

# CIVILIAN POLICE OVERSIGHT ADVISORY BOARD (CPOAB)

**Thursday, January 9, 2025, at 5:00 PM**  
**Vincent E. Griego Chambers**

**Aaron Calderon**, Board Chair  
**Rowan Wymark**, Board Vice-Chair  
**Zander Bolyanatz**, Board Member  
**Eduardo Budanauro**, Board Member  
**Gail Oliver**, Board Member  
**Diane McDermott**, Executive Director, CPOA  
**Ali Abbasi**, Deputy Director, CPOA

**Members Present:**

Aaron Calderon, Chair  
Rowan Wymark, Vice Chair  
Zander Bolyanatz  
Eduardo Budanauro  
Gail Oliver

**Members Absent:**

**Others Present In-Person:**

Diane McDermott, CPOA  
Ali Abbasi, CPOA  
Katrina Sigala, CPOA  
Valerie Barela, CPOA  
Emily Selch, CPOA  
Kelly Mensah, CPOA  
Robert Kidd, Independent Counsel  
Chris Sylvan, City Council  
Lindsey Rosebrough, City Atty.  
Cmdr. Scott Norris, APD  
Acting Cmdr. Kenneth Johnston, APD  
Lt. Troy Nicko, APD  
Jeffrey Bustamante, ACS

**Others Present via Zoom:**

Sharon Walton, Monitor APD Training

## **Minutes**

- I. Welcome, Call to Order and Roll Call.** Chair Calderon called the regular meeting of the Civilian Police Oversight Advisory Board to order at approximately 5:00 p.m.
- II. Pledge of Allegiance.** Chair Calderon led the Pledge of Allegiance.
- III. Approval of the Agenda**
  - a. **Motion.** A motion was made by Chair Calderon to approve the agenda as written. Member Bolyanatz seconded the motion. The motion was carried by a unanimous vote.

**For: Bolyanatz, Calderon, Budanauro, Oliver, Wymark**
- IV. Review and Approval of Minutes.** For more information about minutes from prior Civilian Police Oversight Advisory Board meetings, please visit our website here:

a. December 9, 2024

1. A website link was distributed to each Board member to review the draft minutes from the Civilian Police Oversight Advisory Board's regular meeting on December 9, 2024.
2. **Motion.** A motion was made by Chair Calderon to approve the minutes as written. The motion was seconded by Member Budanauro. The motion was carried by a unanimous vote.

**For: 5 – Bolyanatz, Calderon, Budanauro, Oliver, Wymark**

**V. Public Comment**

- a. None. (*See attached Public Comment Sign-in Sheet*)

**VI. Reports from City Departments:**

a. APD

**1. Internal Affairs Professional Standards (IAPS)– Acting Commander Kenneth Johnston**

- i. A document titled *APD Internal Affairs Professional Standards (IAPS) Division Monthly Report November 2024* was distributed to CPOA Board members electronically. (*See attached report*)
- ii. Acting Commander Kenneth Johnston reported verbally on the number of IAPS cases currently under investigation and those closed for December 2024, mentioning an increase in cases for the month. It should be noted that the APD IAPS Division Monthly Report for December 2024 was not available for Board review before or during the Board meeting.

**2. Internal Affairs Force Division (IAFD)– Commander Scott Norris**

- i. A document titled *APD Monthly Use of Force Report November 2024* and *APD Monthly Use of Force Report December 2024* were distributed to CPOA Board members electronically. (*See attached reports*)
- ii. Commander Scott Norris provided a verbal report on the total number of Use-of-Force cases categorized by area command. He discussed the monthly totals for use-of-force incidents, highlighting the figures for November 2024. Additionally, he covered calls for service,

demographics of the individuals involved in these incidents, types of calls received, and the various forms of force used. The report also included information on completed use-of-force reviews and outcomes related to policy changes.

b. **ACS- Jefferey Bustamante, Deputy Director**

1. ACS Deputy Director for Policy and Administration Jeffrey Bustamante gave a verbal report on the following:

- ACS calls for service/volume
- Winter transportation requests
- ACS events
- ACS first 3-month academy
- Summer of non-violence survey results

c. **City Attorney- Lindsey Rosebrough, Managing Attorney**

1. Managing City Attorney for APD Lindsey Rosebrough gave a verbal brief on the following CASA-specific updates:

- IMR-20 reached 99% Operational Compliance

d. **City Council- Chris Sylvan, Council Services**

1. City Council representative Chris Sylvan stated that the dates for the City Council Budget meeting are still pending. He will update the CPOA on the meeting dates so the Board can determine their meeting date in February.

e. **CPC- Kelly Mensah, CPC Liaison**

1. CPC Liaison Kelly Mensah provided a verbal report on the following:

- CPC year-end dinner
- CPC University area location and frequency of meetings
- CPC Southeast meeting location changes
- CPC RTCC and Gateway Center tours
- CPC Council elections and membership
- CPC Youth Council initiative
- CPC Transit police policy recommendation and response received from APD
- CPC NE break-in meetings
- CPC budget

- CPC social media initiative

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

1. No one from the Mayor's Office was present.

g. **CPOA- Diane McDermott, Executive Director**

1. Executive Director Diane McDermott verbally reported on the following:
  - CPOA Complaints or commendations received and Assignments for December 1, 2024, through December 31, 2024.
  - CPOA Board firearms training
  - IMR-21 monitoring period
  - CPOA positions
  - CPOA Board background check for RTCC tour
2. Independent Counsel provides a verbal update on the MOU between APD.
  - a. CPC 211-24 Non-concurrence memo. For more information about non-concurrence memos received by APD's Office of Police Reform, please visit our website here: <https://www.cabq.gov/cpoa/case-outcomes/chief-of-police-non-concurrence-letters>
    - i. Ms. McDermott provided her assessment for CPC 211-24 non-concurrence.
  - b. CPC 212-24 Non-concurrence memo. For more information about non-concurrence memos received by APD's Office of Police Reform, please visit our website here: <https://www.cabq.gov/cpoa/case-outcomes/chief-of-police-non-concurrence-letters>
    - i. Ms. McDermott verbally provided her assessment for CPC 212-24 non-concurrence, noting that her recommendation would be for APD to put out a special order addressing SOP 2-8-5 on body recording devices.

## **VII. Serious Use of Force Case:**

- a. APD Case #23-0014030 – *Aaron Calderon*
  1. Chair Calderon gave a verbal summary of Serious Use of Force (SUOF) APD Case #23-0014030, noting the findings from the Internal Affairs Force Division.

2. Executive Director McDermott provided her assessment of SUOF APD Case #23-014030.
3. APD Academy Lieutenant Troy Nicko provided additional information about the handcuffed belt restraint system, noting that it is currently being used in the field.
4. Chair Calderon facilitated Board member feedback on the SUOF Case #23-0014030.
5. **Motion.** A motion was made by Chair Calderon that the Civilian Police Oversight Advisory Board affirms and upholds the findings of APD Internal Force Division Investigation for APD Case #23-0014030. The motion was seconded by Member Wymark. The motion was carried by a unanimous vote.

**For: 5 – Budanauro, Bolyanatz, Calderon, Oliver, Wymark**

- b. APD Case #23-0018545 – *Eduardo Budanauro*
  1. Member Budanauro provided a verbal summary of Serious Use of Force (SUOF) APD Case #23-0018545, noting the findings from the Internal Affairs Force Division
  2. Executive Director McDermott provided her assessment of SUOF APD Case #23-0018545.
  3. Commander Norris provided a verbal review of the handcuffing techniques used in SUOF Case #23-0018545.
  4. Chair Calderon requested that the CPOA provide further details regarding UOF cases in which an officer is found to have violated policies, including whether the officer was sanctioned or received additional training.
  5. Chair Calderon facilitated Board member feedback on the SUOF Case #23-0018545.
  6. **Motion.** A motion was made by Chair Calderon that the Civilian Police Oversight Advisory Board affirms and upholds the findings of APD Internal Force Division Investigation for APD Case #23-0018545. The motion was seconded by Member Bolyanatz. The motion was carried by a unanimous vote.

**For: 5 – Budanauro, Bolyanatz, Calderon, Oliver, Wymark**

### VIII. Officer-Involved Shooting Case:

- a. APD Case #23-0050102 - *Gail Oliver*
  1. Member Oliver gave a verbal summary of Officer-Involved Shooting (OIS) Case #23-0050102, noting the Internal Affairs findings.
  2. Executive Director McDermott verbally provided her assessment and observation for OIS Case #23-0050102.
  3. Commander Norris verbally presented his assessment and review for OIS Case #23-0050102.
  4. Chair Calderon facilitated Board member feedback on the OIS Case #23-0050102.
  5. **Motion.** A motion was made by Chair Calderon that the Civilian Police Oversight Advisory Board affirms and upholds the findings of APD IAPS Investigation for APD Case #23-0050102. The motion was seconded by Member Bolyanatz. The motion was carried by a unanimous vote.

#### For: 5 – Budanauro, Bolyanatz, Calderon, Oliver, Wymark

- b. APD Case #23-0051644 - *Zander Bolyanatz*
  1. Member Bolyanatz gave a verbal summary of Officer-Involved Shooting (OIS) Case #23-0051644, noting the Internal Affairs findings.
  2. Executive Director McDermott verbally provided her assessment for OIS Case #23-0051644.
  3. Commander Norris verbally presented his assessment for OIS Case #23-0051644.
  4. Managing Attorney Lindsey Rosebrough provided a legal update on OIS Case #23-051644, noting that the disciplined officers have appealed their discipline and the hearing officer's findings and facts of law were to overturn their termination. Ms. Rosebrough also mentioned that the case is pending and will be heard before the personnel board.
  5. Chair Calderon facilitated Board member feedback on the OIS Case #23-0051644.
  6. **Motion.** A motion was made by Chair Calderon that the Civilian Police Oversight Advisory Board affirms and upholds the findings of APD IAPS

Investigation for APD Case #23-0051644. The motion was seconded by Member Bolyanatz. The motion was carried by a unanimous vote.

**For: 5 – Budanauro, Bolyanatz, Calderon, Oliver, Wymark**

- c. APD Case #23-0057640 - *Rowan Wymark*
  - 1. Vice Chair Wymark gave a verbal summary of Officer-Involved Shooting (OIS) Case #23-0057640, noting the Internal Affairs findings.
  - 2. Executive Director McDermott verbally provided her assessment for OIS Case #23-0057640.
  - 3. Chair Calderon facilitated Board member feedback on the OIS Case #23-0057640.
  - 4. **Motion.** A motion was made by Chair Calderon that the Civilian Police Oversight Advisory Board affirms and upholds the findings of APD IAPS Investigation for APD Case #23-0057640. The motion was seconded by Member Budanauro. The motion was carried by a unanimous vote.

**For: 5 – Budanauro, Bolyanatz, Calderon, Oliver, Wymark**

**IX. Appeal [Standing Item]**

- i. 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.
  - a. None.

