

CIVILIAN POLICE OVERSIGHT ADVISORY BOARD (CPOAB)

Thursday, April 11, 2024 at 5:00 PM

Vincent E. Griego Chambers

Aaron Calderon, Board Chair

Rowan Wymark, Board Vice-Chair

Zander Bolyanatz, Board Member

Shama Newton, Board Member

Gail Oliver, Board Member

Diane McDermott, Executive Director, CPOA

Members Present:

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

Members Absent:

Others Present In-Person:

Diane McDermott, CPOA
Valerie Barela, CPOA
Emily Selch, CPOA
Gabe Remer, CPOA
Kelly Mensah, CPC
Robert Kidd, Independent Counsel
Chris Sylvan, City Council
Garrett Cornelius, City Council
Lindsey Rosebrough, Managing City Atty.
Cmdr. Sean Waite, APD
Cmdr. Henry Landavazo, APD
Cmdr. Dodi Camacho, APD
Cmdr. Scott Norris, APD
Acting Cmdr. Kenneth Johnston, APD
Jeffery Bustamante, ACS
David Arp, CPC 250-21 Complainant
Rachel Garcia, CPC 210-22 Complainant

Others Present via Zoom:

Aja Brooks, DOJ

Minutes

- I. Welcome, Call to Order and Roll Call.** Chair Calderon called to order the regular meeting of the Civilian Police Oversight Advisory Board at approximately 5:01 p.m., and a roll call of members present was taken. Zander Bolyanatz, Aaron Calderon, Shama Newton, Gail Oliver and Rowan Wymark were present.
- II. Pledge of Allegiance.** Vice Chair Wymark led the Pledge of Allegiance.

III. Approval of the Agenda

1. **Motion.** A motion was made by Chair Calderon to approve the agenda. The motion was seconded by Member Bolyanatz. The motion was carried by the following roll call vote:

For: 5 – Bolyanatz, Calderon, Newton, Oliver, Wymark

IV. Public Comments

- a. None (*see attached*)

V. Review and Approval of Minutes.

For more information about minutes from prior Civilian Police Oversight Advisory Board meetings, please visit our website here:

<https://www.cabq.gov/cpoa/police-oversight-board/police-oversight-board-agenda-meeting-minutes>

a. March 14, 2024

1. A website link for review of the draft minutes from the March 14, 2024, Civilian Police Oversight Advisory Board regular meeting was distributed to each member electronically.
2. **Motion.** A motion by Chair Calderon to approve the minutes as drafted. The motion was seconded by Vice Chair Wymark. The motion was carried by the following roll call vote:

For: 5 – Bolyanatz, Calderon, Newton, Oliver, Wymark

VI. Appeals.

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

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

a. CPC # 250-21

i. Hearing on CPC #250-21

1. Independent Counsel Robert Kidd read aloud the rules and procedures the Board will follow during the Hearing process.
2. Complainant David Arp was provided 15 minutes to present his case.
3. No APD Officer was present.
4. APD Commander Sean Waite was provided 10 minutes to speak.
5. CPOA Executive Director McDermott was provided 10 minutes to speak.

6. Complainant David Arp was provided an additional 5 minutes to speak.

ii. **CLOSED SESSION pursuant to Section 10-15-1(H)(3) NMSA 1978, excluding deliberations by the CPOAB in connection with an administrative adjudicatory proceeding from the requirements of the NM Open Meetings Act.**

1. **Motion.** A motion by Chair Calderon that the Board convene into closed session as authorized by administrative adjudicatory proceedings exemption to the open meeting act for a limited purpose of discussing the matters presented in CPC #250-21. The motion was carried by the following roll call vote:

For: 5 – Bolyanatz, Calderon, Newton, Oliver, Wymark

*****Closed session discussions on administrative adjudicatory proceedings for CPC #250-21 began at 5:41 p.m., and the meeting reconvened at 6:10 p.m.*****

2. **Motion.** A motion was made by Member Bolyanatz to move the closed session to a close and reconvene into an open session. The motion was seconded by Chair Calderon. The motion was carried by the following roll call vote:

For: 5 – Bolyanatz, Calderon, Newton, Oliver, Wymark

3. **Motion.** A motion was made by Member Oliver that the Board uphold and approve the Findings of the CPOA Executive Director. The motion was seconded by Vice Chair Wymark. The motion was carried by the following roll call vote:

For: 5 – Bolyanatz, Calderon, Newton, Oliver, Wymark

b. CPC # 210-22

i. Hearing on CPC #210-22

1. Complainant Rachel Garcia was provided 15 minutes to present her case.
2. No APD Officer was present.
3. APD Commander Sean Waite was provided 10 minutes to speak
4. CPOA Executive Director McDermott was provided 10 minutes to speak

5. Complainant Rachel Garcia was provided an additional 5 minutes to speak.

ii. **CLOSED SESSION pursuant to Section 10-15-1(H)(3) NMSA 1978, excluding deliberations by the CPOAB in connection with an administrative adjudicatory proceeding from the requirements of the NM Open Meetings Act.**

1. **Motion.** A motion by Chair Calderon that the Board convene into closed session as authorized by administrative adjudicatory proceedings exemption to the open meeting act for a limited purpose of discussing the matters presented in CPC #210-22. The motion was seconded by Member Bolyanatz. The motion was carried by the following roll call vote:

For: 5 – Bolyanatz, Calderon, Newton, Oliver, Wymark

*****Closed session discussions on administrative adjudicatory proceedings for CPC #210-22 began at 6:26 p.m., and the meeting reconvened at 6:37 p.m.*****

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

For: 5 – Bolyanatz, Calderon, Newton, Oliver, Wymark

3. **Motion.** A motion was made by Member Bolyanatz that the Board uphold and affirm the Findings of the CPOA Executive Director. The motion was seconded by Member Newton. The motion was carried by the following roll call vote:

For: 5 – Bolyanatz, Calderon, Newton, Oliver, Wymark

VII. Reports from City Departments:

a. APD

1. Internal Affairs Professional Standards (IAPS)

- i. A document titled APD Internal Affairs Professional Standards (IAPS) Division Monthly Report Statistical Data for the Month of March 2024 was distributed to CPOA Board members electronically. (see attached)
- ii. APD IAPS Acting Commander Kenneth Johnston introduced himself to the Board and briefly explained IAPS operations.

2. Internal Affairs Force Division (IAFD)

- i. A document titled APD Monthly Use of Force Report March 2024 was distributed to CPOA Board members electronically. (*see attached*)
- ii. APD IAFD Commander Scott Norris introduced himself to the Board, briefly explained IAFD operations and compliance with the CASA. Commander Norris also noted that IAFD is currently reviewing APD's Use of Force policy suite.

b. ACS- Jodie Esquibel, Deputy Director

1. ACS Deputy Director for Policy and Administration Jeffrey Bustamante introduced himself to the Board and provided a brief on the organization.
2. Mr. Bustamante noted he would provide a report update to the Board for their review. (*see attached*)

c. City Attorney- Lindsey Rosebrough, Managing Attorney

1. City Managing Attorney for APD, Linsey Rosebrough, gave a verbal report on the following:
 - APD CASA history and Paragraph Compliance
 - IMR-19 potential hearing date in June 2024
 - Chief Medina's Car Crash and APD's Crash Review Board determination of Chief Medina's Crash
 - APD DWI Unit ongoing Investigation by APD and FBI

d. City Council- Chris Sylvan, Council Services

1. City Council Representative Chris Sylvan gave a verbal report on the following City Council legislation:
 - OC-24-7 Declaration of No Confidence in Police Chief Harold Medina.
 - R-24-14 Approving and Authorizing The filing of a Grant Application for a Violence Intervention Fund Grant with the New Mexico Department of Health and Gun Violence Prevention.

e. Public Safety Committee – Chris Sylvan, Council Services

1. City Council Representative Chris Sylvan noted the City Council no longer has a Public Safety Committee and requested the item be removed from the Board Agenda.

f. CPC- Kelly Mensah, CPC Liaison

1. Community Policing Council Liaison Kelly Mensah gave a verbal report on the following:
 - Youth Community Policing Council (YCPC) and recruiting
 - CPC Law Enforcement working group
 - University Area Command CPC initiative
 - CPC applicants and advertising efforts
 - CPC Townhall Meeting is scheduled for April 20, 2024

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

1. Chris Sylvan noted that, on behalf of the Director of Public Affairs, Doug Small could not attend the meeting.

h. CPOA– Diane McDermott, Executive Director

1. Executive Director Diane McDermott gave a verbal report. (see attached)
2. Ms. McDermott provided the Board with the non-concurrence memo from the City's Chief Administrative Officer related to CPC 181-23. (see attached)

***** A Dinner Break began at 7:11 p.m., and the meeting convened at 7:47 p.m. *****

VIII. Serious Use of Force Case:

a. APD Case #: 23-0040301; Date of Incident: May 21, 2023

1. Chair Calderon read aloud a synopsis of Serious Use of Force (SUOF) APD Case #23-0040301.
2. Executive Director McDermont provided her assessment of SUOF APD Case #23-0040301.
3. Chair Calderon facilitated Board member feedback on the SUOF Case #23-004031.

