

# 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

**Wednesday, January 21, 2026, at 11 a.m.**  
**City Hall Annex, 501 Tijeras NW, Suite 2E**  
**CPOA Conference Room**

### **SPECIAL MEETING MINUTES**

#### **Members Present:**

Aaron Calderon, Chair  
Rowan Wymark, Member

#### **Members Absent:**

#### **Others Present**

Diane McDermott, CPOA Executive Director  
Ali Abassi, CPOA Deputy Director  
Gabe Remer, CPOA Policy Analyst  
Cameron Johnson, CPOA Data Analyst  
Valerie Barela, CPOA Senior Admin Assist.  
Katrina Sigala, CPOA Executive Assistant  
Kelly Mensah, CPOA Community Outreach Manager  
Dodi Camacho, APD IA Major  
Schott Norris, APD IAFD Commander  
Matthew Caplan, APD IAFD Deputy Commander  
Robert Kidd, CPOA/CPOAB Independent Counsel  
Lindsey Rosebrough, Managing City Attorney  
Mesa Lindgren, City Legal  
Anita Gandy, Northwest CPC Chair  
Philip Jameson, Valley CPC Chair  
Paul Ripley, Foothills CPC Member

- I. Welcome and Call to Order.** Chair Calderon called the Policy and Procedure Review Subcommittee meeting to order at approximately 11:02 a.m.
- II. Approval of the Agenda**
  - a.** A motion was made by Chair Calderon to approve the Agenda as written. Member Wymark seconded the motion. The Motion passed unanimously.
- III. Public Comment**
  - a.** None. (*See attached Sign-in sheet*)

**IV. Approval of Minutes from January 2, 2026**

- a. A motion was made by Chair Calderon to approve the minutes as written. Member Wymark seconded the motion. The Motion passed unanimously.

**V. APD Policy-Related Activities/Discussion Items:**

**a. Use of Force Policy Suite Review (SOP 2-52 through SOP 2-57)**

- i. Commander Norris led the discussion on language changes to the Use of Force policy changes questions from the CPOA. (See attached Q&A)
- ii. Major Camacho, Commander Norris, and Deputy Commander Caplin provided context and reasoning for the policy changes.
- iii. Gabe Remer discussed revisions to the language in the policy and asked for clarification on the changes. Mr. Remer emphasized the omission of the word “necessary” in the revisions.
- iv. Lindsey Rosebrough provided legal review and interpretation of the policy changes.
- v. The Policy and Procedure Subcommittee members, Diane McDermott, Ali Abbasi, and CPC members engaged in the discussions, made recommendations for training, and sought clarification on the policy changes.
- vi. The Use of Force policies are scheduled to be discussed at the PPRB on January 28, 2026, and the policies will be discussed again during the following Policy and Procedures Subcommittee meeting.

**VI. Next Regular Meeting Thursday, February 5, 2026, at 3 pm**

**VII. Adjournment**

- a. The meeting was adjourned at approximately 12:34 p.m.

APPROVED:

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Aaron Calderon, Chair  
Policy & Procedure Review Subcommittee

Date

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

Minutes drafted and submitted by:  
Valerie Barela, Senior Administrative Assistant

DRAFT

**DRAFT**

**ATTACHMENTS**



**CIVILIAN POLICE OVERSIGHT ADVISORY BOARD  
POLICY AND PROCEDURE REVIEW SUBCOMMITTEE  
SPECIAL MEETING  
PUBLIC COMMENT SIGN-IN SHEET**  
**January 21, 2026**

NAME (PLEASE PRINT)

1. _____	11. _____
2. _____	12. _____
3. _____	13. _____
4. _____	14. _____
5. _____	15. _____
6. _____	16. _____
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10. _____	20. _____

CPOA Questions for APD – Use of Force Policy Suite  
Policy Meeting w/ CPOAB Subcommittee: 01/21/2026  
Expected PPRB Date: 01/28/2026

Below are our questions that will help guide the discussion for the Special Policy meeting on 01/21/2026. For some questions, additional resources relevant to the topic/question are included and linked (Ctrl+Clicking the additional resource should open it).