**X. CPOA Board's Review of Garrity Materials: [Standing Item]**

- a. None.

**XI. Meeting with Counsel re: Pending Litigation or Personnel Issues: [Standing Item]**

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.

**XII. Report from CPOAB Subcommittee:**

- a. **Policy and Procedure Review Subcommittee – *Gail Oliver***

1. The meeting was held on January 2, 2025, at 3 p.m.
2. Update on APD Policy Meetings
3. The next meeting is on February 6, 2025, at 3 p.m.
  - i. The chair of the Policy and Procedure Review subcommittee reported that a meeting was held on January 2, 2025, and the next meeting will be on February 6, 2025, at 3 p.m.
  - ii. The Executive Director noted that the next Policy and Procedure Review Subcommittee meeting, scheduled for February 6, 2025, may change.

### **XIII. Discussion and Possible Action:**

#### **a. APD First Aid Training Request – *Zander Bolyanatz***

1. Member Bolyanatz asked about the training APD officers receive for trauma-induced injuries and requested that the Board be provided with the written training materials related to this training.
2. Lieutenant Troy Nicko from the APD Academy will provide the Board with the requested training materials.

#### **b. APD Policy**

##### **1. Recommendation(s):**

- A. SOP 2-2 (Formerly 3-75) Department Property
  - i. CPOA Policy Analyst Emily Selch verbally presented policy recommendations for SOP 2-2.
  - ii. **Motion.** A motion was made by Member Oliver to recommend to accept SOP 2-2 Department Property. The motion was seconded by Vice-Chair Wymark. The motion was carried by a unanimous vote.

**For: 5 – Budanauro, Bolyanatz, Calderon, Oliver, Wymark**

##### **B. SOP 2-114 Foot Pursuit**

- i. CPOA Policy Analyst Emily Selch verbally presented policy recommendations for SOP 2-114. (*See attached*)
- ii. Executive Director McDermott noted that the recommendation will also include the factor for consideration of “*knowing that they are armed.*”

iii. **Motion.** A motion was made by Chair Calderon to approve the recommendations presented before the Board for SOP 2-114 Food Pursuit. The motion was seconded by Vice Chair Wymark. The motion was carried by a unanimous vote.

**For: 5 – Budanauro, Bolyanatz, Calderon, Oliver, Wymark**

**2. No Recommendation(s):**

- A. SOP 1-4 (Formerly 1-03) Bias-Based Policing and or Profiling
  - i. There were no policy recommendations for SOP 1-4.
- B. SOP 1-13 (Formerly 5-3) Armed Robbery Unit
  - i. There were no policy recommendations for SOP 1-13.
- C. SOP 1-16 (Formerly 5-11) Auto Theft Unit
  - i. There were no policy recommendations for SOP 1-16
- D. SOP 1-96 (Formerly 1-92) Crisis Negotiation Team (CNT)
  - i. There were no policy recommendations for SOP 1-96.
- E. SOP 2-44 (Formerly 2-49) Traffic and Roadway Services
  - i. There were no policy recommendations for SOP 2-44.
- F. SOP 2-62 (Formerly 1-06) Criminal Background Investigation
  - i. There were no policy recommendations for SOP 2-62.
- G. SOP 3-20 Timesheets, Overtime, Compensatory Time, and Work Shift Designation
  - i. There were no policy recommendations for SOP 3-20.
- H. SOP 3-32 Performance Evaluations
  - i. There were no policy recommendations for SOP 3-32.

**XIV. Other Business**

- a. APD Call Response Time Presentation Update
  - 1. Executive Director McDermott stated that APD is available to present information on call response times at the Board meeting in February 2025.
- b. Member Bolyanatz inquired about the officer's well-being protocols. The CPOA will compile a list of services and training available for Officers and Cadets.

**XV. Adjournment- *The next regularly scheduled Board meeting is to be determined.***

- a. Chair Calderon announced that the next Board meeting will be held in February 2025, but the date and location have yet to be determined.

b. **Motion.** A motion was made by Chair Calderon to adjourn the meeting. The motion was seconded by Member Budanauro. The motion was carried by a unanimous vote.

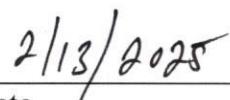
**For: 5 – Budanauro, Bolyanatz, Calderon, Oliver, Wymark**

c. The meeting was adjourned at 7:47 p.m.

APPROVED:



Aaron Calderon, Chair  
Civilian Police Oversight Advisory Board



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, CPOA Administrative Assistant

## ATTACHMENTS



**CIVILIAN POLICE OVERSIGHT ADVISORY BOARD  
PUBLIC COMMENT  
SIGN-IN SHEET**

**Thursday, January 9, 2025**

NAME (PLEASE PRINT)

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



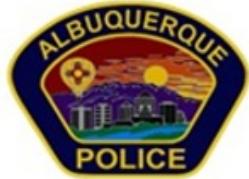
**ALBUQUERQUE POLICE DEPARTMENT**  
**INTERNAL AFFAIRS PROFESSIONAL STANDARDS (IAPS)**  
**DIVISION MONTHLY REPORT**  
**November 2024**

**Prepared by:**

**Data Analytics Unit**  
**December 31, 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  
November 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 Division ensures a thorough, impartial, and prompt investigation of allegations to implement transparent fact finding processes and take corrective actions against the employees if investigative findings are sustained. IAPS investigate cases according to SOP 1-62: Internal Affairs Professional Standards (IAPS) Division. For more information on APD's Standard Operating Procedures, see: <http://public.powerdms.com/COA>.

The purpose of this monthly report is to provide the City Administration, APD Executive Staff, the City Council, the Civilian Police Oversight Agency Board and the residents of Albuquerque with the outcomes pertaining to IAPS Investigations. This report provides details on the Total Investigations Opened and Completed, Open and Completed by Area Commands, Total Pending cases and the Average Time Taken (in Days) for case completion during the month. It provides data on cases with Sustained findings along with discipline imposed. Lastly, it includes information pertaining to the SOPs that were reviewed in completed investigations during the month. *Please note: this report excludes the misconduct cases that originate from force investigations, given that these are investigated by Internal Affairs Force Division (IAFD).*

**Total Cases Opened**

**100**

Investigations opened by  
Internal Affairs Professional Standards

**Total Cases Completed**

**87**

Investigations completed by  
Internal Affairs Professional Standards

**Cases Opened**

[By Area Commands]

**53**

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

**Cases Completed**

[By Area Commands]

**37**

Investigations completed by  
the Area Commands

**Pending Cases**

**62**

Investigations pending completion

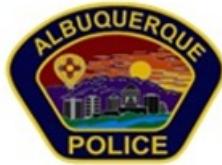
**Average Days to Completion**

**84**

Average days to completion for  
investigations completed during  
the month

## Completed Cases with Sustained Findings

Total Cases: 52  
60% of all completed investigations had sustained findings



### Discipline Imposed for Investigations Completed with Sustained Findings

Files	Directives and SOPs	Discipline Imposed
I2024...	<b>2.83. Hospital Procedures and Rules</b>	Suspension
	<b>2.8. Use of on-Body Recording Devices</b>	Letter of Reprimand
	<b>2.82. Restraints and Transportation of Individuals</b>	Letter of Reprimand
	<b>2.8. Use of on-Body Recording Devices</b>	Verbal Reprimand
I2024...	<b>2.76. Court</b>	Suspension
I2024...	<b>1.1. Personnel Code of Conduct</b>	Terminated
	<b>3.41. Complaints Involving Department Personnel</b>	Suspension
I2024...	<b>2.3. Firearms and Ammunition Authorization</b>	Suspension
I2024...	<b>1.1. Personnel Code of Conduct</b>	Terminated
	<b>3.41. Complaints Involving Department Personnel</b>	Suspension
I2024...	<b>2.73. Collection, Submission, and Disposition of Evidence and Property</b>	Letter of Reprimand
	<b>2.8. Use of on-Body Recording Devices</b>	Suspension
	<b>2.48. Towing Services</b>	Letter of Reprimand
I2024...	<b>2.16. Reports</b>	Verbal Reprimand
	<b>2.60. Preliminary and Follow-Up Criminal Investigations</b>	Letter of Reprimand
I2024...	<b>2.8. Use of on-Body Recording Devices</b>	Letter of Reprimand
I2024...	<b>2.8. Use of on-Body Recording Devices</b>	Letter of Reprimand
I2024...	<b>1.1. Personnel Code of Conduct</b>	Suspension
I2024...	<b>1.1. Personnel Code of Conduct</b>	Suspension
	<b>3.41. Complaints Involving Department Personnel</b>	Suspension
I2024...	<b>1.1. Personnel Code of Conduct</b>	Suspension
I2024...	<b>2.76. Court</b>	Suspension
	<b>1.1. Personnel Code of Conduct</b>	Suspension
I2024...	<b>2.5. Department Vehicle</b>	Letter of Reprimand
	<b>2.5. Department Vehicle</b>	Letter of Reprimand
I2024...	<b>2.5. Department Vehicle</b>	Verbal Reprimand
I2024...	<b>1.26. Special Victims Section</b>	Letter of Reprimand
I2024...	<b>1.1. Personnel Code of Conduct</b>	Letter of Reprimand
I2024...	<b>2.76. Court</b>	Letter of Reprimand
I2024...	<b>2.57. Use of Force: Review and Investigation by Department Personnel</b>	Verbal Reprimand
I2024...	<b>1.1. Personnel Code of Conduct</b>	Letter of Reprimand
	<b>2.8. Use of on-Body Recording Devices</b>	Letter of Reprimand
I2024...	<b>2.57. Use of Force: Review and Investigation by Department Personnel</b>	NDCA
I2024...	<b>2.8. Use of on-Body Recording Devices</b>	Letter of Reprimand
	<b>2.8. Use of on-Body Recording Devices</b>	Letter of Reprimand
I2024...	<b>2.8. Use of on-Body Recording Devices</b>	Letter of Reprimand
I2024...	<b>1.1. Personnel Code of Conduct</b>	Suspension
	<b>1.1. Personnel Code of Conduct</b>	Suspension
I2024...	<b>3.21. Scheduled and Unscheduled Leave</b>	Verbal Reprimand
I2024...	<b>2.8. Use of on-Body Recording Devices</b>	NDCA



