



City of Albuquerque  
Civilian Police Oversight Agency

Tim Keller, Mayor

Diane McDermott, Executive Director

Interoffice Memorandum

October 15, 2024

To: Council President Dan Lewis

From: Diane McDermott, Executive Director

Subject: 2024 1st Half CPOA Semi-Annual Report

In accordance with City of Albuquerque ordinance Sec. 9-4-1-11, please accept the enclosed electronic file versions of the CPOA's 2024 January-June Semi-Annual Report.

Thank you



## Civilian Police Oversight Agency

### Semi-Annual Report

*January 1<sup>st</sup> 2024 - December 31<sup>st</sup> 2024*

### Mission Statement

*“Advancing Constitutional Policing and Accountability for the Albuquerque Police Department and the Albuquerque Community”*

**Diane McDermott**

Executive Director

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## List of Abbreviations

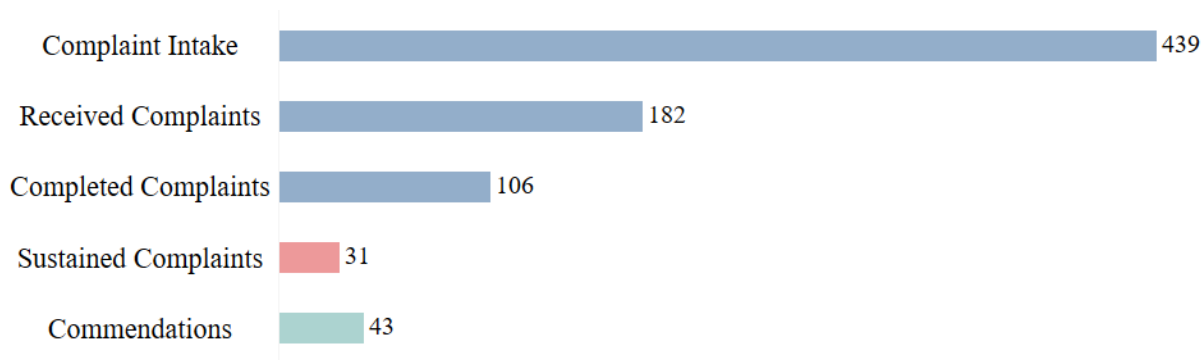
Abbreviation	Description
APD	Albuquerque Police Department or “Department”
CABQ	City of Albuquerque
CAO	Chief Administrative Officer
CASA	Court Approved Settlement Agreement
CBA	Albuquerque Police Officer’s Association’s Collective Bargaining Agreement
CPOA	Civilian Police Oversight Agency or “Agency”
CPOAB	Civilian Police Oversight Agency Board or “Board”
CPC	Civilian Police Complaint
CPCs	Civilian Police Complaint
DAP	Disciplinary Action Packet
DOJ	Department of Justice
ECW	Electronic Control Weapons
FRB	Force Review Board
IA	Internal Affairs
IAPS	Internal Affairs Professional Standard
IAFD	Internal Affairs Force Division
NDCA	Non-Disciplinary Corrective Action
OB RD	On-Body Recording Device
OIS	Officer Involved Shooting
PNP	Policies and Procedures Review Sub-Committee
PPRB	Policy and Procedures Review Board
PTC	Prisoner Transport Center
SOPs	Standard Operating Procedures
SNBOOC	Sustained Not Based on Original Complaint
UOF	Use of Force
VNBOOC	Violation Not Based on Original Complaint

## Report Summary

### Complaints and Commendations

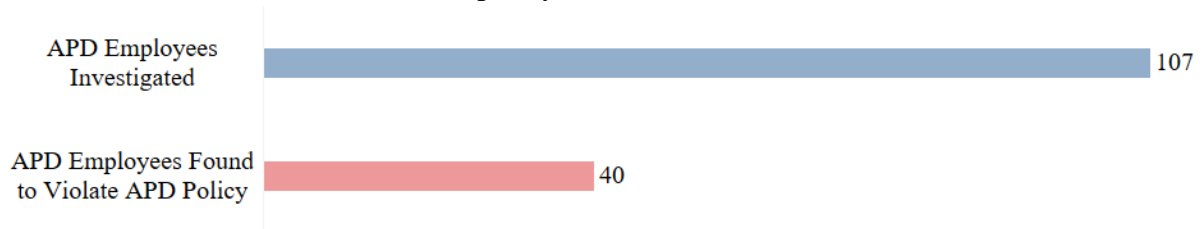
During this period, from January 1<sup>st</sup>, 2024, to June 30th, 2024 (“Reporting Period”), the CPOA received 439 potential complaint notifications (“Complaint Intake”), 182 complaints were assigned for investigation (“Received Complaints”), and 107 complaints were closed (“Completed Complaints”).

