1-1-5-A-2: “Sworn personnel shall not discriminate against any person based on their race, color, religion, sex, national origin, age and/or disability, consistent with the City's Human Rights Ordinance (ROA 1994, § 11-3-1), nor based on their veteran status, sexual orientation, and/or gender identity, consistent with SOP Bias-Based Policing and/or Profiling.”
 - 1-4-4-A-1-a: “1. Debarment personnel shall not: a. Practice biased-based policing and/or profiling...”
 - Biased based policing = “The interdiction, detention, arrest, or other nonconsensual treatment of an individual because of a characteristic or status, including but not limited to the individual's race, color, national origin or ancestry, citizenship status, language spoken, religion, gender, gender identity, sexual orientation, age, disability, or economic status.”
5. 1-1-5-A-5 – Consider whether to include language like “even if not in earshot of citizen? IAPS and CPOA have been consistently sustaining personnel when derogatory comments about people are recorded on OBRD.
 - Potential additions:

- “, including when outside the presence or hearing of any person.”
 - “, regardless of whether the person is present or can hear the remark.”
 - Presenter understood concern, but no changes made. It seemed that he wants to prioritize the blanket prohibition against derogatory comments and is not eager to include language that may appear to minimize it.
6. 1-1-6-A-1-a (8) – Consider if this should be reworded? There is a lot of pushbacks to this language because a violation here can have other and possibly greater legal and employment implications than discipline.
 - Presenter did not share concern, but said he would look into it. The policy priority is for officers to always remain honest, so he is not eager to alter the language.
 7. 1-1-6-A-3-a – Probably remove. All personnel are expected to be truthful so perhaps it should not just be APOA but current CBAs)
 - Related to IAPS side of things. Maybe even court. He said it “touches on a lot” – would open up a lot of complications. “Touches on to too many pieces.”
- **PnP Subcommittee Discussion:**

SOP 2-47 Crashes Involving Department-Issued Vehicles: It is the policy of the Department to create and enforce standards for Department personnel who are involved in or are investigating motor vehicle crashes involving Department-issued vehicles.

- **Recommendations and considerations from CPOA:**
 1. Investigator comment regarding : “Most non-sworn personnel (PSA/TSO) are not trained investigators or properly trained in conducting crash investigations. These personnel should not be responsible for an investigation, supervised or not, which would likely result in litigation. I believe Risk Management should be specifically asked for their input on this, as I know there are those in Risk Management who agree.”
 2. This policy also conflicts with 2-46 (Response to Traffic Crashes)
 - 2-46-4-F – F. Crashes Involving City Vehicles
 - 1. If available, on-duty Metro Traffic Division sworn personnel shall investigate all crashes with injuries in a City-owned vehicle.
 - 2. Metro Traffic Division sworn personnel shall investigate non-injury crashes involving City-owned vehicles, if available, and during their normal working hours.
 - 3. If a Traffic Division Officer is unavailable, a FSB supervisor shall respond to the scene and ensure a proper investigation is completed.
- **PnP Subcommittee Discussion:**

SOP 2-60 Preliminary and Follow-Up Criminal Investigations: It is the policy of the Department to quickly and effectively investigate crimes and, in some cases, make referrals to specialized investigative units for their continued investigation. Given limited resources, decisions about continued follow-up investigations will consider solvability factors and identify, investigate, and prioritize violent crimes, cases for individuals who repeatedly commit the same types of crimes, and cases of high financial loss or dangerousness to the community.

An effective and ethical investigation combines quick and thorough identification of a crime, capturing physical and testimonial evidence, including evidence exculpatory to any person. Investigations require the preservation of evidence by protecting the integrity of witness statements, physical evidence, and any identification of an individual.

- **Recommendations and considerations from CPOA:** No specific recommendation or consideration, but this policy could be implicated if changes are made to 2-71 and/or 2-73, or to PSA/TRO duties.
- **PnP Subcommittee Discussion:**

SOP 2-71 (Formerly 2-17) Search and Seizure Without a Warrant: It is the policy of the Albuquerque Police Department (Department) to provide sworn personnel with guidelines to conduct warrantless searches

and seizures that uphold individual civil rights, protect sworn personnel and others, and govern the collection of evidence.