### Discipline Imposed for Investigations Completed with Sustained Findings

Files .	Directives and SOPs	Discipline Imposed
I2024...	<b>2.8. Use of on-Body Recording Devices</b>	Letter of Reprimand
I2024...	<b>2.76. Court</b>	NDCA
I2024...	<b>2.8. Use of on-Body Recording Devices</b>	NDCA
I2024...	<b>2.76. Court</b>	NDCA
I2024...	<b>2.8. Use of on-Body Recording Devices</b>	Verbal Reprimand
I2024...	<b>3.17. Duty Assignments and Transfers</b>	NDCA
I2024...	<b>2.8. Use of on-Body Recording Devices</b>	NDCA
I2024...	<b>3.33. Performance Evaluation and Management System (PEMS)</b>	Letter of Reprimand
	<b>3.33. Performance Evaluation and Management System (PEMS)</b>	Verbal Reprimand
I2024...	<b>1.1. Personnel Code of Conduct</b>	Verbal Reprimand
I2024...	<b>3.21. Scheduled and Unscheduled Leave</b>	Verbal Reprimand
I2024...	<b>3.21. Scheduled and Unscheduled Leave</b>	Verbal Reprimand
I2024...	<b>1.1. Personnel Code of Conduct</b>	NDCA
I2024...	<b>2.8. Use of on-Body Recording Devices</b>	Verbal Reprimand
I2024...	<b>3.21. Scheduled and Unscheduled Leave</b>	Verbal Reprimand
I2024...	<b>1.1. Personnel Code of Conduct</b>	Verbal Reprimand
I2024...	<b>3.32. Performance Evaluations</b>	NDCA
I2024...	<b>2.8. Use of on-Body Recording Devices</b>	Letter of Reprimand
I2024...	<b>2.82. Restraints and Transportation of Individuals</b>	Letter of Reprimand
I2024...	<b>1.1. Personnel Code of Conduct</b>	Letter of Reprimand
I2024...	<b>2.8. Use of on-Body Recording Devices</b>	Letter of Reprimand
I2024...	<b>2.76. Court</b>	Verbal Reprimand
I2024...	<b>2.76. Court</b>	Verbal Reprimand
I2024...	<b>1.41. Evidence Unit</b>	Verbal Reprimand
I2024...	<b>2.98. Gunshot Detection Procedure</b>	Verbal Reprimand
I2024...	<b>1.1. Personnel Code of Conduct</b>	Letter of Reprimand
I2024...	<b>2.76. Court</b>	Verbal Reprimand



## Standard Operating Procedures Reviewed in Completed Investigations

Directives and SOPs	Count
<b>1.1. Personnel Code of Conduct</b>	<b>52</b>
<b>2.8. Use of on-Body Recording Devices</b>	<b>25</b>
<b>2.76. Court</b>	<b>12</b>
<b>3.41. Complaints Involving Department Personnel</b>	<b>7</b>
<b>3.21. Scheduled and Unscheduled Leave</b>	<b>6</b>
<b>3.32. Performance Evaluations</b>	<b>5</b>
<b>1.26. Special Victims Section</b>	<b>4</b>
<b>2.57. Use of Force: Review and Investigation by Department Personnel</b>	<b>4</b>
<b>2.5. Department Vehicle</b>	<b>3</b>
<b>2.3. Firearms and Ammunition Authorization</b>	<b>2</b>
<b>2.60. Preliminary and Follow-Up Criminal Investigations</b>	<b>2</b>
<b>2.73. Collection, Submission, and Disposition of Evidence and Property</b>	<b>2</b>
<b>2.82. Restraints and Transportation of Individuals</b>	<b>2</b>
<b>3.33. Performance Evaluation and Management System (PEMS)</b>	<b>2</b>
<b>1.41. Evidence Unit</b>	<b>1</b>
<b>2.16. Records</b>	<b>1</b>
<b>2.16. Reports</b>	<b>1</b>
<b>2.48. Towing Services</b>	<b>1</b>
<b>2.52. Use of Force: General</b>	<b>1</b>
<b>2.6. Use of Emergency Warning Equipment</b>	<b>1</b>
<b>2.83. Hospital Procedures and Rules</b>	<b>1</b>
<b>2.98. Gunshot Detection Procedure</b>	<b>1</b>
<b>3.17. Duty Assignments and Transfers</b>	<b>1</b>

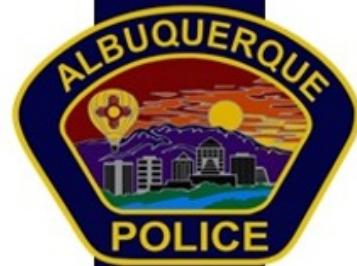
## TOP 5 Standard Operating Procedures with Sustained Findings

Directives and SOPs	Count
<b>1.1. Personnel Code of Conduct</b>	<b>27</b>
<b>2.8. Use of on-Body Recording Devices</b>	<b>19</b>
<b>2.76. Court</b>	<b>8</b>
<b>3.41. Complaints Involving Department Personnel</b>	<b>5</b>
<b>3.21. Scheduled and Unscheduled Leave</b>	<b>5</b>

# **Albuquerque Police Department**

## **Monthly Use of Force Report**

**November 2024**



**Prepared by:**

**Data Analytics Unit**  
**December 12, 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 - November 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.

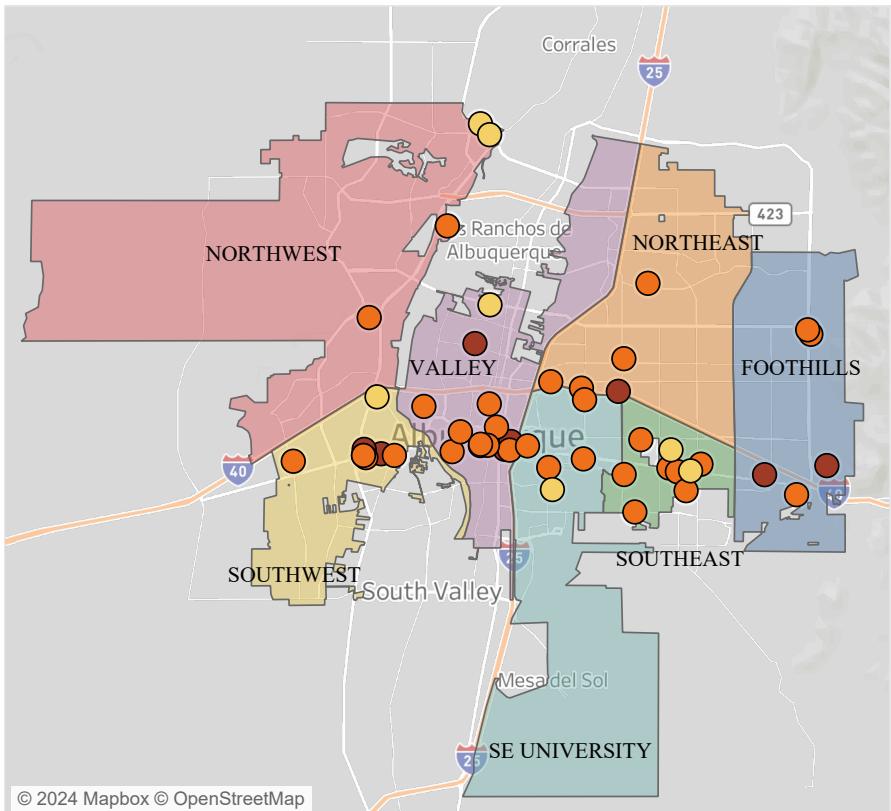
APD's jurisdiction includes the City of Albuquerque which is divided into six Area Commands. In the map below, Southeast Area Command is split into "SE University" and "Southeast". University Area Command is combined with Southeast Area Command in this report until updates to department databases are complete.

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

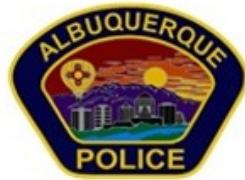
	Force Level			Grand Total
	Level 1	Level 2	Level 3	
Foothills	0	3	2	5
Northeast	0	4	1	5
Northwest	2	2	0	4
Southeast	3	11	0	14
Southwest	1	5	2	8
Valley	1	9	3	13
Grand Total	7	34	8	49

### 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.

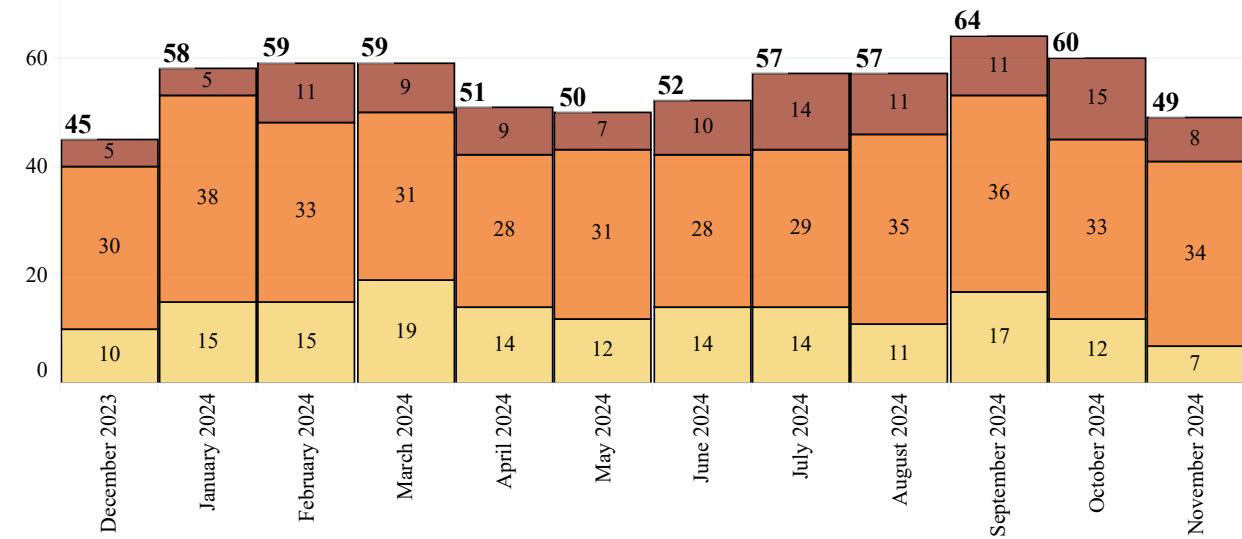
Force Level

Level 3

Level 2

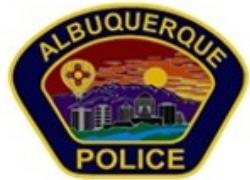
Level 1

Total Uses of Force by Month and Level of Force



Total Uses of Force by Month and Area Command

		December 2023	January 2024	February 2024	March 2024	April 2024	May 2024	June 2024	July 2024	August 2024	September 2024	October 2024	November 2024	Grand Total
Foothills	Level 1	2	2	0	3	1	2	3	1	1	4	0	0	19
	Level 2	2	4	2	2	2	2	2	3	2	1	1	3	26
	Level 3	1	1	0	1	2	0	0	1	1	0	1	2	10
Northeast	Level 1	2	2	4	4	2	1	1	2	1	0	0	0	19
	Level 2	4	6	6	4	2	3	6	3	9	9	4	4	60
	Level 3	1	1	2	2	2	1	2	1	3	3	4	1	23
Northwest	Level 1	0	1	1	1	0	0	1	1	0	1	0	2	8
	Level 2	0	3	3	6	1	3	2	3	2	1	6	2	32
	Level 3	0	0	2	2	0	0	1	0	1	1	0	0	7
Southeast	Level 1	2	7	7	5	3	5	6	3	7	1	2	3	51
	Level 2	13	15	14	10	10	13	6	11	9	16	10	11	138
	Level 3	2	1	4	1	1	2	1	3	3	2	8	0	28
Southwest	Level 1	3	2	1	1	2	0	1	2	1	2	2	1	18
	Level 2	3	8	5	4	5	7	4	1	3	2	4	5	51
	Level 3	0	0	0	2	0	2	3	1	0	2	0	2	12
Valley	Level 1	1	1	2	5	4	3	2	5	1	9	7	1	41
	Level 2	9	3	3	6	9	2	7	8	10	7	7	9	80
	Level 3	1	2	4	2	3	2	3	7	3	3	2	3	35
Out of Area	Level 1	0	0	0	0	2	1	0	0	0	0	1	0	4
	Level 2	0	0	0	0	0	2	1	0	0	1	1	0	5
	Level 3	0	0	0	1	1	0	0	1	0	0	0	0	3
Grand Total		45	58	59	59	51	50	52	57	57	64	60	49	661



## Use of Force Benchmarked Against Calls For Service and Arrests - November 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 2023 Annual Use of Force Report.