Among the completed complaints, 31 resulted in at least one finding of a policy violation by an APD employee (“Sustained Complaints”), accounting for 29.0% of completed complaints. The CPOA also received 43 Commendations expressing praise or recognition for APD employees.



### APD Employees

During this period, The CPOA Investigated 107 APD employees in Completed Complaints, 40 of whom were found to violate APD policy (37.4%).



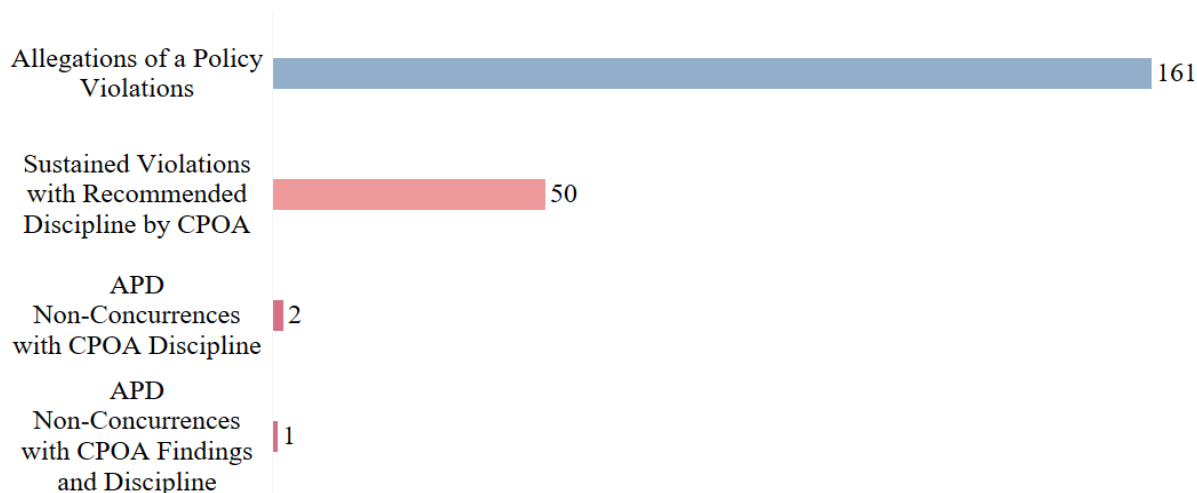
### Complainants

During this period, the CPOA investigated on behalf of 102 identifiable complainants and 8 anonymous complainants.



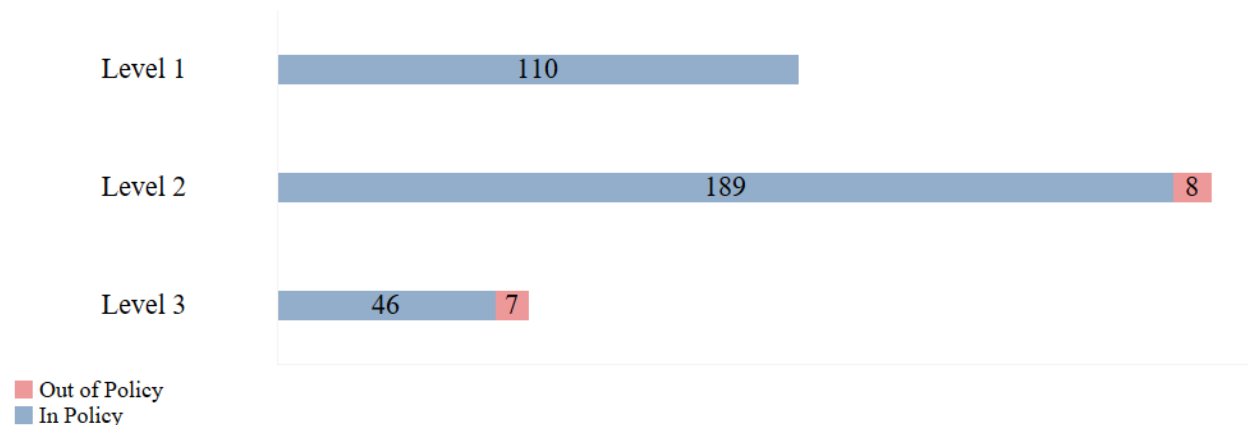
## CPOA Sustained Findings and Non-Concurrences by APD

During this reporting period, there were 3 instances where the Police Reform Bureau or Chief Administrative Officer of the City of Albuquerque disagreed with the CPOA's recommended findings and/or discipline.



## Use of Force

During the reporting period, there were 360 total UOF interactions with completed investigations: 110 Level 1, 197 Level 2, and 53 Level 3 interactions. Of these, 15 incidents were found to be Out of Policy (4.2%): 8 involved Level 2 interactions, and 7 involved Level 3 interactions.