IX. Officer-Involved Shooting Case:

a. APD Case #: 23-0037214; Date of Incident: May 10, 2023

1. Chair Calderon provided a synopsis of Officer Involved Shooting (OIS) APD Case #23-0037214.
2. Chair Calderon facilitated Board member feedback on OIS APD Case #23-0037214.

X. Reports from CPOAB Subcommittees:

a. Policy and Procedure Review Subcommittee – Gail Oliver

1. There was no meeting in April 2024
2. Next Meeting: TBD
3. Update on APD Policy Meetings
 - a. Member Oliver gave a verbal report and update on APD Policy and Procedure Meetings. (see attached)

b. Ad Hoc Rules Subcommittee – Aaron Calderon

1. Met: March 20, 2024 & April 3, 2024 at 4 p.m.
2. Next meeting: April 17, 2024 at 4 p.m.
 - a. Member Bolyanatz reported that the Ad Hoc Committee is working on a draft of the Board's Policies and Procedures.

XI. Discussion and Possible Action:

a. Designation of two delegates from the Board to attend the annual National Association of Civilian Oversight of Law Enforcement (NACOLE) Conference from October 13, 2024, to October 17, 2024

1. Members Zander Bolyanatz and Shama Newton were delegated by the Board to attend the NACOLE Conference in October 2024 in Tucson, Arizona.

b. CPOAB Policy and Procedure Review Subcommittee Meeting-Time Confirmation

1. The Policy and Procedure Review Subcommittee's first meeting will be held from 3:00 p.m. to 4:30 p.m. and every first Thursday of the month thereafter.

c. July 2022 - December 2022 CPOA Semi-Annual Report

1. CPOA Policy Analyst Emily Selch presented the July 2022 – December 2022 CPOA Semi-Annual Report draft to the Board.

XII. CPOA Board's Review of Garrity Materials:

- a. None.

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

a. Discussion and Possible Action re:

- 1. CLOSED SESSION pursuant to Section 10-15-1(H)(7), NMSA 1978, excluding meetings subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant from the requirements of the NM Open Meetings Act.**

- i. None.**

XIV. Other Business

- a. Member Bolyanatz inquired about having a special meeting to review Serious Use of Force Cases.**
- b. Vice-Chair Wymark inquired into the Board's ride-along requirements.**

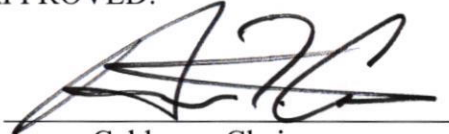
XV. Adjournment.

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

For: 5 – Bolyanatz, Calderon, Newton, Oliver, Wymark

- b. The meeting was adjourned at 8:14 p.m.**

APPROVED:



Aaron Calderon, Chair
Civilian Police Oversight Advisory Board

5/7/2023
Date

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

Minutes drafted and submitted by:
Valerie Barela, Administrative Assistant

ATTACHMENTS



CIVILIAN POLICE OVERSIGHT ADVISORY BOARD
PUBLIC COMMENT
SIGN IN SHEET

MEETING DATE: _____

4.11.2024

NAME (PLEASE PRINT)

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

**ALBUQUERQUE POLICE DEPARTMENT
INTERNAL AFFAIRS PROFESSIONAL STANDARDS (IAPS)
DIVISION MONTHLY REPORT**

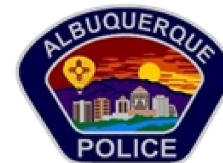


Prepared by:

**Data Analytics Unit
April 2, 2024**

Note: This report presents preliminary information from departmental data. All figures in this report are subject to change as additional information becomes available.

**INTERNAL AFFAIRS PROFESSIONAL STANDARDS DIVISION
STATISTICAL DATA FOR THE MONTH OF
March 2024**



Internal Affairs Professional Standards (IAPS) is responsible for receiving and investigating allegations of misconduct made against the Albuquerque Police Department's employees. The IAPS ensures a thorough, impartial, and prompt investigation of allegations to implement transparent fact finding process and take corrective actions against the employees if investigative findings are sustained. IAPS investigate cases according to the department Standard Operating Procedures (SOPs). The purpose of this monthly report is to provide the City administration, APD Executive staff, the City Council, Civilian Police Oversight Agency board and the residents of Albuquerque with the statistics and outcomes pertaining to IAPS Investigations. This report provides details on the investigations opened, completed, sent out to area commands, pending cases, and the average time taken (days) for case completion. It also provides data on cases with sustained/SNBOOC findings along with the discipline imposed. It also includes information pertaining to the SOPs that were reviewed in completed investigations during the month of March.

Total Cases Opened

136

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

Total Cases Completed

94

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

Cases Opened

[By Area Command]

79

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

Completed Cases

[By Area Command]

59

Investigations completed by the Area Command

Pending Cases

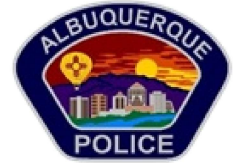
124

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

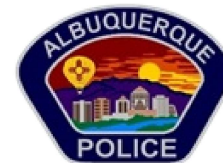
Average Days to Completion

58.27

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

Total Cases Completed**94****Sustained Cases**Total Files: 65
69.1% Sustained/SNBOOC**Discipline Imposed for Investigations Completed in March -Sustained/SNBOOC Findings**

Files Directives/SOPs	Discipline Imposed
I2023.af.. 2.8.Use of on-Body Recording Devices	Written Reprimand
2.54.Use of Force: Intermediate Weapon Systems	Written Reprimand
I2023.a.. 1.1.Personnel Code of Conduct	Suspension
2.16.Reports	Verbal Reprimand
2.70.Execution of Search Warrant	Written Reprimand
2.71.Search and Seizure Without a Warrant	Written Reprimand
2.73.Collection, Submission, and Disposition of Evidence and Property	Written Reprimand
3.41.Complaints Involving Department Personnel	Written Reprimand
I2023.a.. 1.1.Personnel Code of Conduct	Written Reprimand
2.8.Use of on-Body Recording Devices	Suspension
3.41.Complaints Involving Department Personnel	Suspension
I2023.a.. 2.8.Use of on-Body Recording Devices	Suspension
I2023.a.. 1.1.Personnel Code of Conduct	Suspension
I2023.a.. 1.1.Personnel Code of Conduct	Suspension
2.5.Department Vehicle	Written Reprimand
2.80.Arrests,Arrest Warrants,and Booking Procedures	Suspension
I2023.a.. 2.82.Restraints and Transportation of Individuals	Suspension
I2023.a.. 2.57.Use of Force: Review and Investigation by Department Personnel	Written Reprimand
I2023.a.. 1.1.Personnel Code of Conduct	Verbal Reprimand
I2023.a.. 2.47.Crash Involving Police Vehicles	Suspension
I2023.ai.. 2.8.Use of on-Body Recording Devices	Written Reprimand
I2023.ai.. 2.56.Use of Force: Reporting by Department Personnel	Suspension
I2023.ai.. 1.1.Personnel Code of Conduct	Termination-Resigned
3.41.Complaints Involving Department Personnel	Suspension
I2023.ai.. 1.1.Personnel Code of Conduct	Letter of Reprimand
2.8.Use of on-Body Recording Devices	Letter of Reprimand
I2023.aj.. 2.8.Use of on-Body Recording Devices	Verbal Reprimand
I2023.aj.. 2.47.Crash Involving Police Vehicles	Suspension
I2023.aj.. 2.54.Use of Force: Intermediate Weapon Systems	Written Reprimand
I2023.aj.. 3.41.Complaints Involving Department Personnel	Verbal Reprimand
I2023.aj.. 1.1.Personnel Code of Conduct	Written Reprimand
I2023.aj.. 1.1.Personnel Code of Conduct	Written Reprimand
I2024.a.. 2.52.Use of Force: General	Written Reprimand
I2024.a.. 2.5.Department Vehicle	Written Reprimand
I2024.a.. 2.5.Department Vehicle	Suspension
I2024.a.. 3.21.Scheduled and Unscheduled Leave	Verbal Reprimand
I2024.a.. 1.1.Personnel Code of Conduct	Verbal Reprimand
I2024.a.. 2.76.Court	Verbal Reprimand
I2024.a.. 2.8.Use of on-Body Recording Devices	Written Reprimand
I2024.a.. 2.76.Court	Written Reprimand
I2024.a.. 2.76.Court	Verbal Reprimand
I2024.a.. 2.5.Department Vehicle	Written Reprimand
I2024.a.. 2.76.Court	Verbal Reprimand
I2024.a.. 1.61.Internal Affairs Force Division	Written Reprimand
I2024.a.. 2.76.Court	Written Reprimand
I2024.a.. 2.76.Court	Verbal Reprimand
I2024.a.. 2.76.Court	Written Reprimand
I2024.a.. 2.76.Court	Written Reprimand
I2024.a.. 2.8.Use of on-Body Recording Devices	Verbal Reprimand
I2024.a.. 2.76.Court	Written Reprimand
I2024.a.. 1.1.Personnel Code of Conduct	Suspension
3.41.Complaints Involving Department Personnel	Terminated
I2024.a.. 2.57.Use of Force: Review and Investigation by Department Personnel	NDCA
I2024.a.. 2.76.Court	Written Reprimand
I2024.a.. 2.76.Court	Written Reprimand
I2024.a.. 3.21.Scheduled and Unscheduled Leave	Written Reprimand
I2024.a.. 2.8.Use of on-Body Recording Devices	Written Reprimand
I2024.a.. 2.8.Use of on-Body Recording Devices	Written Reprimand
I2024.a.. 2.8.Use of on-Body Recording Devices	Written Reprimand
I2024.a.. 2.76.Court	Written Reprimand
I2024.a.. 2.76.Court	Verbal Reprimand
I2024.a.. 2.76.Court	NDCA
I2024.a.. 2.76.Court	Written Reprimand
I2024.a.. 2.76.Court	Verbal Reprimand
I2024.a.. 1.62.Internal Affairs Professional Standards (IAPS Division)	Verbal Reprimand
I2024.a.. 1.1.Personnel Code of Conduct	Verbal Reprimand
I2024.a.. 2.76.Court	Verbal Reprimand
I2024.a.. 2.76.Court	Written Reprimand
I2024.a.. 2.76.Court	Verbal Reprimand
I2024.a.. 2.76.Court	Written Reprimand
I2024.a.. 2.8.Use of on-Body Recording Devices	Verbal Reprimand
I2024.a.. 1.62.Internal Affairs Professional Standards (IAPS Division)	Verbal Reprimand
I2024.a.. 2.76.Court	Verbal Reprimand
I2024.a.. 2.8.Use of on-Body Recording Devices	NDCA
I2024.a.. 2.76.Court	Written Reprimand
I2024.a.. 2.76.Court	Written Reprimand
I2024.a.. 3.33.Performance Evaluation and Management System (PEMS)	Verbal Reprimand
I2024.a.. 2.8.Use of on-Body Recording Devices	Written Reprimand
I2024.a.. 2.8.Use of on-Body Recording Devices	Written Reprimand