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### **Policy Questions**

**What is the rationale for removing “necessary” terminology from the use of force directives throughout the policy suite, considering that “necessary” terminology is embedded in New Mexico Statutes and caselaw, and appears to be a growing national standard? [In section 2-52-4-B and throughout the draft SOPs, the term “necessary” has been removed from most directives, and, in many instances, the term “minimum” is now frequently used in place of “necessary.”]**

#### **New Mexico Statutes (Use of Force Policy Requirements and Justifiable Homicide by a police officer)**

- [Section 29-7D-2 NMSA 1978](#) Use of force statewide policy.
- [Section 30-2-6 NMSA 1978](#) Justifiable homicide by public officer or public employee.

#### **NMTCA and NMCRA (Standards for civil liability claims against law enforcement)**

- [Section 41-4-12 NMSA 1978](#), Liability; law enforcement officers.
- [Section 41-4A-3 NMSA 1978](#), Claim for violation of rights established pursuant to the bill of rights of the constitution of New Mexico.
- [Section 41-4A-4 NMSA 1978](#), Prohibiting the use of the defense of qualified immunity.

#### **New Mexico Uniform Jury Instructions (Excessive Force and Self-defense)**

- [Form 14-5185](#). Self defense against excessive force by a peace officer; nondeadly force by defendant.
- [Form 14-5186](#). Self defense against excessive force by a peace officer; deadly force by defendant.

#### **New Mexico “Excessive Force” and Self-Defense Caselaw**

- [State v. Kraul, 1977-NMCA-032](#), ¶¶ 26-30
- [State v. Ellis, 2008-NMSC-032](#), ¶¶ 15-17, 24-26, 28-32, 41
- [State v. Jones, 2020-NMCA-029](#), ¶¶ 7-9
- [State v. Lymon, 2021-NMSC-021](#), ¶ 30-34

#### **10<sup>th</sup> Circuit “Excessive Force” Caselaw**

- [Fisher v. City of Las Cruces, 584 F.3d 888, 895 \(10th Cir. 2009\)](#) [Handcuffing context – This case was also cited by DOJ in their April 10, 2014 Findings Letter, pg. 9]
- [Weigel v. Broad, 544 F.3d 1143, 1155 \(10th Cir. 2008\)](#) [Restraining + Deadly Force context]
- [Cruz v. City of Deming, 138 F.4th 1257 \(10th Cir. 2025\)](#) [Discusses the difference between 4<sup>th</sup> Amendment analysis and a claim under the Section 41-4-12 NMSA 1978, no pg. citations]

## **DOJ (Deadly Force) and National Standards**

- [U.S. Dep't of Justice, Justice Manual § 1-16.000, Department Policy on the Use of Force \(2025\).](#)

### **“A. Deadly Force**

Law enforcement and correctional officers of the Department of Justice may use deadly force only when necessary, that is, when the officer has a reasonable belief that the subject of such force poses an imminent danger of death or serious physical injury to the officer or to another person.”

- [Dan Sutton & Fatima Dahir, Police Use of Force Policies Across America: Regulations from 100 Cities, Post-Floyd Policy Reforms, and Revisiting Constitutional Standards, Stanford Center for Racial Justice \(June 25, 2025\)](#)

According to this study, forty-eight percent (48%) of the 100 largest U.S. cities have use-of-force policies have adopted some version of a “necessary” standard.

**How will training on and review of an officer’s use of force change in light of the removal of “necessary” terminology?** [Same as above, section 2-52-4-B and throughout the draft SOPs]

**Has APD experienced finding officers out of policy for use of force on the basis that the force was unnecessary, even though it was determined to be minimal and objectively reasonable, and in pursuit of a lawful objective?** [Relevant to the currently published SOP language, section 2-52-4-B and 2-52-4-C]

**Why were the additional qualifiers (verbal warning, opportunity to comply) removed from the fleeing suspect deadly force provision?** [Subsection under 2-52-5-D-2-d in SOP drafts, language that was removed is currently published under 2-52-6-D-1-d-iii]

- [Section 30-2-6-B NMSA 1978](#) Justifiable homicide by public officer or public employee.  
Subsection (B): “Whenever feasible, a public officer or employee should give warning prior to using deadly force.”
- [U.S. Dep't of Justice, Justice Manual § 1-16.000, Department Policy on the Use of Force \(2025\)](#)  
“If feasible and if to do so would not increase the danger to the officer or others, a verbal warning to submit to the authority of the officer shall be given prior to the use of deadly force.”