▪ **Recommendations from CPOA:**

1. Consider revisions to correct for the confiscated license plate issue we have received complaints about, especially regarding PSAs.
 - NMSA 66-2-9. Seizure of documents and plates. – gives MVD authority to seize plates
 - NMSA 66-2-12. Police authority of division. – MVD has police and apparent delegation authority
 - But do we want PSAs doing it?
 - A policy recommendation would likely implicate 1-78 (PSAs Program), 1-95 (Metro Traffic Division), and 2-40 (Misdemeanor, Traffic, and Parking Enforcement)
2. 2-71-4-G-1-d
 - a. “d. The officer *may* articulate exigent circumstances requiring action to prevent immediate loss or destruction of evidence”
 - i. In PPRB, I had this changed back to “can” (as it was before) but perhaps it should be “shall.”
3. Investigator suggestion: Reference the impound and inventory case law “*State v. Ontiveros*,” which was affirmed by the Supreme Court of the state of New Mexico on 12/18/2023.
 - “SOP 2-71 should be updated to add a section addressing the issue in the above case law. I recommend adding a section to specify that, “APD personnel shall not have a vehicle towed and a warrantless inventory conducted when law enforcement knows the vehicle is legally parked at the registered owner’s home unless there is an investigatory reason.”
4. Section 2-71-4-F: The language is consistent with case law, but its verbatim inclusion in policy may not be advisable. Incorporating court language directly into SOP can make it appear that such searches are routine and standard practice under the law, when in reality the legal threshold is quite high. In most cases, opting not to search is the safer course to protect citizen property, reduce liability, and limit risk to employees.
 - Factor Summary – Warrantless Inventory Searches:
 - Case law in New Mexico (*Davis, Ruffino, Jim, Huerta*) allows for warrantless inventory searches of a vehicle or its containers if:
 - The vehicle is in police custody and connected to an arrest or impound;
 - The search follows established police procedures; and
 - The search is reasonable.
 - Reasonableness is judged based on three things (*Jim* factors):
 - Protecting the arrestee’s property,
 - Shielding police from property claims (liability), and
 - Ensuring employee safety.
 - Caselaw Summary
 - *Davis* (2018-NMSC-001)
 - Facts: On January 12, 2012, Deputy arrested Davis for operating a motorcycle with a revoked license. During the arrest, Deputy searched Davis's backpack, which was placed on a car in an open-air carport, and found marijuana. Davis was charged with distribution of marijuana. He filed a motion to suppress the marijuana found, arguing the search was invalid.
 - The Supreme Court held that: The inventory search of Davis's backpack was valid as Davis did possess the backpack at the time of arrest in the broader sense required for inventory searches. The search was justified in light of the core purposes behind the inventory search

exception, which include protecting the arrestee's property and the police from liability

- *Jim* (2022-NMCA-022)
 - Facts: In March 2015, Defendant was arrested for trespassing after refusing to leave a shopping center parking lot. Upon arrest, the police impounded his truck, conducted an inventory search, and found illegal substances and a handgun inside a locked gun safe. The search was based on a police policy allowing the opening of locked containers during inventory searches (paras 2-3).
 - It found that the search did not violate the Fourth Amendment due to adherence to standardized police policy without bad faith or pretext. However, under the New Mexico Constitution, the court determined that the search was unreasonable, emphasizing New Mexico's greater protection of privacy and strong preference for warrants. The court balanced the governmental interest against the individual's privacy interest, concluding that the search's intrusion upon Defendant's privacy outweighed any legitimate governmental interest. The court criticized the broad scope of inventory searches under federal jurisprudence and highlighted distinctive state characteristics that warrant greater protection under the New Mexico Constitution. The decision to open the locked gun safe was deemed unnecessary for inventory purposes and could have been subject to a warrant application given the circumstances (paras 7-29).
- *Ontiveros* (2024-NMSC-001)
 - Facts: A police officer observed a car with a broken taillight and a cracked windshield, leading to a traffic stop and the discovery that the driver's license had been revoked due to a prior DUI conviction. The car, registered to the driver's grandmother and parked in front of her trailer, was towed and searched without a warrant after the driver's arrest, resulting in the discovery of controlled substances and drug paraphernalia
 - Police Control or Custody: The vehicle was not lawfully in police control or custody as it was securely parked at the owner's residence, presenting no increased risk of theft or vandalism due to the arrest (paras 13-19).
Established Police Procedures: Although the District Court found that police followed standard procedure, the Supreme Court concluded that the impoundment and inventory search did not adhere to the Department's policy requiring such actions to be "reasonably necessary" (paras 20-25).
Reasonableness of the Impoundment and Inventory Search: The search was deemed unreasonable as it did not further any legitimate community caretaking functions, given the vehicle's secure location at the owner's residence and the absence of any increased risk to the vehicle (paras 26-28).
- *Huerta* (01/29/2025)
 - Facts: A sheriff's deputy conducted a high-risk traffic stop on a Chevrolet Tahoe driven by the Defendant due to an invalid registration tag and an outstanding felony arrest warrant for the registered owner. The Defendant, who was not the registered owner, was arrested on an unrelated misdemeanor warrant. The vehicle was impounded, and