Standard Operating Procedures Under Review in Completed Investigations During March 2024

Directives/SOPs	
2.76.Court	35
1.1.Personnel Code of Conduct	34
2.8.Use of on-Body Recording Devices	19
2.56.Use of Force: Reporting by Department Personnel	13
2.54.Use of Force: Intermediate Weapon Systems	9
3.41.Complaints Involving Department Personnel	7
2.5.Department Vehicle	6
2.24.Hazardous Material Incident Response	5
2.9.Use of Computer Systems	5
2.52.Use of Force: General	4
2.57.Use of Force: Review and Investigation by Department Personnel	4
2.16.Reports	3
2.47.Crash Involving Police Vehicles	3
2.71.Search and Seizure Without a Warrant	3
1.62.Internal Affairs Professional Standards (IAPS Division)	2
2.34.Notification of Significant Incidents	2
3.14.Supervision	2
3.21.Scheduled and Unscheduled Leave	2
3.44.Review of Completed Administrative Investigation Cases	2
1.61.Internal Affairs Force Division	1
2.55.Use Of Force: De-Escalation	1
2.70.Execution of Search Warrant	1
2.73.Collection, Submission, and Disposition of Evidence and Property	1
2.80.Arrests, Arrest Warrants, and Booking Procedures	1
2.82.Restraints and Transportation of Individuals	1
3.33.Performance Evaluation and Management System (PEMS)	1

TOP 5 Standard Operating Procedures with Sustained/SNBOOC Findings March 2024

Directives/SOPs	
2.76.Court	23
2.8.Use of on-Body Recording Devices	16
1.1.Personnel Code of Conduct	13
3.41.Complaints Involving Department Personnel	6
2.54.Use of Force: Intermediate Weapon Systems	5

Albuquerque Police Department Monthly Use of Force Report March 2024



Prepared by:

**Data Analytics Unit
April 4, 2024**

Note: This report presents preliminary information from departmental data. All figures in this report are subject to change as additional information becomes available.



Total Use of Force Events - March 2024

This report provides a monthly overview of use of force events involving Albuquerque Police Department (APD) personnel. APD is committed to using force to achieve lawful objectives in instances where use of force is objectively reasonable, necessary, minimal, and proportional given the totality of circumstances (see SOP 2-52: Use of Force – General). When force is not consistent with these standards of conduct (SOP 2-52: Use of Force-General), APD takes corrective actions which may include discipline.

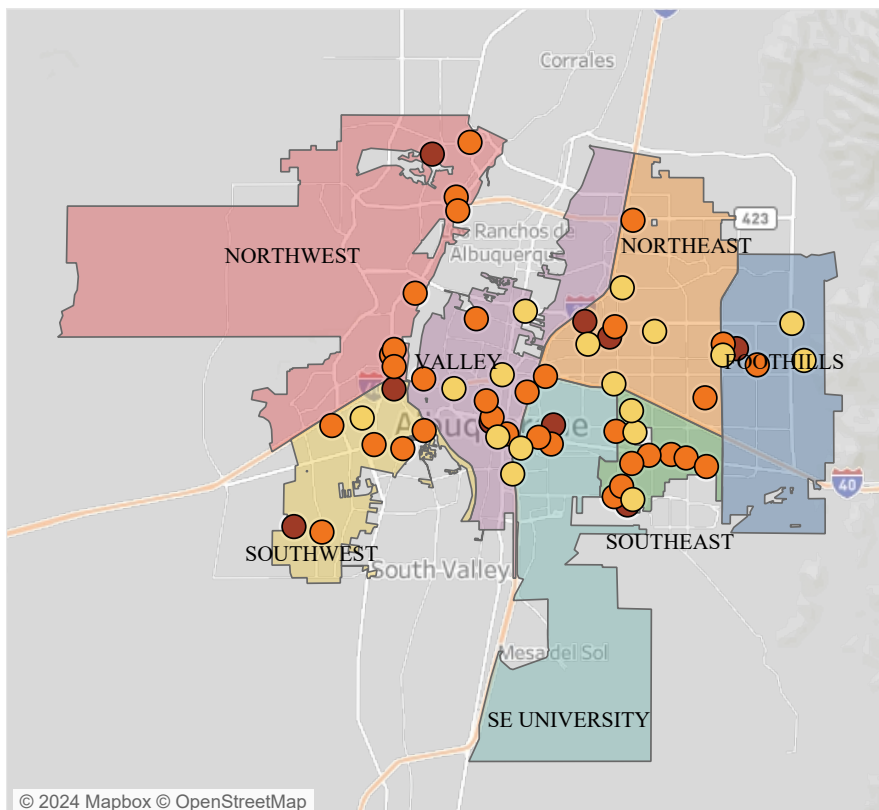
APD's jurisdiction includes the City of Albuquerque which is divided into six Area Commands. In the map below, Southeast Area Command is split into "SE University" and "Southeast". University Area Command is a Pilot Area Command and their force cases are combined with Southeast Area Command in this report.