## **I. Introduction**

Although a civilian oversight entity has existed in some capacity since the twentieth century, the Civilian Police Oversight Agency (CPOA) was established in its current form in 2014 after the City of Albuquerque and the Department of Justice (DOJ) entered into a Court Approved Settlement Agreement (CASA) regarding the Albuquerque Police Department's (APD) pattern or practice of use of excessive force against civilians. In their findings letter, the DOJ specified community policing and civilian oversight as necessary components of the public safety ecosystem and, consequently, are also monitored under the CASA.

The CPOA is governed by the CASA itself, city legislation, and the Civilian Police Oversight Ordinance (Oversight Ordinance), which was last amended in January 2023. Per the Oversight Ordinance (§ 9-4-1-2), the CPOA is an independent agency of the City of Albuquerque, distinct from City government, City Council, and the Albuquerque Police Department (APD).

The oversight structure consists of the Advisory Board (CPOAB) and the Administrative Office (CPOA) led by the Executive Director. While the CPOAB and CPOA collaborate, they have distinct roles and responsibilities. The CPOAB is comprised of appointed volunteers who host public monthly meetings where they may discuss policy recommendations and CPOA investigatory findings and proposed discipline, hear complainant appeals, and receive public comment. The CPOA is charged with fairly and impartially reviewing and investigating complaints and commendations from community members concerning APD personnel. Additionally, the CPOA analyzes data on trends and potential issues concerning police conduct and shares policy, disciplinary, training, and procedural recommendations with the City Council, the Mayor, and APD.

The Oversight Ordinance requires the CPOA to regularly inform the Mayor, the City Council, and the public of their efforts by publishing semi-annual reports (§ 9-4-1-11). Between the CASA and the Oversight Ordinance, these reports are to include:

- Data on the number, kind, and status of all complaints received and investigated, including those sent to mediation, serious force incidents, and officer-involved shootings
- Policy changes submitted by both APD and the CPOA
- Demographics of complainants and subject officers
- CPOA findings and the Office of Police Reform's imposition of discipline
- APD disciplinary, use of force, policy, or training trends
- Information on public outreach initiatives spearheaded by the CPOAB or CPOA
- Issues that may inform the City Council to consider legislative amendments to the Oversight Ordinance
- Time the CPOAB dedicates to policy activities

## Complaint Investigations

Any person claiming to be aggrieved by the actions of APD may file civilian police complaints (CPCs) with the CPOA or APD and may do so any time after the alleged incident occurs. If the complaint is filed with APD police, the Department must refer the complaint to the CPOA within three business days. Upon receiving a complaint, the CPOA promptly begins the initial review and assessment process. Once this initial phase is completed, the CPOA may:

- Refer the complaint to mediation, Internal Affairs, or Area Command when a complaint alleges:
  1. A delayed or non-response to a call for service or misconduct only with a 911 service operator
  2. A driving or traffic violation where there is no direct encounter or interaction with a citizen
  3. Criminal activity, potentially discovered after a preliminary investigation on information received in the original complaint
  4. Misconduct by a non-sworn, non-operator APD employee who, by policy, is not equipped with OBRD. Exceptions may be made depending on the severity of allegations
- Resolve the complaint without a full investigation when it is determined that the complaint:
  1. Does not allege misconduct by an APD employee
  2. The policy violations are minor and pattern does not exist
  3. The allegations are duplicative of another complaint or investigation
  4. There is a lack of information to complete the investigation,
  5. The complainant requests to withdraw the complaint, barring any exceptions
  6. The complaint was resolved through informal mediation or referral to another agency
- Conduct a full investigation

During an investigation, the assigned investigator will review the complaint, interview complainants, witnesses, and other APD personnel involved, obtain evidence, review other necessary materials, and make recommended findings within 120 days.<sup>1</sup> Per the revised Collective Bargaining Agreement (CBA) from January 2022 (and subsequent CBA from July 2023), the Chief of Police no longer has the authority to grant a 30-day extension to the CPOA. Once the complaint investigation is completed, the agency's Executive Director will review the findings to

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<sup>1</sup> The CPOA has remained operational in a modified capacity due to a lack of available office space. While video and phone interviews have become more common since the onset of the coronavirus public health emergency, the CPOA hopes to return to in-person operations when office space becomes available.



determine if there are any Albuquerque Police Department Standard Operating Procedures (SOPs) violations.

There are six possible CPOA complaint findings:

- **Sustained** – Where the investigation determines, by a preponderance of the evidence, that the alleged misconduct did occur.
- **Not Sustained** – Where the investigation is unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred.
- **Exonerated** – Where the investigation determines, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training.
- **Unfounded** – Where the investigation determines, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer.
- **Sustained Violation Not Based on Original Complaint (Sustained/VNBOOC)** – Where the investigation determines, by a preponderance of the evidence, that misconduct did occur that was not alleged in the original complaint and was discovered during the investigation.
- **Administratively Closed** – Where the policy violations are minor, the allegations are duplicative, or an investigation cannot be conducted because of the lack of information in the complaint.