### Calls for Service

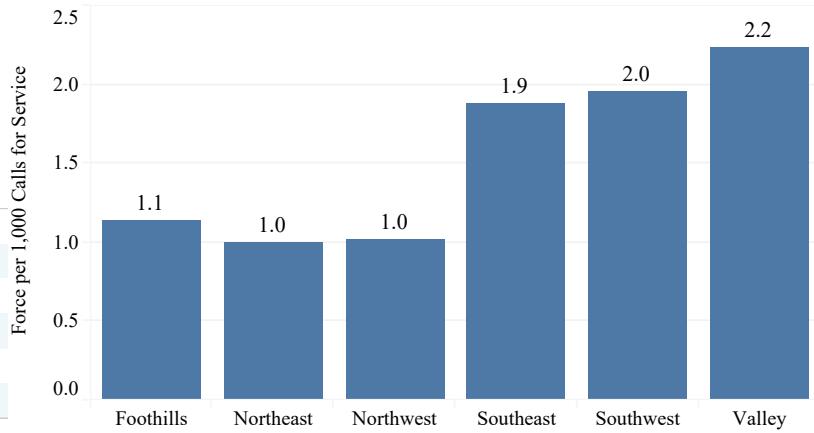
#### Total Calls for Service for Area Commands

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, November 2024

Area Command	Total Force Cases	Total CAD Calls	Force per 1,000 Calls
Foothills	5	4,383	1.1
Northeast	5	5,033	1.0
Northwest	4	3,928	1.0
Southeast	14	7,448	1.9
Southwest	8	4,087	2.0
Valley	13	5,831	2.2

#### Force Rate per 1,000 Calls For Service



### Arrests

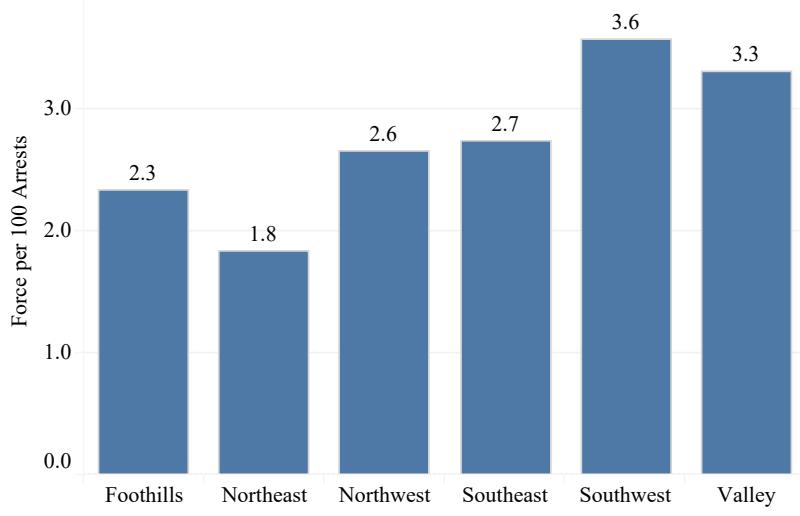
#### Total Arrests for Area Commands

Arrests include custodial arrests and summonses.

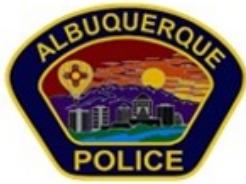
#### Force per Arrest by Area Command, November 2024

Area Command	Total Force Cases	Total Arrests	Force Per 100 Arrests
Foothills	5	214	2.3
Northeast	5	272	1.8
Northwest	4	151	2.6
Southeast	14	511	2.7
Southwest	8	224	3.6
Valley	13	393	3.3
Out of Area	0	26	0.0
Unknown*	0	43	0.0

#### Force Rate per 100 Arrests



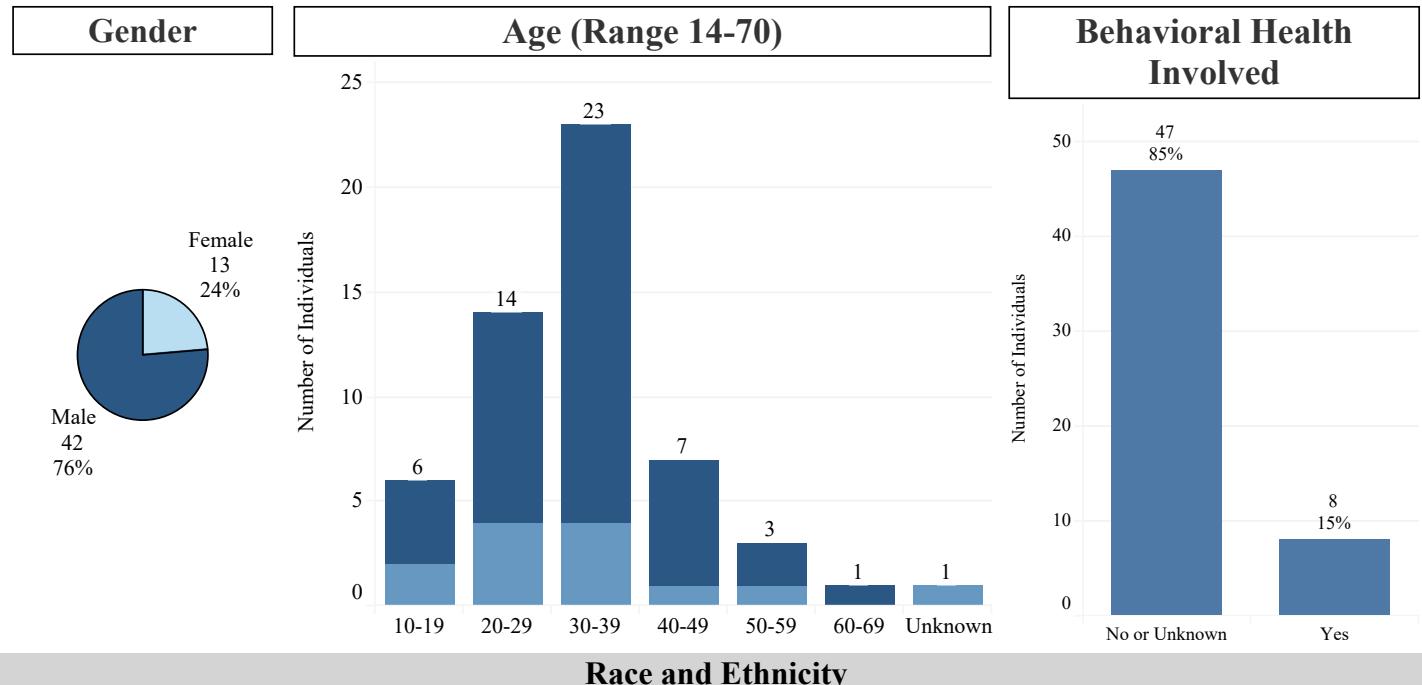
\*Address failed to geocode leading to no Area Command assignment.



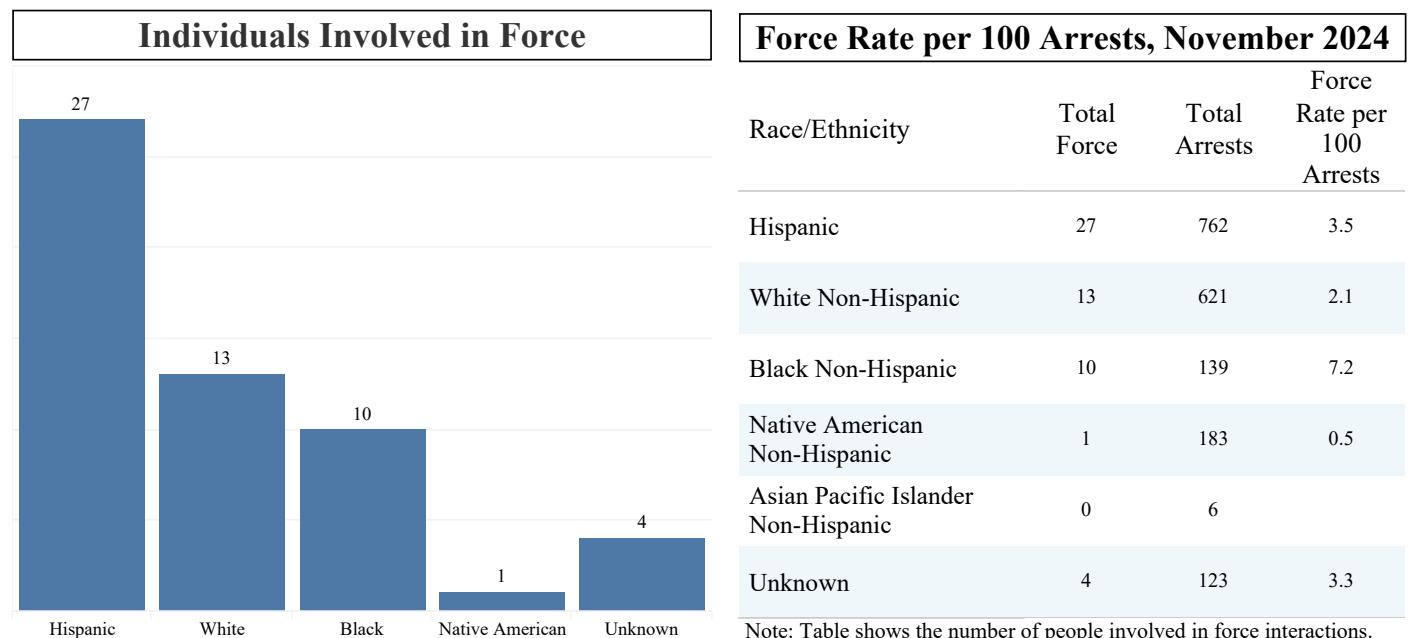
## Demographics of Individuals Involved in Force - November 2024

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.