Force is categorized into three levels based on APD policy. For more information on APD's Standard Operating Procedures, see: <https://public.powerdms.com/COA>

Total Use of Force Cases by Area Command and Level of Force

	Force Level			Grand Total
	Level 1	Level 2	Level 3	
Foothills	3	2	1	6
Northeast	4	4	2	10
Northwest	0	7	2	9
Southeast	4	10	2	16
Southwest	1	5	0	6
Valley	5	6	1	12
Out of Area	0	0	1	1
Grand Total	17	34	9	60

Locations of Use of Force Cases



Force Level

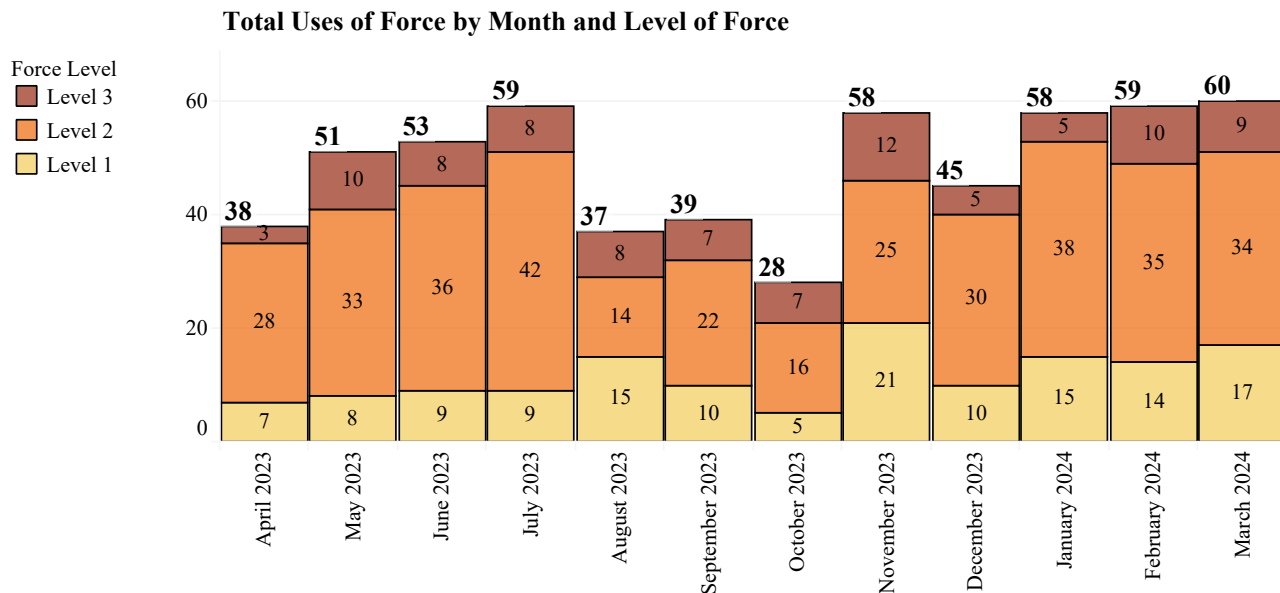
- Level 1
- Level 2
- Level 3

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



Use of Force Totals by Month - Past 12 Months

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



Total Uses of Force by Month and Area Command

		April 2023	May 2023	June 2023	July 2023	August 2023	September 2023	October 2023	November 2023	December 2023	January 2024	February 2024	March 2024	Grand Total
Foothills	Level 1	1	0	1	1	2	2	2	4	2	2	0	3	20
	Level 2	2	4	3	2	0	6	1	4	2	3	2	2	31
	Level 3	1	0	1	2	0	0	1	0	1	1	0	1	8
Northeast	Level 1	1	2	2	2	2	1	1	8	2	2	5	4	32
	Level 2	6	5	10	10	2	2	2	3	4	7	8	4	63
	Level 3	0	1	1	0	1	1	1	2	1	1	1	3	13
Northwest	Level 1	1	1	0	1	1	1	0	0	0	1	1	0	7
	Level 2	2	3	4	7	2	1	1	0	0	3	3	7	33
	Level 3	0	0	0	0	0	1	3	2	0	0	2	2	10
Southeast	Level 1	0	2	2	3	6	3	1	4	2	7	6	4	40
	Level 2	9	11	12	9	4	5	7	11	13	15	14	10	120
	Level 3	1	5	2	4	3	1	1	4	2	1	3	2	29
Southwest	Level 1	3	2	3	0	3	1	1	1	3	2	0	1	20
	Level 2	6	4	3	4	1	2	2	2	3	8	5	5	45
	Level 3	0	1	3	0	3	0	0	2	0	0	1	0	10
Valley	Level 1	1	1	1	2	1	2	0	4	1	1	2	5	21
	Level 2	4	5	4	10	5	6	3	5	9	3	3	6	63
	Level 3	1	3	1	2	1	4	1	3	1	2	3	1	23
Out of Area	Level 1	0	0	0	0	0	0	0	1	0	0	0	0	1
	Level 2	0	1	0	0	0	0	0	1	0	0	0	0	2
	Level 3	0	0	0	0	0	0	0	0	0	0	0	1	1
Grand Total		38	51	53	59	37	39	28	58	45	58	59	60	585



Use of Force Benchmarked Against Calls For Service and Arrests - March 2024

Officers are required to only use force when necessary to achieve a lawful objective. When officers have more contacts with individuals, it is likely that there will be more uses of force. To control for factors that may contribute to higher or lower uses of force in a given month, this page shows the number of uses of force relative to the number of calls for service and the number of arrests made. For a detailed discussion of the method used on this page, see APD's 2022 Annual Use of Force Report.

Calls for Service

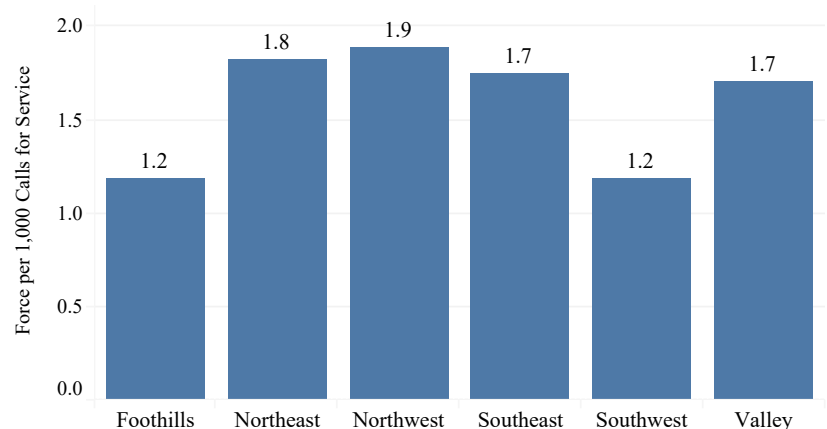
Total Calls for Service for Area Commands

Excludes calls for service where contact with an individual was unlikely, see Annual Use of Force report for full methodology

CAD Calls by Area Command, March 2024

Area Command	Total Force Cases	Total CAD Calls	Force per 1,000 Calls
Foothills	6	5,032	1.2
Northeast	11	6,039	1.8
Northwest	9	4,780	1.9
Southeast	16	9,161	1.7
Southwest	6	5,058	1.2
Valley	12	7,034	1.7

Force Rate per 1,000 Calls For Service



*Two cases this month involved a secondary use of force outside of the original Area Command. One involved a use of force in both the Northwest and the Southwest and the other in the Northeast and Out of Area. This is reflected in the CAD Calls by Area Command and the Force per Arrest by Area Command for March 2024.

Arrests

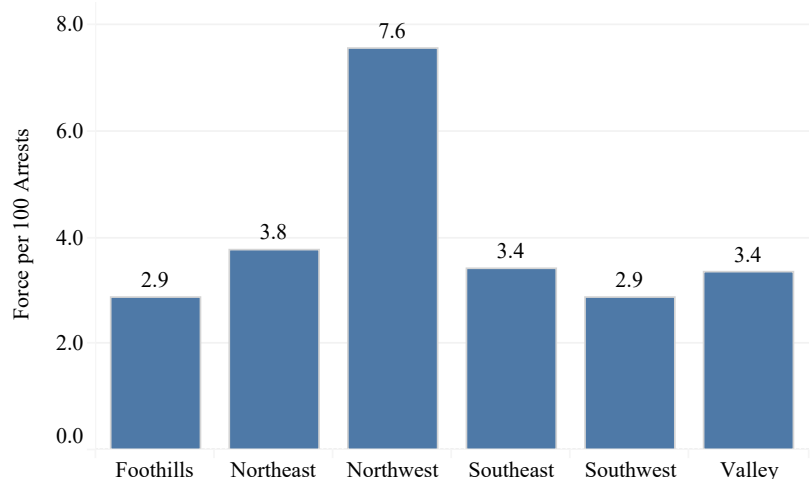
Total Arrests for Area Commands

Arrests include custodial arrests and summonses.

Force per Arrest by Area Command, March 2024

Area Command	Total Force	Total Arrests	Force Per 100 Arrests
Foothills	6	209	2.9
Northeast	11	292	3.8
Northwest	9	119	7.6
Southeast	16	471	3.4
Southwest	6	209	2.9
Valley	12	357	3.4
Out of Area	1	25	4.0

Force Rate per 100 Arrests



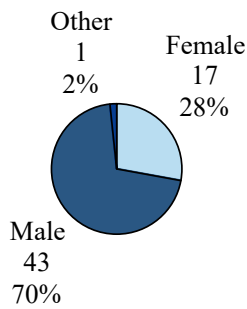


Demographics of Individuals Involved in Force - March 2024

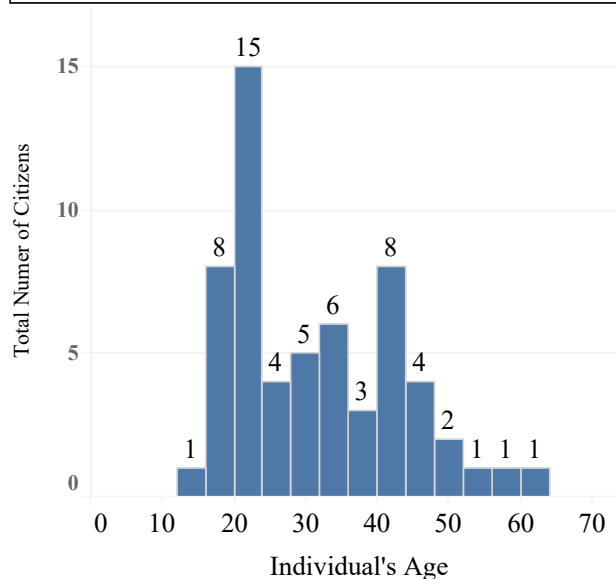
APD records information about individuals involved in use of force incidents. Citizen information is based on what the individual reported or, if not reported by the individual, on the investigators observations on scene and through review of body-worn camera video. Information may change as investigations progress.