during an inventory search, deputies found a closed Fritos canister in the Defendant's backpack, which contained fentanyl pills

- The Court found that the Defendant had a reasonable expectation of privacy in the Fritos canister due to its opaque nature and the presence of a lid, which indicated an intent to keep its contents private (paras 12-16). The search was deemed unreasonable as it did not further any of the three justifications for a warrantless inventory search: protecting the arrestee's property, protecting police from liability, or ensuring officer safety (paras 19-25). The Court emphasized that closed, locked, or sealed containers generally require a warrant for search unless justified by specific circumstances (para 26).

- “We take this step both to further clarify the constitutional protections owed to persons whose vehicles are seized by police and to provide additional guidance to law enforcement officers formulating policies for, or governing the conduct of, inventory searches. To this end, we reiterate several principles fundamental to warrantless vehicle inventory searches: they are not investigatory in nature and exist as an exception to the general warrant requirement only to further the three justifications explained in *Jim*. See 2022-NMCA-022, ¶ 13 (stating that a vehicle inventory search is reasonable if it (1) protects the arrestee’s property, (2) protects the police from claims regarding lost or stolen property, or (3) protects the police from potential danger). Our review of *Jim* and *Sanders*, and our conclusion in this case, reveal a general prohibition under Article II, Section 10 that we now expressly clarify: closed, locked, or sealed containers (that obstruct a law enforcement officer’s view) found within vehicles during an inventory search generally may not be searched without a warrant or the existence of circumstances otherwise justifying warrantless entry into the container. Absent sufficient justification under either the *Jim* factors or other exceptions to the general requirement that law enforcement officers obtain a warrant before conducting a search, intrusion into closed, locked, or sealed containers necessarily exceeds the bounds of mere inventory.”

- **PnP Subcommittee Discussion:**

SOP 2-73 Collection, Submission, and Disposition of Evidence and Property: It is the policy of the Department to ensure a proper chain of custody for property and evidence and to provide for the safe, efficient, and careful handling and preservation of property and evidence that is under the Department's control.

- **Recommendations and considerations from CPOA:** 2-73-5-B-A includes new inventory search procedures following 2-71.
 1. 2-73-5-K: Safekeeping Property 1. Department personnel may tag property into PEMS as safekeeping when: a. They have exhausted all other possibilities of disposing of the property; b. The owner is known; c. The owner has a permanent mailing address; and/or d. Department personnel shall utilize the Return to Owner category when tagging items for safekeeping.
- **PnP Subcommittee Discussion:**

SOP 2-76 Court: It is the policy of the Department to ensure that Department personnel are properly notified about appearing and testifying at court and Motor Vehicle Division (MVD) hearings to ensure that they appear at the scheduled times and that they are properly prepared and attired.

- **Recommendations from CPOA: 2-76-4-F-9** (page 7 of redlined version) – Why is the discipline between the two infractions so different?
 1. Presenter: IAPS choice. Due to recent events, the priority is stopping bribery.
- **PnP Subcommittee Discussion:**

No Policy Recommendations

SOP 1-10 Peer Support Program: It is the policy of the Albuquerque Police Department (Department) to provide opportunities and procedures for Department personnel to give support to and receive support from their peers during stressful times

- **PnP Subcommittee Discussion:**

SOP 1-50 Gun Violence Reduction Unit (GVRU): It is the policy of the Albuquerque Police Department (Department) for GVRU sworn personnel to be responsible for the investigation of crimes related to aggravated batteries involving a firearm with bullet-to-skin contact. It is also the policy of the Department for GVRU sworn personnel to conduct a thorough investigation to identify, locate, and apprehend individuals suspected of committing a gun crime and to seek to reduce gun violence.