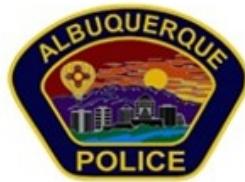
Note: Totals on different characteristics may differ due to missing values being excluded.



### Race and Ethnicity



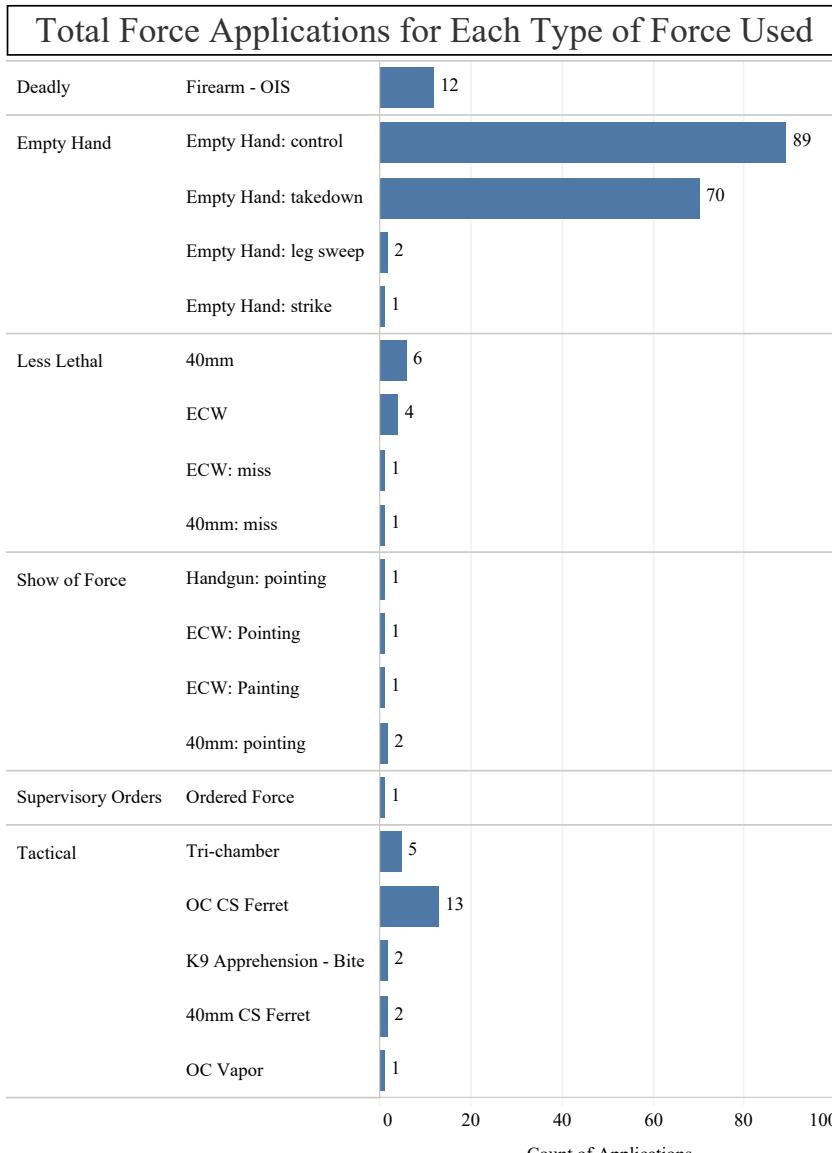
Note: Table shows the number of people involved in force interactions. One person may be counted more than once if they are involved in multiple uses of force.



## Final Call Types and Types of Force Used - November 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.

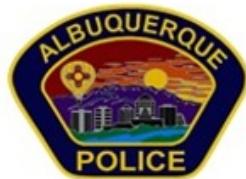
Below, the total number of force applications for each type of force is shown. In any single force case, multiple officers are usually involved and each time a force technique is used, it is counted. For instance, if three officers were involved in a takedown technique with one person, that would be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



### Final Call Types Associated with Force Events

Aggravated Assault/Battery	2
BAIT Vehicle Theft	1
Burglary Auto	3
Disturbance	6
DV Escort/Violation	1
Family Dispute	8
Fight In Progress	2
Onsite Disturbance	1
Shoplifting	1
Stolen Vehicle Found	4
Suicide	2
Suspicious Person(s)/Vehicle(s)	9
SWAT	3
Traffic Stop	2
Wanted Person	4
<b>Grand Total</b>	<b>49</b>

During November 2024, there were 49 Force Cases with a total of 215 Force Applications.



## Completed Force Investigations - November 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

#### Total Completed Investigations

10

#### Average Days to Completion

14.1

#### Minimum Days to Completion

10

#### Maximum Days to Completion

17

### IAFD (Level 2 and Level 3)

#### Total Completed Investigations

41

#### Average Days to Completion

84.6

#### Minimum Days to Completion

76

#### Maximum Days to Completion

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

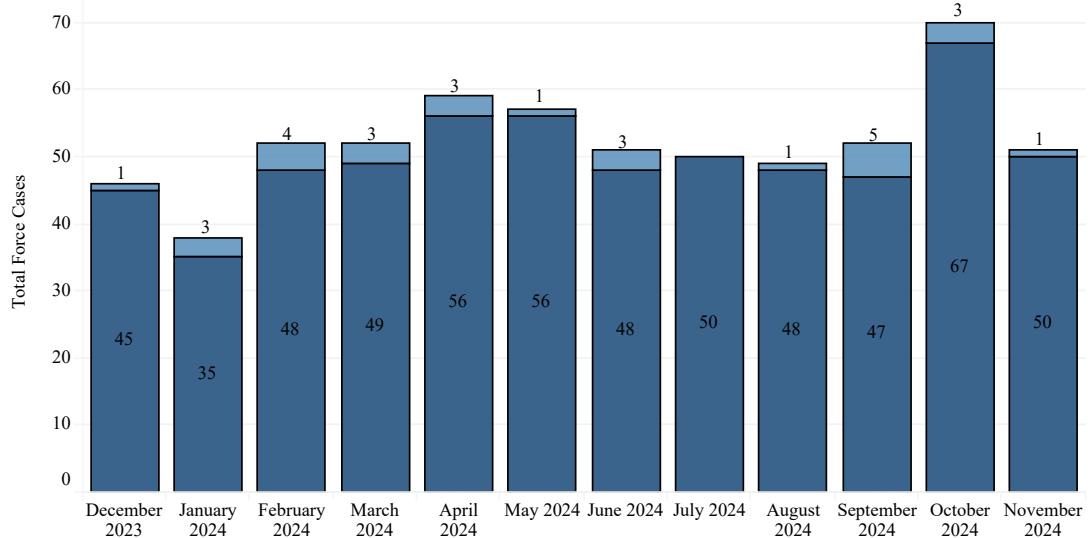
## Policy Outcomes Prior 12 Months

#### Dispositions of Force Investigations Completed in November 2024

	Total Force Cases
In Policy	50
Out of Policy	1
<b>Grand Total</b>	<b>51</b>

#### Out of Policy Force Cases by Area Command

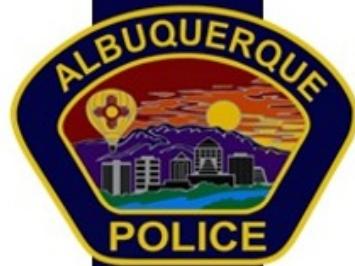
Southwest	1
<b>Grand Total</b>	<b>1</b>



# **Albuquerque Police Department**

## **Monthly Use of Force Report**

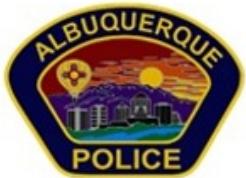
**December 2024**



**Prepared by:**

**Data Analytics Unit**  
**January 8, 2025**

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



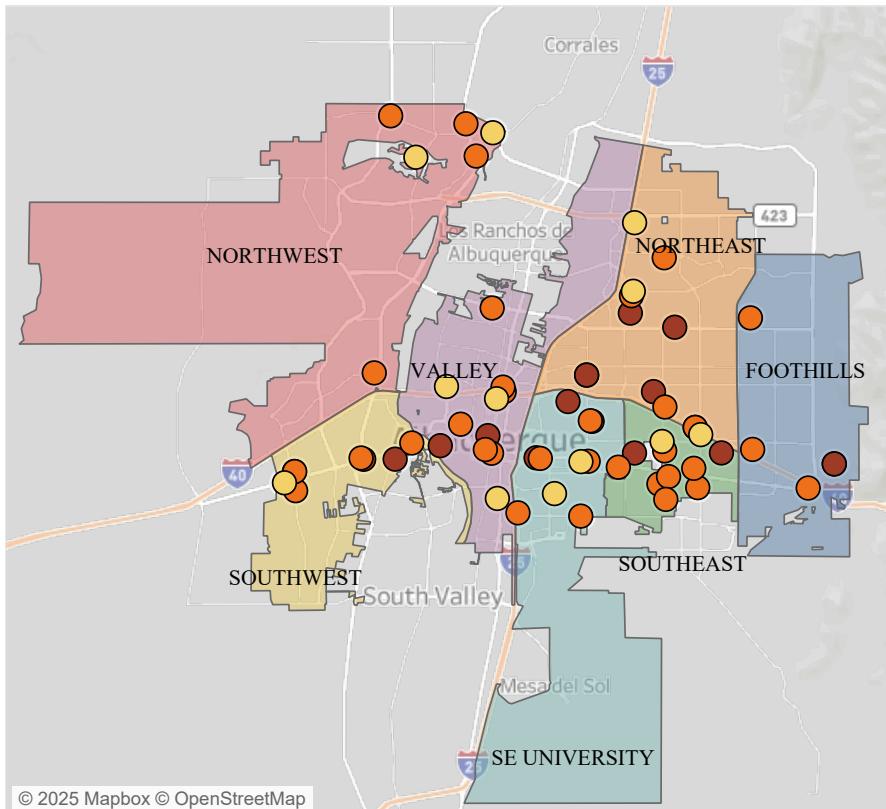
## Total Use of Force Events - December 2024

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 combined with Southeast Area Command in this report until updates to department databases are complete.

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>

### Locations of Use of Force Cases



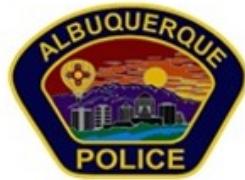
### Total Use of Force Cases by Area Command and Level of Force

	Force Level			Grand Total
	Level 1	Level 2	Level 3	
Foothills	0	3	1	4
Northeast	2	4	4	10
Northwest	2	4	0	6
Southeast	4	12	4	20
Southwest	1	5	2	8
Valley	3	6	2	11
Grand Total	12	34	13	59

Note: The table shows the primary use of force location. If a secondary use of force occurred in a different Area Command, it is not included.