## Discipline

If the CPOA investigation determines that there were SOP violations, it may recommend disciplinary actions to the Office of Police Reform in accordance with the Chart of Sanctions (SOP 3-46: Discipline System). The Office of Police Reform is provided with the CPOA case file and a Disciplinary Action Packet (DAP). The DAP provides the discipline calculation based on the SOP, class, sanction, and the officer's progressive discipline history. The Office of Police Reform may impose the disciplinary recommendations at its discretion. If the Office of Police Reform deviates from the CPOA's recommended discipline or finding, they have 30 days to explain why they disagree with the CPOA in a written memo.

Per the renegotiated CBA between the City of Albuquerque and the Albuquerque Police Officers Association, no disciplinary action shall be taken against an investigated officer(s) nor used for progressive discipline in any future infraction when the investigation is out of compliance with timelines set forth in the CBA.<sup>2</sup> However, the investigated officer(s) will receive the investigation

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<sup>2</sup> This Collective Bargaining Agreement is effective July 15, 2023 through June 30, 2026; Timelines standards set forth in CBA: (1) Every Investigation shall be concluded within one hundred and twenty (120) days from the issuance of notice to the officer or assignment of the case for investigation, whichever is later and within a 15 day time period; (2) Upon completion of the investigation, the department shall have up to forty (40) days for command level review of the investigation and to issue a pre-determination hearing notice; and (3) CPOA Semi-Annual Report  
January – June 2024

results and potential training if training is requested or required. Additionally, the investigation may be used for purposes such as mandatory training for any or all Department officers, non-disciplinary actions such as reassignment to prevent further similar misconduct, policy development, consideration for promotion for the investigated officer(s), evidence in future grievances for purposes such as notice, and as an aggravating circumstance within the applicable sanction range for future similar infractions by the investigated officer(s).

## **Appeal Process**

Upon receipt of the findings, the civilian complainant has 30 days to request an appeal hearing by the CPOAB. The Agency and the CPOAB alert the Office of Police Reform of any such appeal and hold a hearing on the matter at their next scheduled meeting. The CPOAB may amend findings or recommendations from the public letter to the complainant and make additional ones to the Office of Police Reform at the hearing based on the criteria established in the Ordinance if the CPOAB finds that the policy was misapplied, the findings or recommendations were arbitrary, or the findings were inconsistent with the available evidence. Following the hearing, the CPOAB will provide a written Notice of Decision to the complainant, implicated employee, CPOA Executive Director, and Office of Police Reform. The Office of Police Reform has 20 days after receiving the CPOAB's Notice of Decision to provide the CPOA and civilian complainant with their final disciplinary decision.

Within 30 days of receiving the final disciplinary decision, the civilian complaint may request that the Chief Administrative Officer (CAO) review the complaint, the CPOA's disciplinary recommendation, and the Office of Police Reform's final disciplinary decision. Upon completing the review, the CAO has 90 days to override the Office of Police Reform's final disciplinary decision. The CAO is to notify the complainant, implicated employee, Office of Police Reform, and the CPOA Executive Director of their review and any action taken.

## **Policy Process**

The CPOAB/CPOA is deeply committed to the APD policy development and review process. In their first year of existence, the CPOAB created a set of operating procedures designed to meet policy obligations and later created the Policy and Procedures Review Sub-Committee (PnP) to review and make recommendations on APD policies and procedures to ensure compliance and consistency with the CPOA mission. CPOAB members, the CPOA Executive Director, and staff regularly participate in PnP meetings, during which APD subject matter experts present new policies and modifications to existing policies for review. In this forum, members have the opportunity to ask questions and recommend policy changes. In addition to PnP meetings, the

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measured from when the pre-determination hearing ends, a determination with any findings must be sent to the officer within twenty (20) days.

CPOAB designee and the CPOA Executive Director also attend the Policy and Procedures Review Board (PPRB) meetings to finalize and vote on the SOPs before they reach the CPOAB for an additional 30-day review and commentary on further modifications before final approval prior to publishing.<sup>3</sup>

The CPOA/CPOAB holds that establishing and implementing sound policies are essential to ensuring quality public safety services because effective police accountability necessitates clear, consistent, and detailed policies. When policies fail, officer and public safety may be affected, resulting in a weakened police-community relationship or bodily harm. In recognizing the magnitude of this charge, the CPOA/CPOAB maintains a good policy recommendation has several features:

- It identifies a problem and proposes a solution,
- It is supported by data,
- It is transparent to the community,
- It is clear, understandable, trainable, and acceptable to the Police Department, and
- It has a good chance of being adopted.

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<sup>3</sup> Over the course of this reporting period, the policy process changed slightly (see SOP 3-52: Policy Development Process). Instead of a synchronous PnP meeting, policies may be reviewed during an online 15-day commentary period prior to going to PPRB. Additionally, the 30-day review period was extended to 35 days.