Note: Totals on different characteristics may differ due to missing values being excluded.

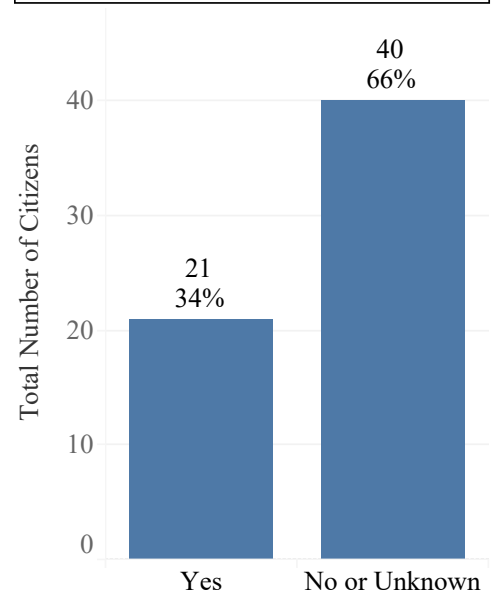
Gender



Age (Range 13 to 60)

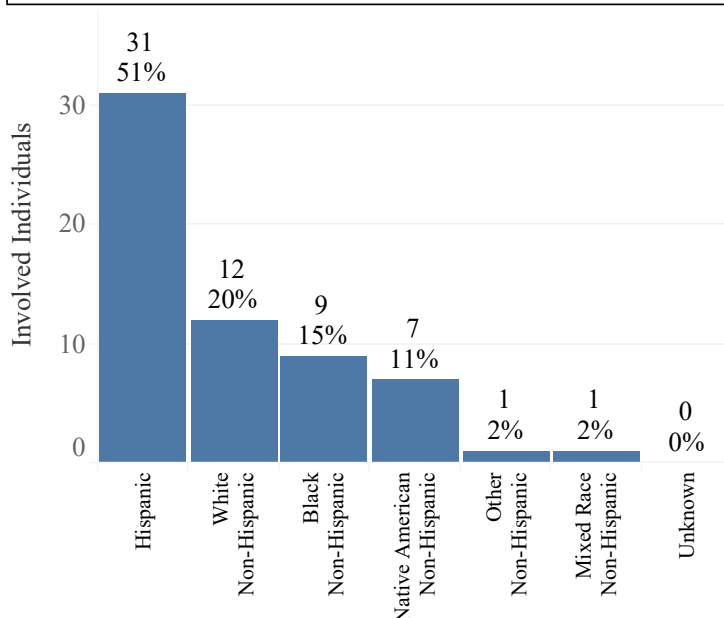


Behavioral Health Involved



Race and Ethnicity

Individuals Involved in Force



Force Rate per 100 Arrests, March 2024

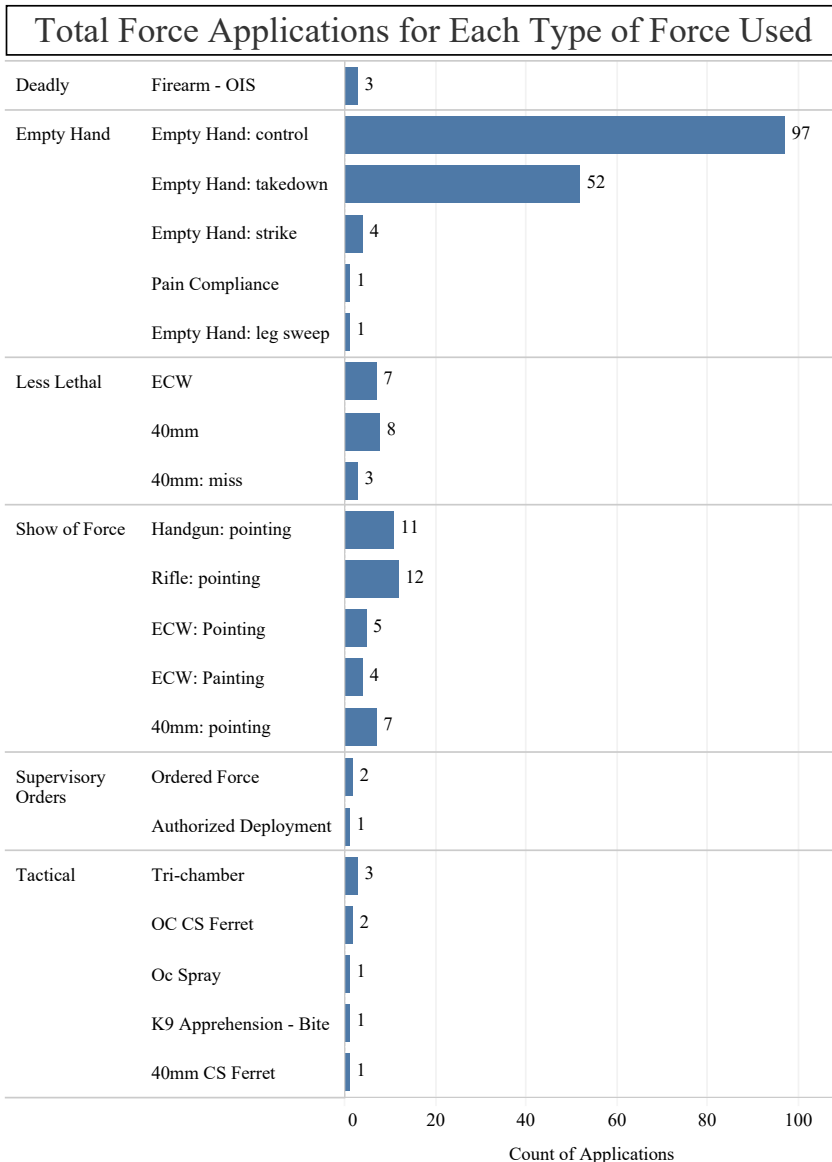
Race/Ethnicity	Total Force	Total Arrests	Force Rate per 100 Arrests
Hispanic	33	688	4.8
White Non-Hispanic	13	584	2.2
Black Non-Hispanic	9	153	5.9
Native American Non-Hispanic	7	159	4.4
Asian Pacific Islander Non-Hispanic	0	3	0.0
Unknown	3	132	2.3



Final Call Types and Types of Force Used - March 2024

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

Below, the total number of force applications for each type of force is shown. In any single force case, multiple officers are usually involved and each time a force technique is used, it is counted. For instance, if three officers were involved in a takedown technique with one person, that would be counted as three applications of an "Empty Hand: takedown".



Final Call Types Associated with Force Events

Aggravated Assault/Battery	7
Armed Robbery Committed	1
Behavioral Health	1
Burglary Auto	2
Burglary Committed	1
Child Neglect	1
Disturbance	8
Family Dispute	8
Fight In Progress	1
Onsite Auto Theft	1
Onsite Suspicious Person/Vehicle	6
Shoplifting	1
Shots Fired	1
Stolen Vehicle Found	2
Suicide	1
Suspicious Person/Vehicle	9
Traffic Accident No Injuries	2
Traffic Stop	1
Vandalism	1
Wanted Person	4
Welfare Check	1
Grand Total	60

During March 2024, there were 60 Force Cases with a total of 226 Force Applications.



Completed Force Investigations - March 2024

APD has two processes for force investigations based on the level of force. Level 1 force is investigated by the Level 1 force investigation unit. The Level 1 unit is required to complete investigations within 24 days (if all extensions are requested and approved).

Level 2 and Level 3 force are investigated by the Internal Affairs Force Division (IAFD). IAFD also investigated any Level 1 force where a Lieutenant or above was involved or Level 1 force if another person at the same event had a higher level of force used. These investigations must be completed within 90-days. All force investigations are investigated to determine whether the actions of the officer(s) involved were consistent with department policy.