**Regarding deadly force and moving motor vehicles, why was the requirement that the danger come from something other than the vehicle removed?** [Subsection under 2-52-5-E-1 in SOP drafts, language that was removed – “other than the vehicle itself” - is currently published under 2-52-6-E-1-a]

- [Section 29-7D-3 NMSA 1978](#) Unlawful use of force.

**Why has the discipline for the “Duty to Provide Medical Attention and Transportation” reduced from a 5 to a 6, considering that the failure to render aid is likely the greatest civil liability outside of the use of force itself, and could result in criminal charges for the personnel?** [Section 2-52-6 of SOP drafts]

**Why are many deadly force definitions defined by intentionality, including “Critical Firearm Discharge”?** [2-53-3-C and 2-53-3-D of SOP drafts]

**Why was additional ECW guidance removed, such as officers being expected to attempt or consider other tactics before ECW deployment?** [Language on ECW is found under 2-54-6-C and 2-54-6-D in the SOP drafts. The additional guidance that has been removed is under 2-54-6-C-1 (rewritten), 2-54-6-C-2 (removed), 2-54-6-C-3 (removed), 2-54-6-C-7 and 2-54-6-C-7-a (removed), of the currently published SOP]

**Why tie force definitions to outcomes (wounds/level of injuries) rather than the nature of the tactic?** [Section 2-53-3-AA “Levels of Force” in draft SOPs. In the currently published SOP, force levels are under section 2-53-3-BB and are based on the tactic being used and the outcome or result.]

- [April 10, 2014, letter reporting findings of Department of Justice's civil investigation into the Albuquerque Police Department](#), pg. 27.

“Finally, the verified information we received from community witnesses indicates that officers underreport force incidents. We note first that the policy effective during our review period required officers to complete reports only where the officer’s actions resulted in an injury. This standard is too narrow and allows officers not to report force, even significant force, if they do not believe an individual was injured.” pg. 27.

**What training will personnel receive to determine “superficial wounds” versus “injury”?** [Section 2-53-3-AA “Levels of Force” and Reporting Requirements under 2-56-4-B “Procedures for Reporting Non-Force Incidents” in draft SOPs.]

**If an individual complains of injury but personnel categorize the wounds as “superficial,” does that complaint still require medical attention?** [Same as above. Section 2-53-3-AA “Levels of Force” and Reporting Requirements under 2-56-4-B “Procedures for Reporting Non-Force Incidents” in draft SOPs.]

**How does APD intend to publish data and compare historical trends with the removal of Level 1/2/3 categorization?** [Section 2-53-3-AA “Levels of Force” in draft SOPs and how it diverges from the force levels under section 2-53-3-BB “Levels of Force” in the currently published SOP]

**How does APD intend to publish and compare historical injury data under the new injury definition?** [Section 2-53-3-EE “Types of Injuries” in draft SOPs and how it diverges from the definition of “injury” under section 2-53-3-X in currently published SOP]

**Why eliminate the low-level force (Level 1) Review Team?** [Removed from SOP 2-57 completely. There appears to be no responding on-scene supervisor review of Low-Level control in section 2-57-9 under the draft SOPs, the policy requires a review of the involved officers’ Incident Report. In the currently published SOP under 2-57-7, a Level 1 reviewer would respond and investigate every Level 1 (low-level) use of force.]

**What precautions exist when an officer and/or supervisor who was involved in or witnessed force also classifies that force?** [Relevant to draft SOPs section 2-56-4-B “Procedures for Reporting Non-Force Incidents” for officers making a determination between injury/superficial wounds, and the incorporated language from a SO allowing supervisors who witnessed force to classify force under 2-57-5-B-8-a]

**What core problems or issues is APD trying to solve with its revisions to the policy suite?**

**Some community members may view these revisions as a step backward from reforms made under CASA and federal oversight. How would APD respond to that concern?** [Particularly, (1) removal of

“necessary” terminology; (2) revision to Level 1/2/3 force classification, (3) revisions to injury definitions, and (4) reduced investigation protocols for low-level tactics (low-level force)]

**Request for Forms**

May we receive copies of the Use of Force Forms used in reporting and investigating all uses of force, shows of force, and low-level control tactics?