## **Data Sources and Limitations**

Data for this report is sourced from IA Pro (the Internal Affairs record management database), CPOA, CPOAB, and CPC meeting minutes, information trackers, reports, and other correspondence, IAFD reports, and the City of Albuquerque human resources. The majority of the data used to present statistics in this report is the IA Pro Database and was exported on September 25<sup>th</sup>, 2024.

The CPOA has maintained the self-reported complainant data without any alterations. For instance, a complainant may initially assert the absence of a mental illness, and the subsequent investigation may reveal underlying mental health issues. Despite this, our analysis will encompass the complainant's initial response, indicating the absence of a mental illness. Additionally, some complainants do not respond to all demographic questions, skip the demographic section entirely, or were not given an opportunity to provide demographic information if the complaint was received via direct email, Blue Team, an old complaint form, or was filled out by someone on behalf of the complainant. The CPOA does not impute unreported information unless the information is from a static field in another form (e.g., race), so the complainant demographic section is subject to missingness and may, rarely, reflect the demographics of the individual filling out the complaint, not the complainant them self.

For the descriptive summary statistics, anonymously reported complainants are excluded from the analysis because it is possible for a complainant to submit multiple complaints, including an anonymous complaint. In this case, the analyst cannot know whether multiple anonymous complaints originate from the same person. As such, anonymously reported complainants are excluded to avoid any overcounting of demographic statistics. Additionally, the UOF data presented in this report

Since the majority of the data is extracted from the IA Pro database, including the use of force data, it is important to note that the CPOA is not an IA Pro administrator and only has limited control over data entry into the database. The data contained in this report represents the most accurate information available at the time of retrieval. However, the information stored in the database is dynamic and can change as an investigation progresses. Since the complaint data is exported from live databases, complaint specifications, allegations, and outcome numbers may fluctuate over time and are subject to revision. As such, updated information may lead to discrepancies between the data presented in this report and data presented in previous CPOA or other City reports.

### **Legislative Amendments**

No significant legislative amendments were enacted during this reporting period.

### **CPOA Internal Changes**

During this reporting period, the Interim Executive Director was confirmed as Executive Director and the Deputy Director and Chief Compliance Officer (CCO) were appointed. The CPOA also hired an additional investigator.

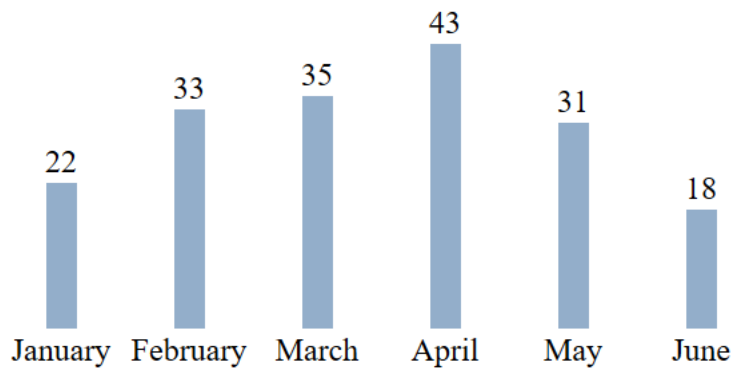
## II. Complaint Details

During the reporting period, the CPOA received 439 complaints and opened (assigned CPC numbers in the IA database) 182 complaint investigations. The CPOA completed 106 complaint investigations, 20 less than the 126 complaints completed in the last reporting.

Compared to the previous reporting period,<sup>4</sup> this reporting period showed an 18.2% increase in Complaint Intake, a 17.4% increase in Received Complaints, a 15.9% decrease in Completed Complaints, a 72.2% increase in Sustained Complaints, and a 59.3% increase in Commendations.

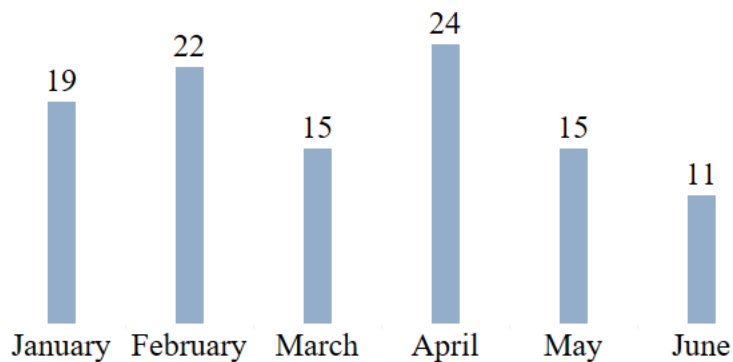
Out of the 182 received complaints this period, the CPOA received the most in April (23.6%) and the least in June (9.9%).