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.

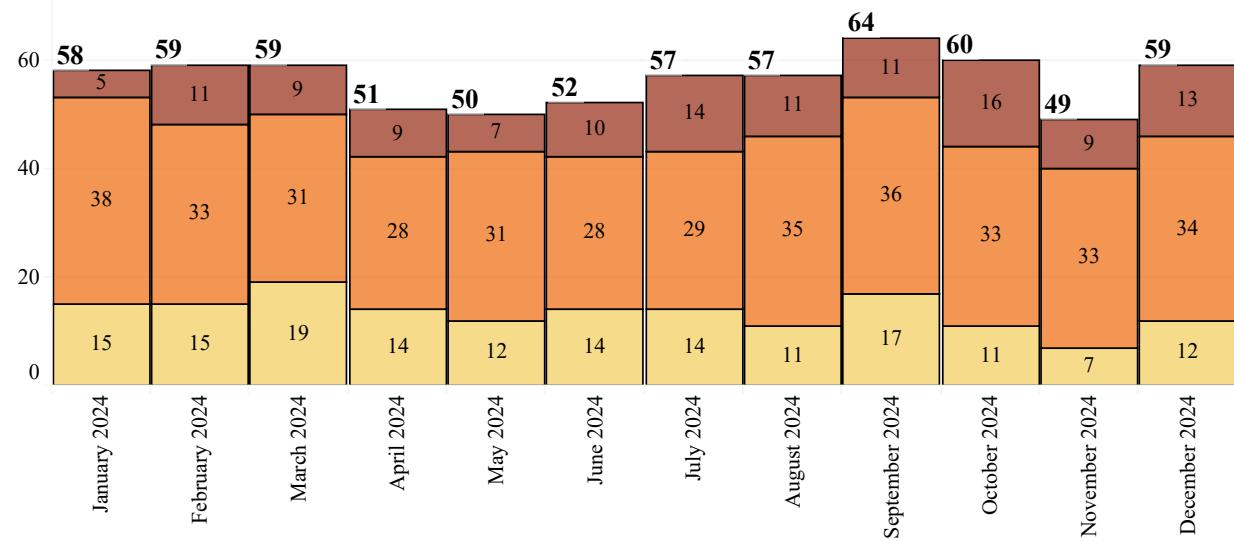


## Use of Force Totals by Month - Past 12 Months

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.

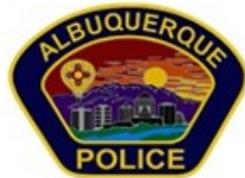
Force Level  
 ■ Level 3  
 ■ Level 2  
 ■ Level 1

Total Uses of Force by Month and Level of Force



Total Uses of Force by Month and Area Command

		January 2024	February 2024	March 2024	April 2024	May 2024	June 2024	July 2024	August 2024	September 2024	October 2024	November 2024	December 2024	Grand Total	
Foothills		Level 1	2	0	3	1	2	3	1	4	0	0	0	17	
		Level 2	4	2	2	1	2	2	3	2	1	1	3	26	
		Level 3	1	0	1	2	0	0	1	1	0	1	2	10	
Northeast		Level 1	2	4	4	2	1	1	2	1	0	0	0	2	19
		Level 2	6	6	4	2	3	6	3	9	8	4	4	59	
		Level 3	1	2	2	2	1	2	1	3	3	4	1	26	
Northwest		Level 1	1	1	1	0	0	1	1	0	1	0	2	2	10
		Level 2	3	3	6	1	3	2	3	2	1	6	2	4	36
		Level 3	0	2	1	0	0	1	0	1	1	0	0	6	
Out of Area		Level 1	1	0	1	2	1	0	0	0	0	1	0	0	6
		Level 2	0	0	0	0	1	1	0	0	1	1	0	0	4
		Level 3	0	0	1	1	0	0	1	0	0	0	0	3	
Southeast		Level 1	7	7	4	3	5	6	3	7	1	1	3	4	51
		Level 2	14	14	10	11	13	6	11	9	16	11	11	12	138
		Level 3	1	4	1	1	2	1	3	3	2	9	0	4	31
Southwest		Level 1	1	1	1	2	0	1	2	1	2	2	1	1	15
		Level 2	8	5	4	5	7	4	1	3	2	3	5	5	52
		Level 3	0	0	2	0	2	3	1	0	2	0	2	2	14
Valley		Level 1	1	2	5	4	3	2	5	1	9	7	1	3	43
		Level 2	3	3	5	8	2	7	8	10	7	7	8	6	74
		Level 3	2	3	1	3	2	3	7	3	3	2	4	2	35
Grand Total		58	59	59	51	50	52	57	57	64	60	49	59	675	



## Use of Force Benchmarked Against Calls For Service and Arrests - December 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 2023 Annual Use of Force Report. Total force counts on this page may be higher than the previous page if a case involves more than one use of force in different Area Commands.

### Calls for Service

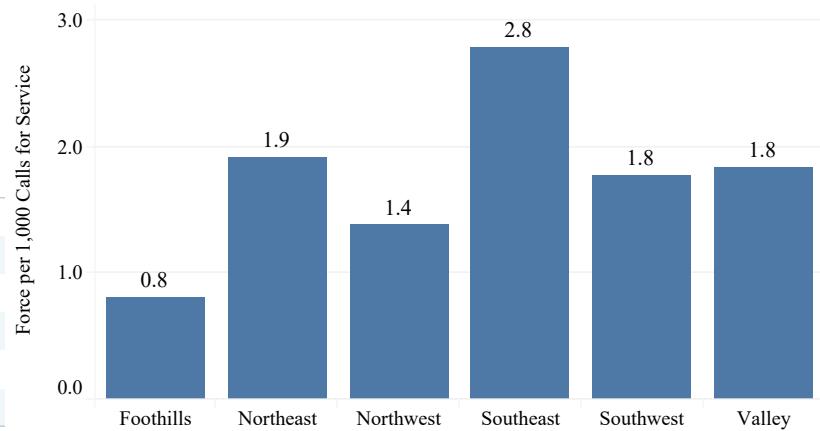
#### Total Calls for Service for Area Commands

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, December 2024

Area Command	Total Force Cases	Total CAD Calls	Force per 1,000 Calls
Foothills	4	4,942	0.8
Northeast	11	5,737	1.9
Northwest	6	4,331	1.4
Southeast	21	7,536	2.8
Southwest	8	4,527	1.8
Valley	11	5,998	1.8

#### Force Rate per 1,000 Calls For Service



### Arrests

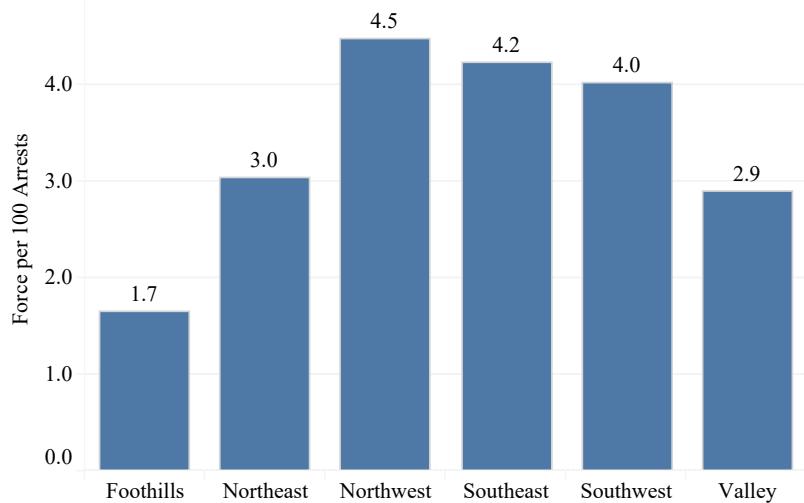
#### Total Arrests for Area Commands

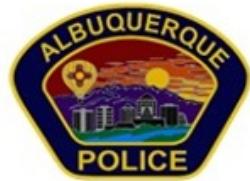
Arrests include custodial arrests and summonses.

#### Force per Arrest by Area Command, December 2024

Area Command	Total Force Cases	Total Arrests	Force Per 100 Arrests
Foothills	4	242	1.7
Northeast	11	363	3.0
Northwest	6	134	4.5
Out of Area	0	39	0.0
Southeast	21	496	4.2
Southwest	8	199	4.0
Valley	11	380	2.9
Unknown	0	43	0.0