- **PnP Subcommittee Discussion:**

SOP 1-61 Internal Affairs Force Division (IAFD): It is the policy of the Albuquerque Police Department (Department) for IAFD personnel to conduct timely, fair, objective, and thorough investigations on Level 2 and Level 3 uses of force, uses of force indicating apparent criminal misconduct by an officer, uses of force by Department personnel of a rank higher than sergeant, or any other force investigation assigned by the Chief of Police.

- **PnP Subcommittee Discussion:**

SOP 1-91 Tactical Emergency Medical Support (TEMS): It is the policy of the Albuquerque Police Department (Department) to use TEMS Unit personnel during critical incidents where a threat to life is present.

- **PnP Subcommittee Discussion:**

SOP 1-94 (Formerly 6-1) Training Division: It is the policy of the Department to be committed to a continuous process of training to provide its personnel with the knowledge, skills, and abilities to serve the Albuquerque community. The Academy Division is responsible for training all Department personnel and for training personnel with external governmental agencies when directed.

- **PnP Subcommittee Discussion:**

SOP 2-4 Use of Respirators: It is the policy of the Department to be in compliance with Occupational Safety and Health Administration (OSHA) regulations and to protect Department personnel from inhaling airborne hazards. It is also the policy of the Department to provide respirators to Department personnel to protect them from airborne hazards and, therefore, shall have a written Respiratory Protection Program.

- **PnP Subcommittee Discussion:**

SOP 2-14 Use of Cell-Site Simulator Technology: It is the policy of the Department to utilize cell-site simulator (CSS) technology as one tool among many traditional law enforcement techniques and to achieve important public safety objectives, including Search and Rescue, criminal investigations, and other public safety operations. The Department's use of CSS technology provides valuable assistance supporting the Department's important public safety objectives. Only appropriately trained Department personnel may use and operate the CSS technology. Because the Department is committed to constitutional and effective community policing, the use of any CSS technology shall strictly comply with the requirements and protections of the United States Constitution, including the Fourth Amendment and the New Mexico Constitution, Article II, Section 10.

- **PnP Subcommittee Discussion:**

SOP 2-25 (Formerly 1-28) Bomb Threats and Bomb Emergencies: It is the policy of the Department to ensure Department personnel and community members are safe during bomb threats and bomb emergencies.

- **PnP Subcommittee Discussion:**

SOP 2-37 Meal Breaks: It is the policy of the Department to balance the needs of the community and the demands for response to calls for service with the need for Department personnel to take a meal break

- **PnP Subcommittee Discussion:**

SOP 2-113 Custom Notification Gun Buy-Back (CNGBB) Program: It is the policy of the Albuquerque Police Department (Department) to promote positive relationships and interactions between Department personnel and members of the community who have been identified as people who are victims of self-inflicted gunshot wounds. Furthermore, it is the policy of the Department for personnel assigned to the Violence Intervention Program (VIP) to offer the CNGBB Program or firearm safety information or classes to the victims of self-inflicted gunshot wounds to learn proper firearm safety and decrease the likelihood that a similar incident would recur.

- **PnP Subcommittee Discussion:**

SOP 2-108 Electronic Communications Privacy Act Procedures: It is the policy of the Department to educate Department personnel in writing regarding agency policies and procedures governing the procurement, testing, adoption, deployment, use, access, and retirement of technology and data it provides consistent with the ECPA

- **PnP Subcommittee Discussion:**

SOP 3-25 Bid Process: It is the policy of the Department to conduct a City-wide bid that is based on seniority, consistent with the current CBA.

- **PnP Subcommittee Discussion:**

SOP 3-34 Training Committee: This policy is being entirely struck and archived. According to APD, this policy was discussed within CASA but they noticed that it just wasn't working and the process was not effectuating the goal. The better system is to bring subject matter experts together from around the department to make sure needs and trends are identified for upcoming training.