Figure 1.1 – Received Complaints by Month



Out of the 106 completed complaints this period, the CPOA closed the most in April (22.6%) and the least in June (10.4%).

Figure 1.2 – Completed Complaints by Month



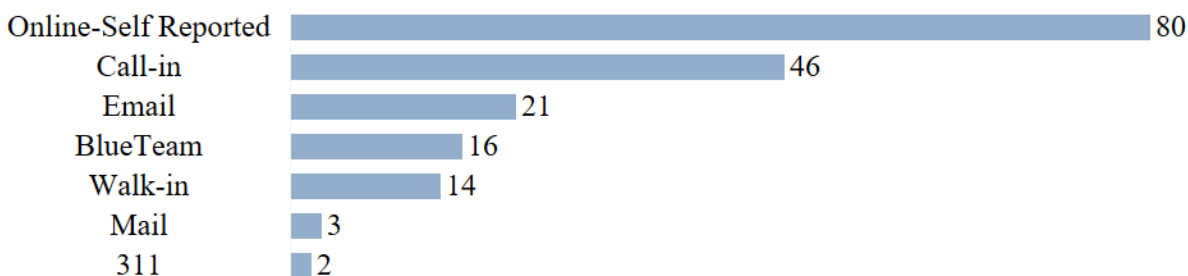
<sup>4</sup> 2023 CPOA Semi-Annual Report (July to December): <https://www.cabq.gov/cpoa/reports-public-studies>

## Complaint Sources

Complaints submitted to the CPOA can come from various sources. Complainants can file a complaint through an online form, fax, regular mail, phone call, email, or in person at the CPOA office. Complaint forms are accessible online and at over fifty locations throughout Albuquerque, including police substations, supervisor patrol vehicles, libraries, and community centers.

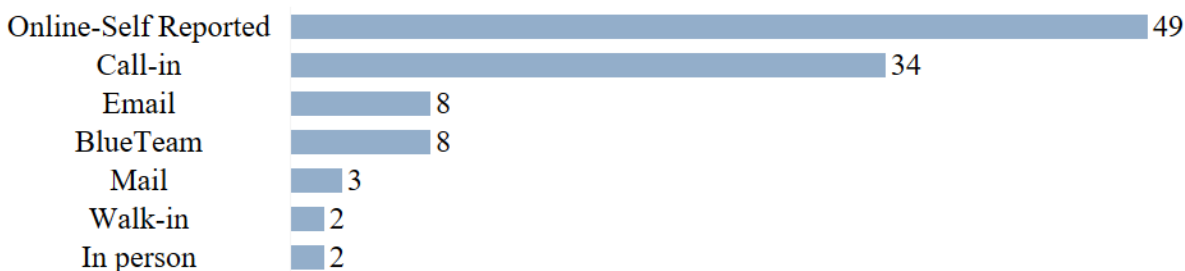
Many of the 182 complaints received and opened during the reporting period were submitted online (44.0%).

Figure 2.1 – Received Complaints by Source



Most of the 106 complaints completed during the reporting period were submitted online (46.2%).