Level 1 Unit		IAFD (Level 2 and Level 3)	
Total Completed Investigations		Total Completed Investigations	
19		33	
Average Days to Completion		Average Days to Completion	
6.8		87.9	
Minimum Days to Completion	Maximum Days to Completion	Minimum Days to Completion	Maximum Days to Completion
2	14	72	90

All Force Cases

APD strives to only use force that is objectively reasonable, necessary to achieve lawful objectives, and proportional to the resistance from the individual involved, and minimal based on the totality of the circumstances. APD uses a preponderance of evidence standard to determine whether the force met policy requirements. After investigation, force is deemed in policy when every force technique is used correctly and was found to be reasonable, necessary, proportional, and minimal as defined in SOP 2-52: Use of Force - General. If any officer's force techniques used were determined to be out of policy, the entire force case or interaction is considered to be out of policy.

Case Disposition

- Out of Policy
- In Policy

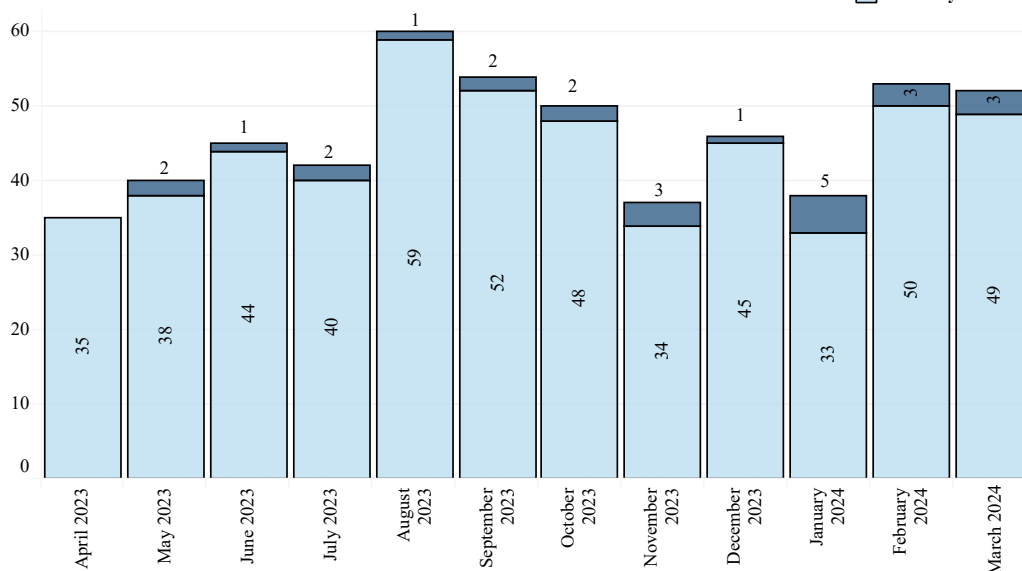
Dispositions of Force Investigations Completed in March 2024

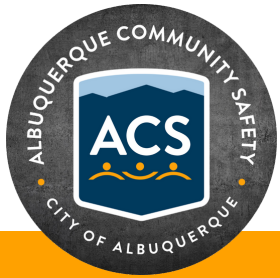
	Total Force Cases
In Policy	49
Out of Policy	3
Grand Total	52

Out of Policy Force Cases by Area Command

Northeast	1
Southwest	1
Valley	1
Grand Total	3

Policy Outcomes Prior 12 Months





ALBUQUERQUE COMMUNITY SAFETY

MONTHLY INFORMATIONAL REPORT

MARCH 2024

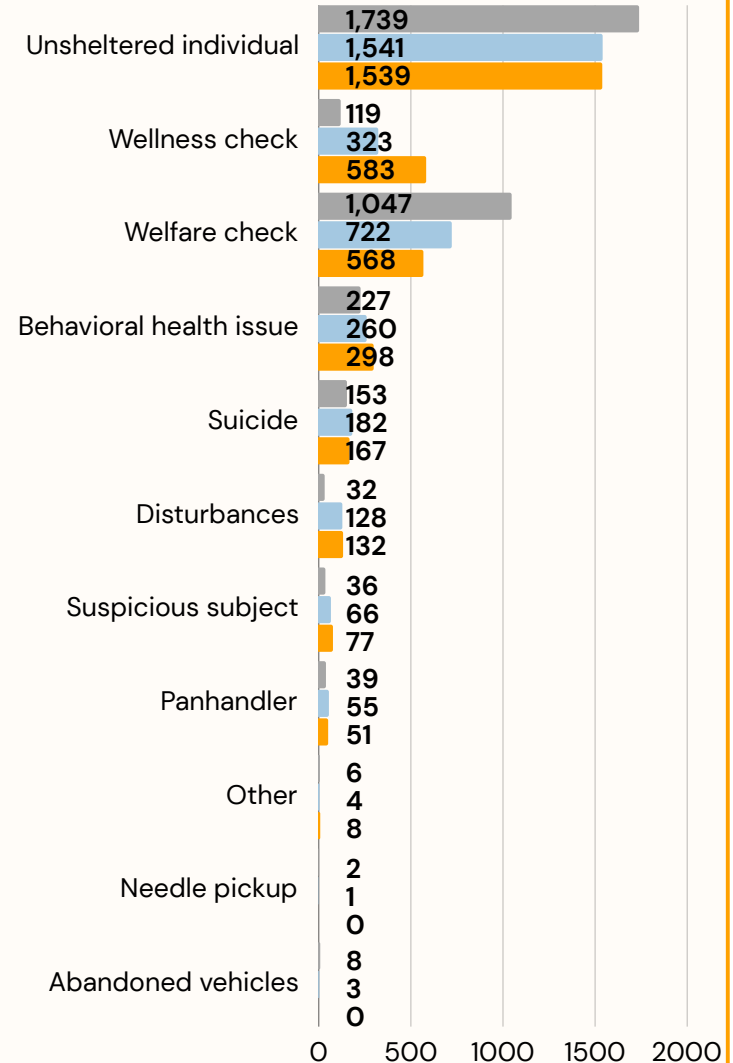
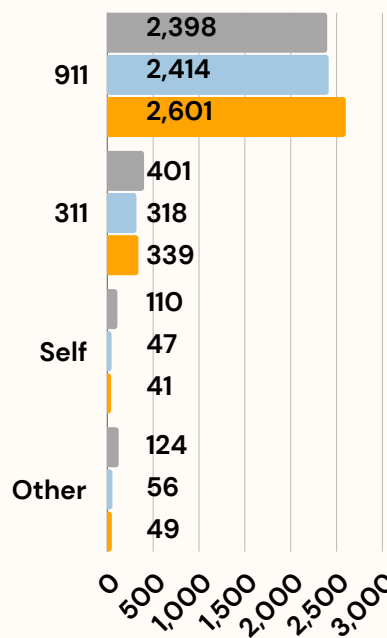
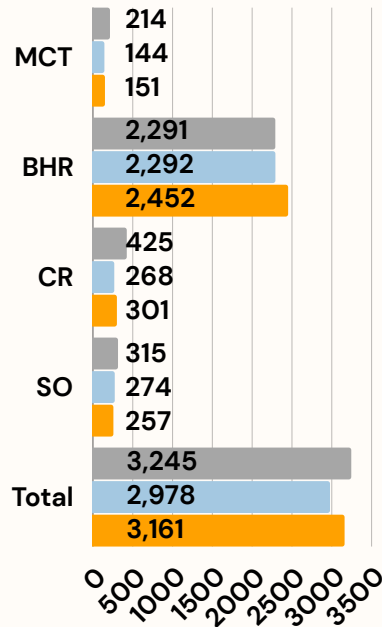
ONE
ALBUQUERQUE

CFS BY PROGRAM

CFS BY REFERRAL SOURCE*

CFS BY CALL TYPE*

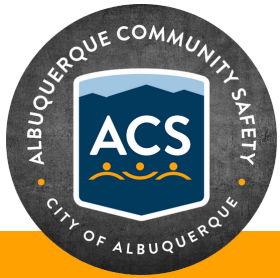
JANUARY
FEBRUARY
MARCH



FISCAL YEAR TO DATE CALLS FOR SERVICE

Mobile Crisis Team	1,417
Behavioral Health Responders	19,654
Community Responders	4,954
Street Outreach Responders	2,046
TOTAL CFS	28,071