- **PnP Subcommittee Discussion:**

APD Responses to Policy Recommendations

SOP 1-46 Field Training and Evaluation Program (FTEP)

- CPOAB Recommendation: Determine discipline sanction for 1-46-6 to apply to nondiscretionary duties of FTEP personnel, with recommendations from IAPS.
- APD Response: Sanction class 6 applied to the section where FTEP coordinator shall keep the manual for the program.

SOP 2-78 Domestic Abuse Investigations

- CPOAB Recommendation: Page 1. 2-78-2: Rewrite the policy paragraph to remove unnecessary language and make it more direct. Rewrite the above paragraph into: "It is the policy of this law enforcement agency to provide a proactive, victim-centered response to domestic abuse. The agency has a zero-tolerance policy for domestic abuse and will thoroughly investigate all incidents, including those involving law enforcement officers or individuals in positions of power or influence." The substance and content remain the same, but unnecessary language like "Additionally.." and "to take a position of zero tolerance for domestic abuse " has been removed
- APD Response: Agrees that the content remains the same and prefers the recommended verbiage. Recommendation will be incorporated into SOP at next revision.

1. This policy recommendation is overdue (due date 4/10/2025) because the CPOAB meeting took place on the same day, which made it difficult to incorporate it into this revision.

SOP 1-92 Special Weapons and Tactics (SWAT)

- CPOAB/CPOA Recommendation: (1) Grammar edit, (2) “Exigent circumstances” definition/reference, and (3) On behalf of CPOAB –
 - (3) “The CPOAB recently reviewed an incident that raised a general concern about communication protocols during tactical operations involving Unmanned Aerial Systems (UAS). In this instance, drone operators observed that a subject was likely holding a phone rather than a firearm, but this information was not relayed to SWAT personnel due to “10-3” or “clear” air status. A recommendation was submitted by IAFD suggesting that the Department clarify when “10-3” status may be interrupted to share critical observations. The recommendation did not identify a specific SOP, but the rationale for this recommendation is to clarify communication standards in these tactical situations, as well as enhance decisions regarding the safety of the officers and suspects involved. The Department chose not to act on the recommendation, citing that “10-3” protocol is already covered in basic training and that embedding it in specific SOPs might unintentionally suggest that the guidance applies only to those situations. However, the CPOAB finds this issue particularly relevant to SWAT operations, as it is the context in which UAS support is frequently deployed and utilized. While “10-3” or “clear” air status may be used in many different law enforcement situations, the CPOAB believes that this recommendation is necessary in this SOP because SWAT operations are frequently well coordinated and planned, often allowing UAS to be a critical part of forming a tactical strategy. The CPOAB also believes the recommendation can be specifically written to avoid misapplication of “10-3” protocol in other situations. This recommendation is also motivated by the consideration that UAS operators can have a more comprehensive visual perspective during tactical operations than law enforcement on the ground. Their ability to clearly observe and quickly communicate when new risks arise or when a suspected threat has substantially changed can provide vital information to ground and tactical personnel. Allowing limited, fact-based transmissions in these moments supports tactical operations and may prevent unnecessary harm to officers or individuals involved. Therefore, the CPOAB recommends that APD amend SOP 1-92 (Special Weapons and Tactics) to include language authorizing limited, fact-based interruptions of “10-3” status by UAS operators when a significant change in threat condition is directly observed in tactical situations. This change reinforces safety and is explicit to SWAT and UAS situations so that the guidance isn't misapplied in other situations.”
 - Recommendation: Add a new section to 1-92. “SUAS and Radio Communications” A. Unmanned Aircraft System (UAS) operators may be permitted to break radio communication silence during tactical activations when they directly observe: 1. A previously unknown imminent threat to sworn personnel or other individuals on scene; 2. A change in conditions that negates the risk of a previously perceived threat; or 3. A development that could substantially impact the tactical plan and is not apparent to personnel on the ground. B. Such communications shall be limited to critical information necessary to support immediate tactical operations and ensure scene safety. UAS operators shall not speculate or infer beyond what is directly observed through the UAS visual system. SOP 1-92 should also include references to 2-15 Small Unmanned Aircraft Systems (SUAS) Operations and 2- 94 Drone as a First Responder in its related SOPs if the recommendation is incorporated.
- APD Response: (1) Fixed grammatical error (concur), (2) Relying on reference to 2-70 (partially concur), and (3) “The SUAS communication protocols are practiced and taught through training, there is no need or benefit in adding it to SOP.”