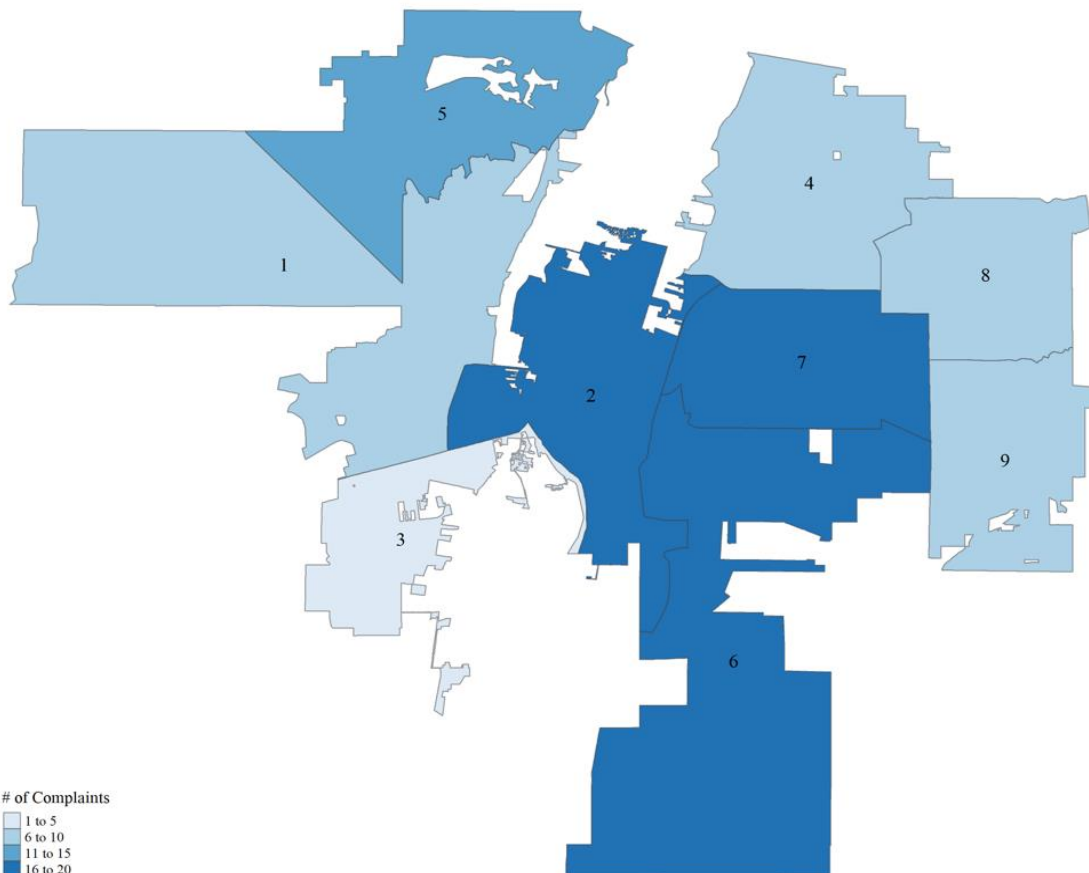
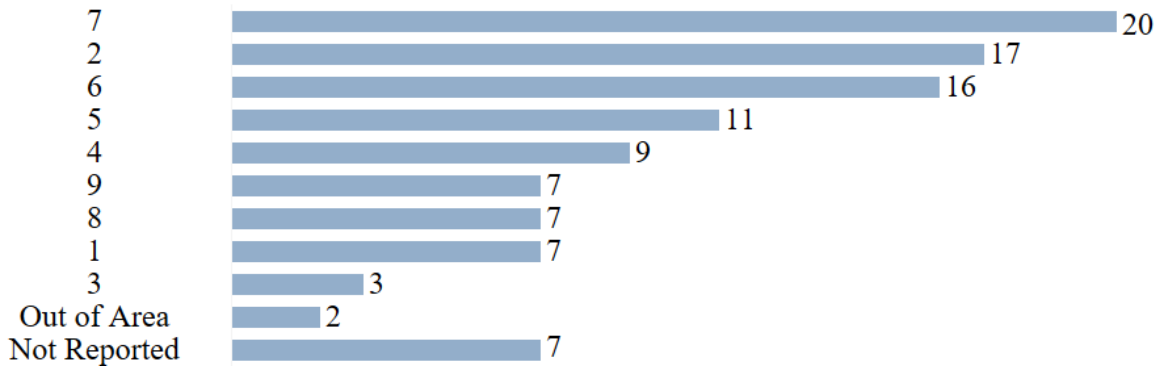
Figure 2.2 – Completed Complaints by Source



## Complaints by City Council Districts

Of the completed complaints, most occurred in City Council District 2 (16.0%), City Council District 6 (15.1%), and City Council District 7 (18.9%). The fewest took place in City Council District 3. 7 complaints did not identify an incident location, so the City Council District for these is unknown (“Not Reported”). 2 complaints stemmed from incidents outside of the City Council’s jurisdiction and are listed as “Out of Area.”