#### Force Rate per 100 Arrests

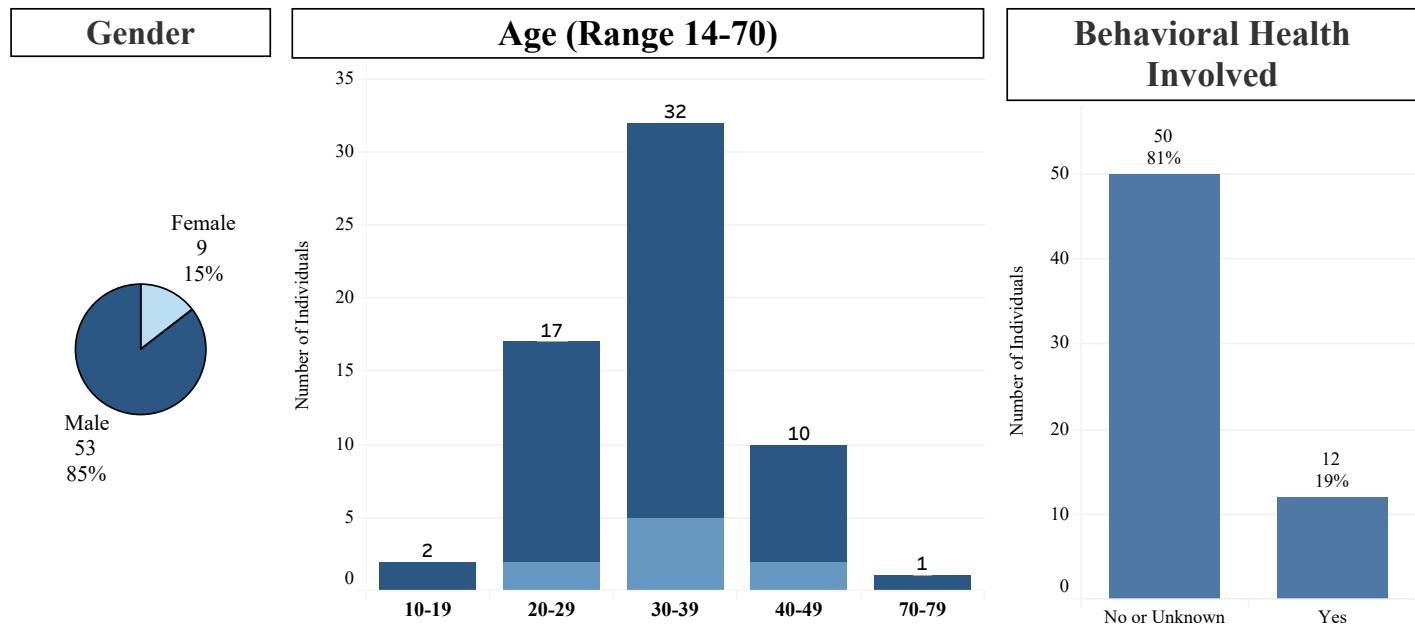




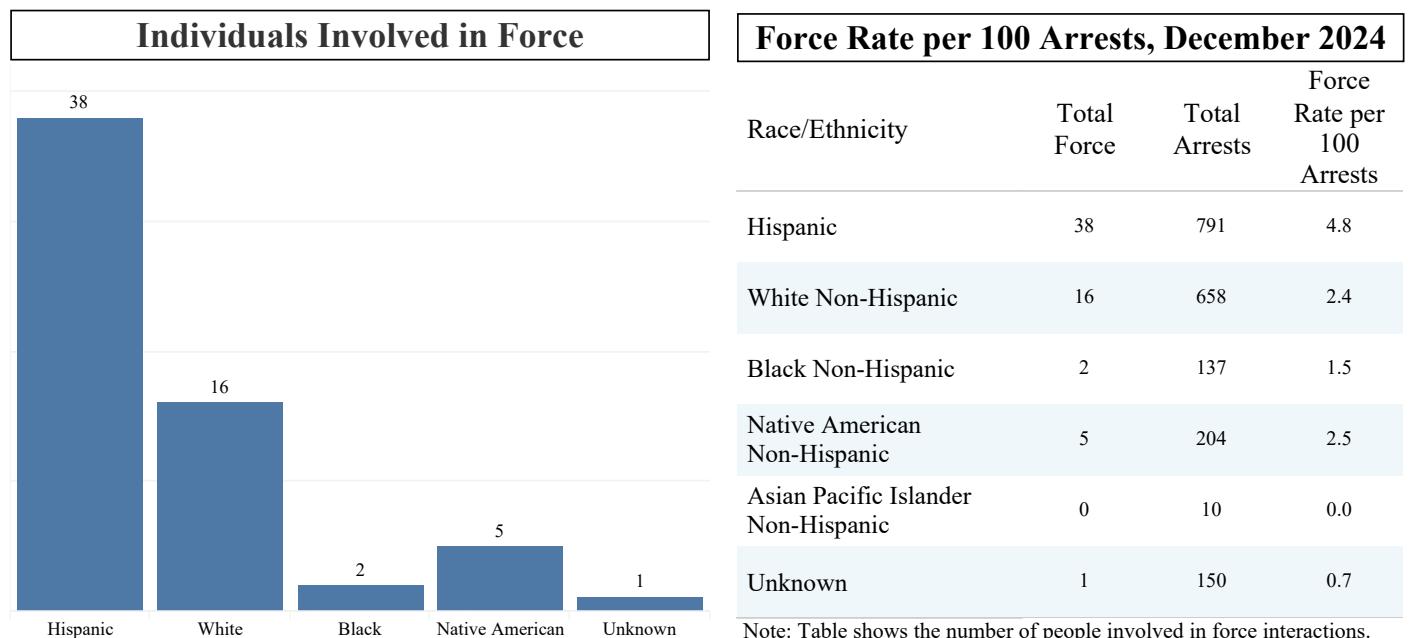
## Demographics of Individuals Involved in Force - December 2024

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.

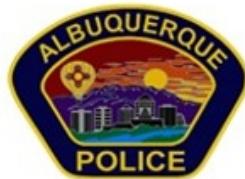
Note: Totals on different characteristics may differ due to missing values being excluded.



### Race and Ethnicity



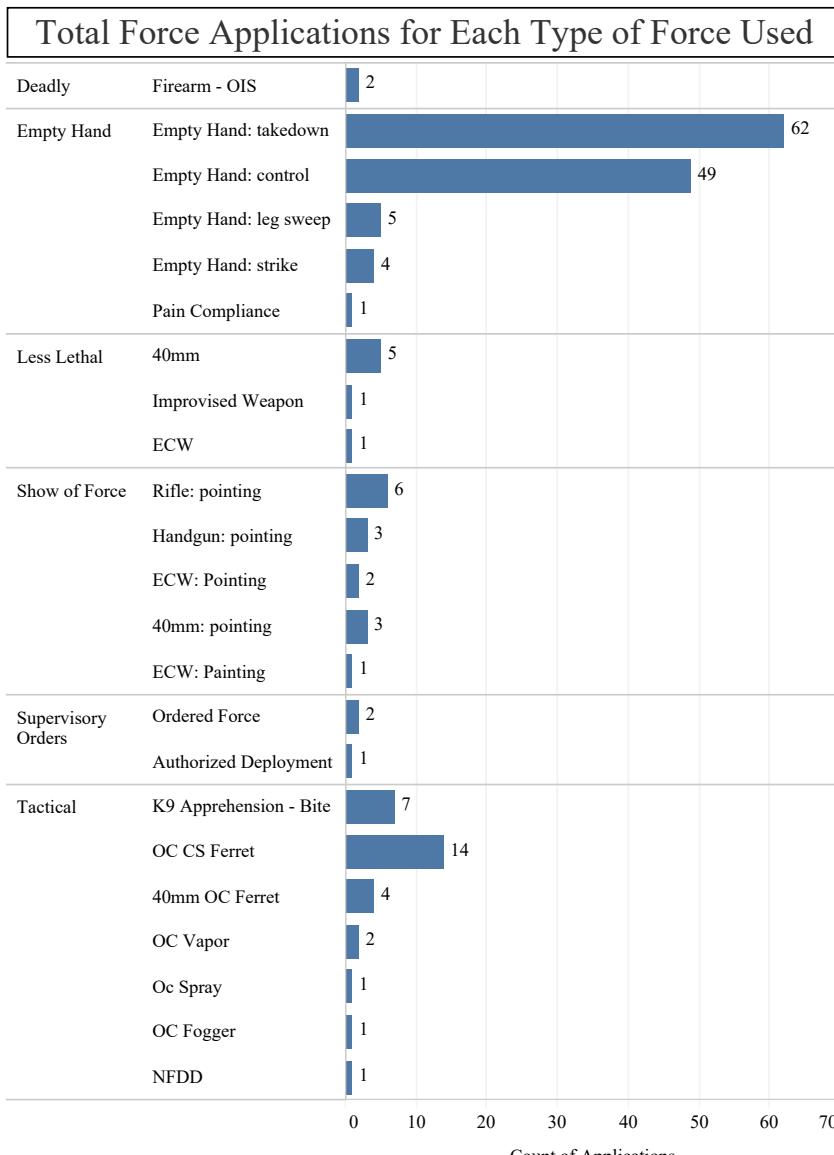
Note: Table shows the number of people involved in force interactions. One person may be counted more than once if they are involved in multiple uses of force.



## Final Call Types and Types of Force Used - December 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.

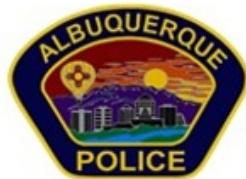
Below, the total number of force applications for each type of force is shown. In any single force case, multiple officers are usually involved and each time a force technique is used, it is counted. For instance, if three officers were involved in a takedown technique with one person, that would be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



### Final Call Types Associated with Force Events

Aggravated Assault/Battery	3
Armed Robbery Committed	1
Auto Theft	1
Burglary Committed	5
Burglary Residence	3
Contact	1
Disturbance	9
Drunk Driver	1
Family Dispute	6
Fight In Progress	2
Narcotics	2
Shooting	1
Shoplifting	2
Stolen Vehicle Found	1
Suicide	2
Suspicious Person(s)/Vehicle(s)	12
SWAT	2
Theft/Fraud/Embezzlement	1
Traffic Accident No Injuries	1
Wanted Person	3
<b>Grand Total</b>	<b>59</b>

During December 2024, there were 59 Force Cases with a total of 178 Force Applications.



## Completed Force Investigations - December 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. **One completed investigation IAFD (Level 2 and Level 3) below had an approved extension to 120 days.**

### Level 1 Unit

Total Completed Investigations	9
Average Days to Completion	11.2
Minimum Days to Completion	5
Maximum Days to Completion	17

### IAFD (Level 2 and Level 3)

Total Completed Investigations	52
Average Days to Completion	85.3
Minimum Days to Completion	77
Maximum Days to Completion	118

### 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.

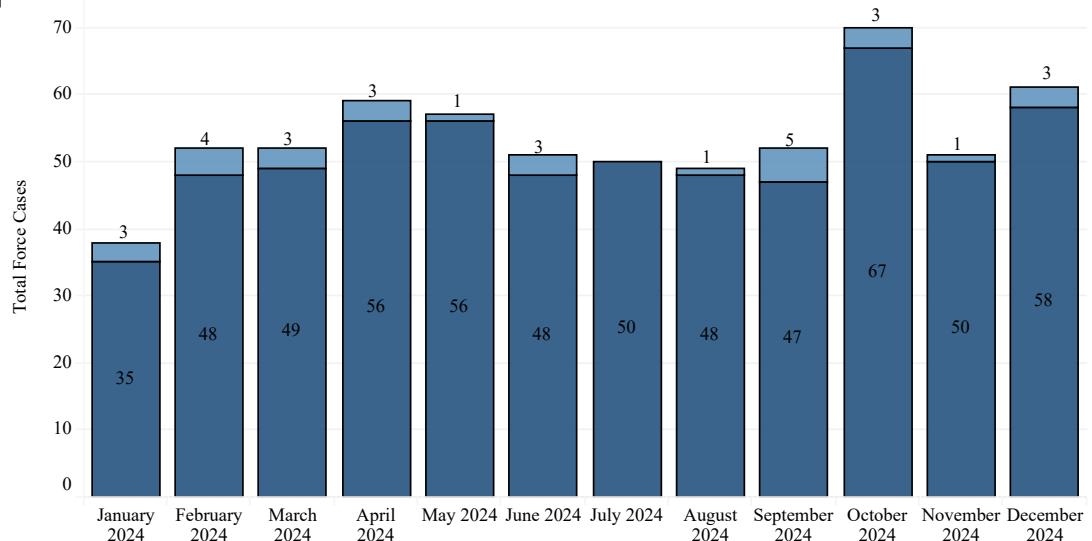
Dispositions of Force Investigations Completed in December 2024
Total Force Cases
In Policy
Out of Policy

<b>Grand Total</b>	<b>61</b>
In Policy	58
Out of Policy	3

Out of Policy Force Cases by Area Command	
Southeast	
Southwest	
Valley	
<b>Grand Total</b>	<b>3</b>

### Policy Outcomes Prior 12 Months

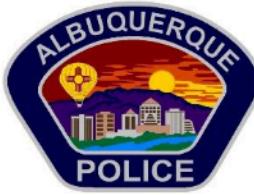
Case Disposition
Out of Policy
In Policy





# City of Albuquerque

## Albuquerque Police Department



Timothy M. Keller  
Mayor

Eric J. Garcia  
Superintendent of Police Reform

January 2, 2025

### Interoffice Memorandum

**To:** Diane McDermott, Executive Director, CPOA

**From:** Jimmy Collins, Major, Office of the Superintendent

**Subject:** Non-Concurrence of Finding re: CPC-212-2024

This memorandum serves to convey the articulation for APD's points of non-concurrence in the above captioned administrative investigation conducted by the Civilian Police Oversight Agency.