*Does not include MCT data, which is currently tracked by APD

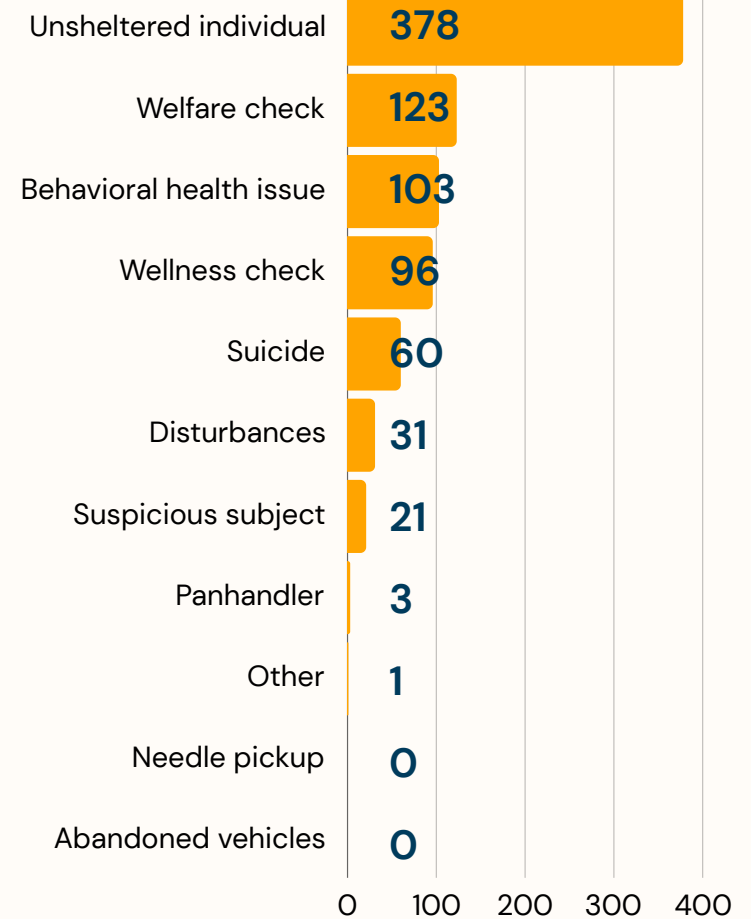


GRAVEYARD SHIFT REPORT | MARCH

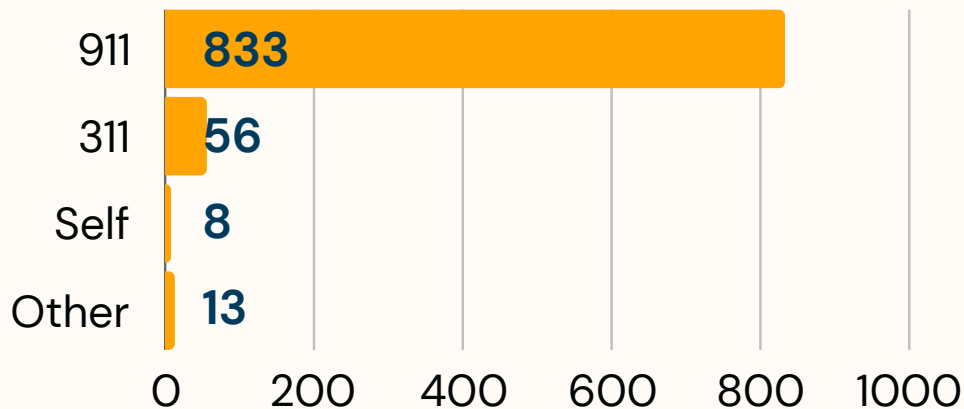
ACS now operates 24/7.
A graveyard response is
between 8pm and 7am.



CFS BY CALL TYPE



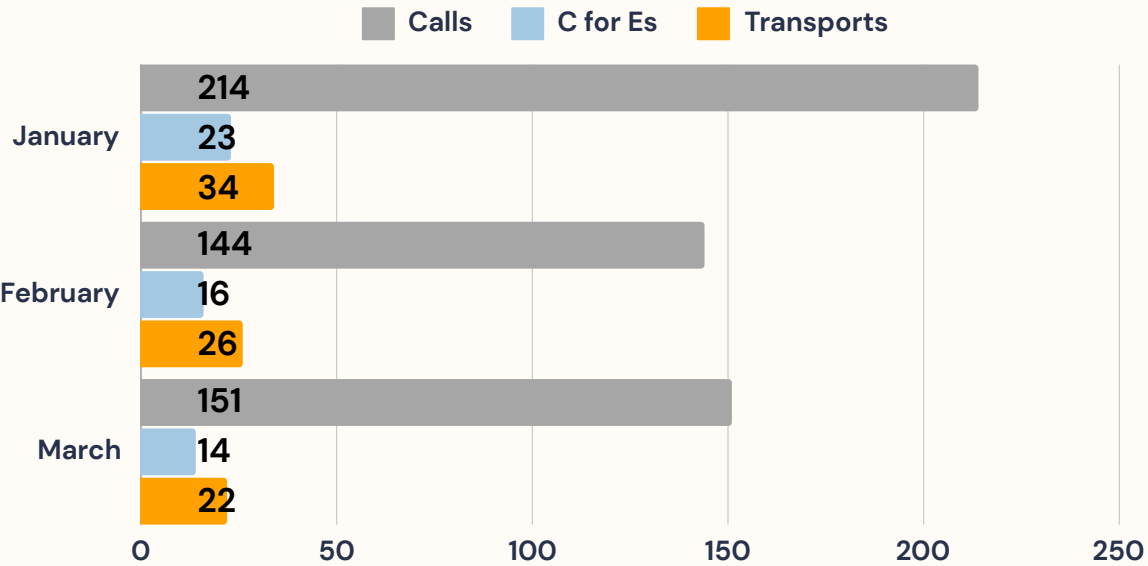
REFERRAL SOURCE



BHR RESPONSE TIMES	JAN	FEB	MAR	FYTD
Entry to Dispatch (in the queue)	1:09:19	1:58:33	1:19:29	1:21:08
Dispatch to On-scene (travel time)	0:15:31	0:18:35	0:17:39	0:15:33
On-scene to Clear (time on the call)	0:32:01	0:28:05	0:20:59	0:31:59
Create to Clear (total time to address call)	1:52:49	2:40:55	1:59:54	2:03:25

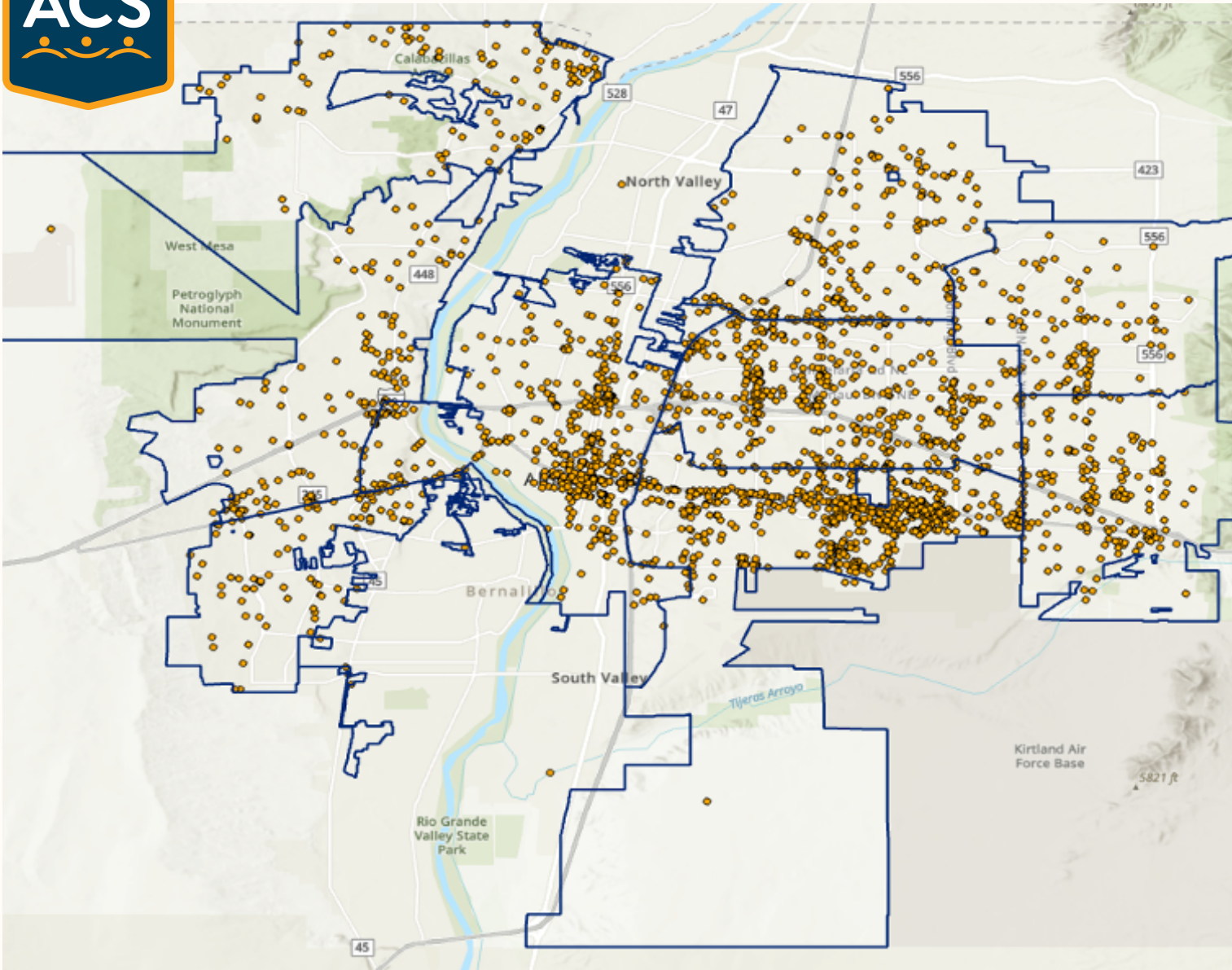


MCT CALLS, CERTIFICATES FOR EVALUATION, AND TRANSPORTS





ACS CALLS FOR SERVICE BY COUNCIL DISTRICT | MARCH



Council District	CFS
6 - Rogers	973
2 - Baca	698
7 - Fiebelkorn	614
9 - Grout	254
4 - Bassan	251
1 - Sanchez	204
8 - Champine	156
5 - Lewis	153
3 - Peña	118