**What is the rationale for removing “necessary” terminology from the use of force directives throughout the policy suite, considering that “necessary” terminology is embedded in New Mexico Statutes and caselaw, and appears to be a growing national standard?**

The decision to remove the term *necessary* from the use of force directives was undertaken thoughtfully and intentionally, with the goal of strengthening clarity, consistency, and practical application across our policy suite — *not* diminishing the legal or ethical expectations governing officers’ use of force.

At the core of this revision is the recognition that the concept of *necessary* is inherently encapsulated in the well-established legal standard of **objective reasonableness** and **minimal force**. Under both New Mexico statutes and controlling case law, the permissibility of force is assessed by examining the totality of the circumstances from the perspective of a reasonable officer on the scene. That analysis necessarily includes whether the level of force used was required under the circumstances — in other words, *necessary* — to accomplish a lawful objective while minimizing harm.

By relying on objective reasonableness and minimal force as the guiding standard, we avoid redundancy in terminology that can create confusion or inconsistent interpretation, without weakening the substantive expectations placed on officers. The term *necessary* is still very much present in the underlying framework; it simply is not repeated in a way that adds ambiguity or creates parallel sub-standards within our policy text.

Removing redundant terminology streamlines the policy and makes it easier to teach and apply consistently across training environments. Novice and experienced officers alike benefit from a policy that focuses on a single, comprehensive standard rather than parsing multiple overlapping terms.

The concept is fully incorporated within the established objective reasonableness and minimal standard within APD — which remains the controlling, well-understood lens through which force decisions are evaluated — and the policy continues to reinforce a comprehensive, fact-driven analysis under the totality of circumstances.

**How will training on and review of an officer’s use of force change in light of the removal of “necessary” terminology?**

Training on, and review of, an officer’s use of force will not fundamentally change as a result of removing the term *necessary* from the policy language. Instead, the change refines and clarifies how force decisions are taught, applied, and evaluated by reinforcing a single, comprehensive analytical framework: **objective reasonableness and minimal force under the totality of the circumstances**.

From a training perspective, instruction will continue to emphasize that officers may use force only when it is objectively reasonable and limited to the **minimal amount of force required** to achieve a lawful objective. The concept of *necessity* remains fully embedded within this

analysis. Instructors will no longer need to explain *necessary* as a separate or standalone requirement, reducing the risk of inconsistent interpretation or artificial distinctions between overlapping concepts.

From a review and accountability standpoint, supervisors, force review boards, and investigators will continue to assess force incidents using the same substantive criteria. Reviews will focus on:

- The totality of the circumstances leading up to the use of force,
- The officer's decision-making process,
- Whether de-escalation efforts were reasonable and feasible,
- Whether the level of force used was proportionate and the minimal amount necessary to accomplish a lawful purpose.

In practice, this means training and review will be more streamlined, more consistent, and more aligned with how force is evaluated in real-world administrative settings.

#### **What training will personnel receive to determine “superficial wounds” versus “injury”?**

The training program was designed to distinguish between superficial wounds and injury in a structured, scenario-driven manner that is tightly aligned with policy, reporting requirements, and medical realities. The goal is not to turn officers into medical professionals, but to give them a defensible, consistent, and practical framework they can apply in real time and during reporting and review.

**Superficial wounds** will be taught as:

- Minor bleeding
- Scrapes, abrasions, or cuts
- Bruising or redness
- Temporary pain without lasting impairment
- Injuries confined to the outer layers of skin that do not require advanced medical treatment

**Injury** will be taught as:

- Any physical harm beyond superficial skin involvement
- Injuries requiring medical evaluation or treatment beyond basic first aid
- Functional impairment, loss of consciousness, fractures, significant swelling, or internal injury

The training will rely on visual aids to reinforce distinctions:

- Side-by-side photos of superficial wounds vs. injuries
- Body-worn camera stills (appropriately redacted)

Officers are taught to articulate:

- What they observed
- Where on the body
- Size, color, bleeding, swelling
- Subject statements related to pain or impairment

The training also includes a component geared towards supervisors and reviewers to ensure consistency across the organization.

Supervisors will be trained to:

- Verify classification on scene
- Ask clarifying questions (refer to interview guide being created)
- Ensure proper medical evaluation
- Correct misclassification early