Policy	CPOA Finding	APD Finding
2-8-5-D-1	Sustained	Exonerated

#### Rationale for non-concurrence of action for 2-8-5-D-1:

Commanders Waite and Landavazo conducted the Professional Integrity review and did not concur with the finding of sustained for this violation. Both commanders provided a detailed explanation as to why they did not agree with the CPOA in this matter and returned a finding of exonerated.

Ofc. M. recorded the entirety of his initial contact and interaction with the subject, deactivating his OBRD only after the subject was transported from the scene by another officer and Ofc. M. was seated in his vehicle. This concluded the intended contact by Ofc. M. with the subject at that location. Ofc. M. then followed the transporting officer to the medical facility to assist with transfer of the subject, where he reactivated his OBRD prior to initiating contact with the subject a second time. Although poorly worded, SOP 2-8-5 mandates recording during contact, not constantly. There is no intent that officers would record mere driving from the incident to the facility if the officer was not the transporter. (*Commander Sean Waite, Professional Integrity Review*).

In reference to SOP 2-8-5-D-1 (6M), the investigation details that Officer M. recorded the majority of the call with the subject on his OBRD. Officer M. followed the other officer who was transporting the subject to the hospital. While following in a separate vehicle, Officer M. dis-engaged his OBRD. When the officer arrived at the hospital, Officer M. re-activated his OBRD and began recording before he approached the subject who was in the other officers unit. I concur with Cmdr. Waite and the finding of exonerated as Officer M. had terminated intended contact with the subject while he was being transported. (*Commander Henry Landavazo, Professional Integrity Review*).

I reviewed the evidence presented in this investigation and I have concluded the conclusion reached by Commanders Waite and Landavazo was correct and reasonable.

Superintendent Garcia reviewed the circumstances of the non-concurrence and agreed with the finding of exonerated for this violation.

**Conclusion:**

Based on the totality of the information presented, Officer M. was exonerated and no action was taken against him.

Respectfully,



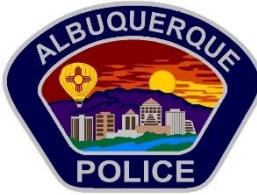
Major Jimmy Collins,  
Deputy Superintendent of Reform  
Albuquerque Police Department

Cc: Eric Garcia, Superintendent of Police Reform



# City of Albuquerque

## Albuquerque Police Department



Timothy M. Keller  
Mayor

Eric J. Garcia  
Superintendent of Police Reform

January 2, 2025

### Interoffice Memorandum

**To:** Diane McDermott, Executive Director, CPOA

**From:** Jimmy Collins, Major, Office of the Superintendent

**Subject:** Non-Concurrence of Finding re: CPC-211-2024

This memorandum serves to convey the articulation for APD's points of non-concurrence in the above captioned administrative investigation conducted by the Civilian Police Oversight Agency.

Policy	CPOA Finding	APD Finding
2-8-5-D-1 Sgt M.	Sustained	Exonerated
2-8-5-D-1 Ofc. Sc	Sustained	Exonerated
2-8-5-A Ofc. St.	Sustained	Exonerated

#### Rationale for non-concurrence of action for 2-8-5-D-1 (Sgt. M.):

Commanders Waite and Landavazo conducted the Professional Integrity review and did not concur with the finding of sustained for this violation. Both commanders provided a detailed explanation as to why they did not agree with the CPOA in this matter and returned a finding of exonerated.

Sgt. M. recorded all contact with both the petitioner and the complainant/subject. OBRD was deactivated only when Sgt. M. was no longer in contact with the petitioner and complainant/subject and was performing administrative duties. A review of the definitions of investigative encounter and law enforcement encounter clearly refer to contact with "subjects" and it is reasonable for officers to deactivate their OBRD when they no longer have contact. Additionally, the definition of contact indicates "direct interaction," which in this incident would be face to face conversation. Once contact, or direct interaction, was intended anew, all officers reactivated their cameras. (*Commander Sean Waite, Professional Integrity Review*).

In reference to SOP 2.8.5.D.1(6M), Sgt. M. accompanied his officers in a case that he considered high profile, as it involved a Metro Court judge. The officers made contact with the caller who wanted an Emergency Restraining Order (ERO) on her ex-husband. After obtaining relevant information, the officers walked away to work on the ERO. Sgt. M. then walked away to check on the officers and at that point he turned off his OBRD. In his interview, Sgt. M. advised that he no longer engaged in a law enforcement contact and had completed all intended contact with the caller. I concur with Cmdr. Waite and the finding of exonerated. (*Commander Henry Landavazo, Professional Integrity Review*).

I reviewed the evidence presented in this investigation and I have concluded the conclusion reached by Commanders Waite and Landavazo was correct and reasonable.

Superintendent Garcia reviewed the circumstances of the non-concurrence and agreed with the finding of exonerated for this violation.

**Rationale for non-concurrence of action for 2-8-5-D-1 (Ofc. Sc.):**

Commanders Waite and Landavazo conducted the Professional Integrity review and did not concur with the finding of sustained for this violation. Both commanders provided a detailed explanation as to why they did not agree with the CPOA in this matter and returned a finding of exonerated.

Ofc. Sc. recorded all contact with both the petitioner and the complainant/subject. OBRD was deactivated only when Ofc. Sc. was no longer in contact with the petitioner and complainant/subject and was performing administrative duties. A review of the definitions of investigative encounter and law enforcement encounter clearly refer to contact with "subjects" and it is reasonable for officers to deactivate their OBRD when they no longer have contact. Additionally, the definition of contact indicates "direct interaction," which in this incident would be face to face conversation. Once contact, or direct interaction, was intended anew, officers reactivated their cameras. As a result, I recommend a finding of exonerated. (*Commander Sean Waite, Professional Integrity Review*).

The investigation reflects that Officer Sc. made contact with the caller who wanted an Emergency Restraining Order (ERO) on her ex-husband. After obtaining relevant information, Officer Sc. and Officer St. walked away to their police units to work on the ERO. Officer Sc. advised that he no longer contact with any one. I concur with Cmdr. Waite and the finding of exonerated. (*Commander Henry Landavazo, Professional Integrity Review*).

I reviewed the evidence presented in this investigation and I have concluded the conclusion reached by Commanders Waite and Landavazo was correct and reasonable.

Superintendent Garcia reviewed the circumstances of the non-concurrence and agreed with the finding of exonerated for this violation.

**Rationale for non-concurrence of action for 2-8-5-A (Ofc. St.):**

Commanders Waite and Landavazo conducted the Professional Integrity review and did not concur with the finding of sustained for this violation. Both commanders provided a detailed explanation as to why they did not agree with the CPOA in this matter and returned a finding of exonerated.

Ofc. St. recorded all contact with both the petitioner and the complainant/subject. OBRD was deactivated only when Ofc. St. was no longer in contact with the petitioner and complainant/subject and was performing administrative duties or speaking with the on-call judge. A review of the definitions of investigative encounter and law enforcement encounter clearly refer to contact with "subjects" and it is reasonable for officers to deactivate their OBRD when they no longer have contact. Additionally, the definition of contact indicates "direct interaction," which in this incident would be face to face conversation. Once contact, or direct interaction, was intended anew, officers reactivated their cameras. Finally, as to the telephone conversation with the judge, a judge is not a member of the public. As a result, I recommend a finding of exonerated. (*Commander Sean Waite, Professional Integrity Review*).

In reference to SOP 2-8-5-A (6M), the investigation reflects that officers made contact with the caller who wanted an Emergency Restraining Order (ERO) on her ex-husband. After obtaining relevant information, Officer St. and Officer Sc. walked away to their police units to work on the ERO. Officer St. turned off his OBRD and contacted a District Court Judge regarding obtaining approval of the ERO. In his interview, Officer St. advised that it was his understanding that phone conversations with an attorney and or a judge were privileged conversations and were not to be recorded. I concur with Cmdr. Waite and the finding of exonerated. . (*Commander Henry Landavazo, Professional Integrity Review*).

I reviewed the evidence presented in this investigation and I have concluded the conclusion reached by Commanders Waite and Landavazo was correct and reasonable.

Superintendent Garcia reviewed the circumstances of the non-concurrence and agreed with the finding of exonerated for this violation.

**Conclusion:**

Based on the totality of the information presented, Sergeant M., Officer Sc., and Officer St. were exonerated and no action was taken against them.

Respectfully,



Major Jimmy Collins,  
Deputy Superintendent of Reform  
Albuquerque Police Department

Cc:                   Eric Garcia, Superintendent of Police Reform

#### A. Decision to Initiate

1. Officers shall only initiate a foot pursuit when the necessity to apprehend the suspect outweighs the risks to the officer, the suspect, and the public. The decision to initiate a foot pursuit may, at a minimum, consider the following factors:
  - a. Severity of the Offense or Immediate Threat: Foot pursuits may only be initiated if the suspect is involved in a serious offense or if there is reasonable suspicion that the suspect poses an immediate threat to public safety.
  - b. Availability of Backup: Officers shall assess the availability of additional units for support before initiating a foot pursuit. If no backup is readily available or response times are delayed, the officer should consider delaying the pursuit.
  - c. Officer Fitness and Training: Officers must realistically assess their own physical fitness and ability to safely engage in the pursuit. Officers who are fatigued, injured, or unfit shall not initiate or engage in a foot pursuit.

#### B. Decision to Terminate

1. Officers shall discontinue a foot pursuit when the risks outweigh the need to apprehend the suspect, or when the situation escalates to a point where the safety of the officer, the public, or the suspect is endangered. The following factors, at a minimum, shall be considered:
  - a. Loss of Visual Contact: Officers shall terminate the pursuit if they lose visual contact with the suspect and there is no reasonable likelihood of regaining it.
  - b. Loss of Firearm or Weapon System: Officers shall terminate the pursuit if they lose possession of their firearm or weapon system.
  - c. Loss of access to radio communications: Officers shall terminate the pursuit if they lose access to their ability to communicate via radio.
  - d. Fatigue or Injury: Officers shall immediately terminate the pursuit if they become fatigued, injured, or otherwise physically unable to continue safely.
  - e. Danger to Bystanders or Traffic: If the pursuit enters a crowded area, busy traffic, or other hazardous conditions where bystanders could be injured, the pursuit shall be terminated.
  - f. Isolated Areas and Confined Spaces: Pursuits through buildings, structures, confined spaces, or otherwise isolated areas shall be terminated if there isn't sufficient backup for containment.