The CPOA has received 93 complaints since the Monday before the last meeting, from March 11 to April 8.

50 complaints were assigned for investigation. 29 of these complaints were driving complaints that were resolved with the employee's supervisor. 11 were miscellaneous, where either insufficient information was provided, or it was determined that APD personnel were not involved in the complaint. 3 were preliminary resolved by initial research and discussion with the complainants who decided not to proceed with a complaint due to receiving the information or clarification they originally sought.

The CPOA submits findings of the cases it investigates for review and, if appropriate, final disciplinary authority to the Office of Police Reform. When the Office of Police Reform disagrees with a finding and/or discipline recommendation a non-concurrence memo is sent to the CPOA for review. That information is provided to the Board for its review and on the CPOA's website. However, in this case, due to the target of the investigation being the Chief, the investigation is submitted to the city's Chief Administrative Officer. The CPOA received a non-concurrence regarding CPC 181-23

CPC 181-23 was concerning an investigation involving the chief and a post on Twitter. The chief denied his tweet was inappropriate and that the intention was to correct information posted by a citizen's tweet. The chief explained that the tweet's other portion was intended to be a playful inside joke. In evaluating the tweet, the context, and the broad audience of social media, the CPOA found a violation of SOP 1.1.5.A.1, which refers to professionalism with the public.

The CAO disagreed with the CPOA finding of sustained and stated in the non-concurrence memo that being unprofessional is a subjective standard. The CAO wrote that "although the tweet can be construed as unprofessional, it can also be considered an attempt by Chief M to diffuse what was likely to become a contentious and perpetuated inaccurate exchange." The CAO wrote in her non-concurrence memo that to her, the question was not whether some individuals objected but whether a reasonable person would conclude the tweet was unprofessional. The CAO referred to the individual who was within the Tweet exchange, who was discourteous to the chief and routinely targeted the chief for criticism.

The CPOA considered the CAO's position, but considering the CAO herself stated the tweet could be construed as unprofessional and a news story highlighted the tweet with negative reactions, some reasonable persons within the community found the tweet unprofessional. The Chief could have corrected the inaccurate information and ended the interaction. The CPOA respectfully disagrees with the CAO's assessment in this case. However, as the CAO is the final disciplinary authority in this situation, the recommended discipline of a written reprimand will not be imposed.

Concerning Budget:

The CPOA made requests for four additional investigations, two first-line supervisors and an intake manager, and changes to the pay for the Lead Investigator to account for changes in the position responsibility and compression issues for added staff. The full request is needed in order to provide timely investigations to the public and satisfy the requirements of the court-approved settlement agreement, the police officer's collective bargaining agreement. This is also critical to avoid staff burnout, as the CPOA has lost three investigators in the past year primarily due to the overwhelming caseload. Investigators regularly carry 20-plus cases at a given time.

The CPOA requested additional funding for the CPCs to raise awareness, gain membership, and host events to gain public input. This has been a standard request for the last three years, and the goal is to permanently add it to the budget rather than having to be requested multiple times.

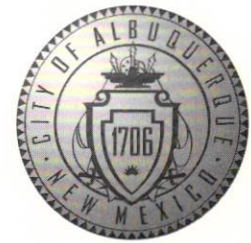
The CPOA requested additional funding to support translation services and mediation services. Translation services ensure that CPOA services are available to members of the community who require communication in a language other than English. Formal mediation services need to be contracted to comply with the Ordinance and provide an alternative to formal investigation in the case of some complaints. Obtaining contract mediation services has been challenging due to the time it takes for staff to find an appropriate vendor, but it is important to accomplish. This has been a standard request for the last three years, and the goal is that it will be permanently added to the budget.

We are currently in the process of budget approval, which has moved to the City Council phase of evaluation.

Nacole:

Tonight, the Board will discuss two possible members who would like to attend Nacole, which is the National Association of Civilian Oversight of Law Enforcement. This training can count for four hours of the annual training requirement for the Board. It will be held in Tucson this year October 13-17. It is an opportunity to network with other oversight professionals, board members, agencies, and law enforcement, as well as attend multiple informative sessions related to the work you do as board members.

CITY OF ALBUQUERQUE



March 13, 2024

Diane McDermott
Director, Civilian Police Oversight Agency
P.O. Box 1293
Albuquerque, NM 87103

Dear Ms. McDermott:

Pursuant to Civilian Police Oversight Ordinance §§ 9-4-1-9(B), I have reviewed the Complaint and the disciplinary recommendation of the Civilian Police Oversight Agency in CPC #181-23. The complaint alleges that Chief M should be subject to discipline for violating SOP 1.1.5.A.1. I note that I am directing this letter to the CPOA because the complainant in this matter, J H, is deceased.

On July 9, 2023, local real estate developer D P posted a tweet asserting that the City of Albuquerque was on track for a record number of homicides. Chief M posted a tweet in response, disputing that assertion. A local attorney, T G, then responded to M, asserting that there had been 76 murders so far that year. In response, Chief M posted the following: "Hahahahahha, obviously math wasn't part of Law School. Have a good night T, you all crack me up. See you next week for the Depo." Several people responded, indicating they found the tweet inappropriate.

J H, a political consultant, submitted a complaint to the Office of Inspector General (OIG), asserting that the tweet was a misuse of City funds. The OIG referred the complaint to the CPOA. The CPOA conducted an investigation to determine whether the tweet violated SOP 1.1.5.A.1, which provides that "Department personnel shall treat the public with respect, courtesy, and professionalism at all times." The CPOA investigator, Robert Grooms, interviewed Chief M, during this interview, Chief M explained that he intended the tweet to be a playful joke. Mr. Grooms, however, noted that "not everyone found the joke funny." CPOA Director Diane McDermott sustained the allegation that Chief M violated APD policy and recommended that the administration issue a written reprimand.

I disagree with this recommendation. I believe that "unprofessional" is a subjective standard and the City should apply an objective standard when interpreting APD's SPOs. Additionally, although the tweet can be construed as unprofessional, it can also be considered an attempt by Chief M to diffuse what was likely to become a contentious and perpetuated inaccurate exchange. The question is not whether some individuals objected to the tweet, but whether a reasonable person would conclude that the tweet was disrespectful, discourteous or unprofessional. I do not agree that the tweet was

RECEIVED CPOA
MAR 14 '24 PM3:20

disrespectful or discourteous toward Mr. G in light of the ongoing discourteous exchange initiated by Mr. G. Nonetheless, I do not find that a written reprimand is in order. Further, I find Chief M's intent to defuse the situation to be a mitigating factor. I would note, further, that the individuals purporting to be offended by the tweet routinely target Chief M for criticism. I therefore decline to follow the CPOA's recommendation.

Sincerely,



Dr. Samantha Sengel
Chief Administrative Officer
City of Albuquerque

Policy Updates for the CPOAB

Emily Selch

2024-04-11

Policy meetings

There has been 2 P&P meetings(s) and 1 PPRB meeting(s) since the CPOAB last met on March 14, 2024. The CPOA made 4 recommendation(s) at these policy meeting(s).

At the 1 PPRB meeting(s):

- There were 2 SOPs discussed. Of these, 0 were approved and 2 were either tabled or sent back for revisions. 2-52 and 2-53 are the SOPs that did not pass.
- There was 0 SOP(s) discussed at more than 1 of these meetings.
- Below is a list of the SOPs discussed and the date they were discussed.

Date	SOP
2024-03-27	2-52
2024-03-27	2-53

30-day review

The CPOA has submitted formal recommendations during the 30-day review for 0 SOP(s) since the CPOAB last met on March 14, 2024.