Figure 3.1 – Incident Location by City Council Districts





## Complaints Trend

Figure 4.1 – Complaints Received by Year

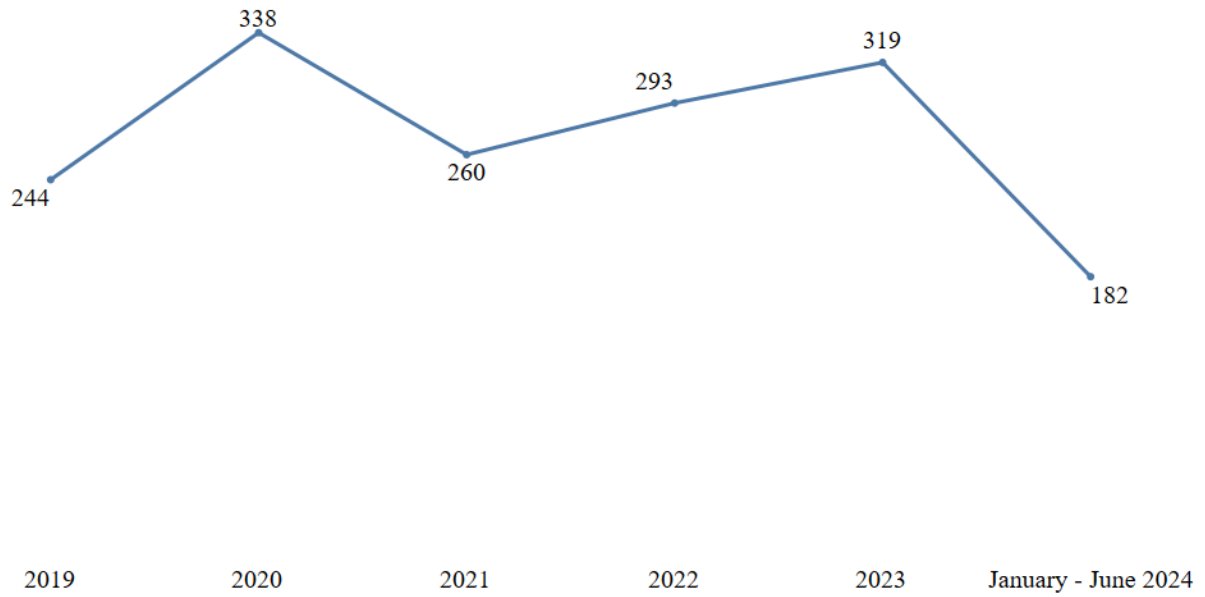


Figure 4.2 – Complaints Received by Year and Quarter

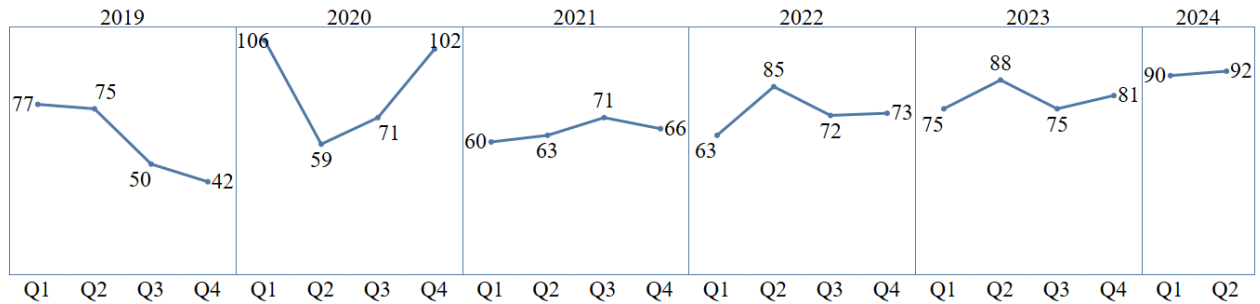


Figure 4.3 – Complaints Completed by Year

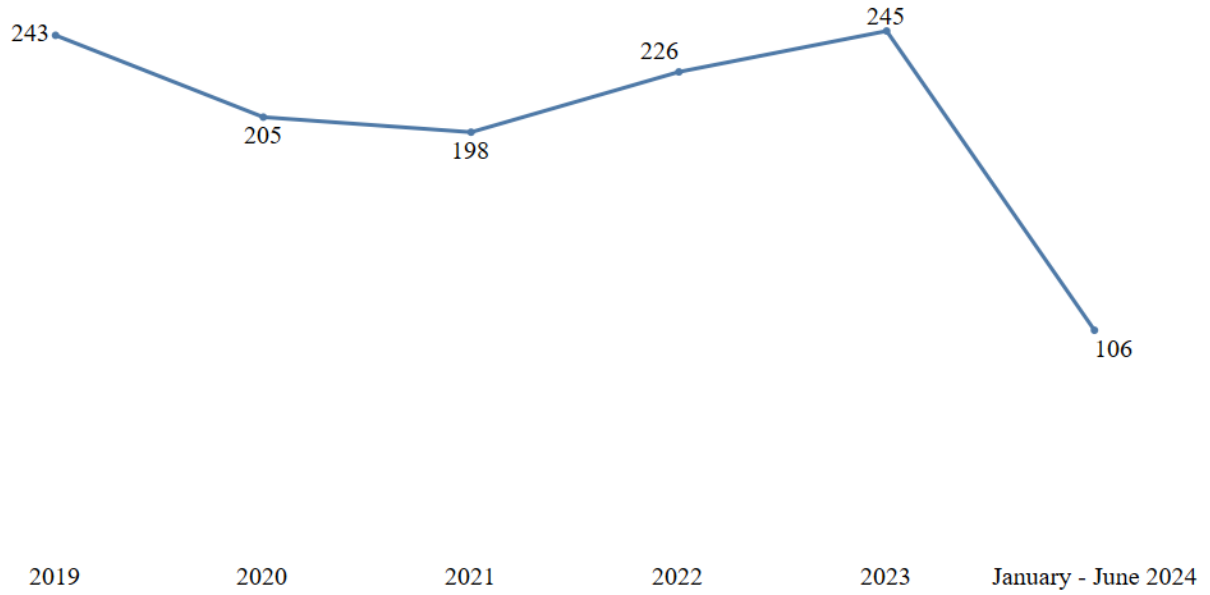
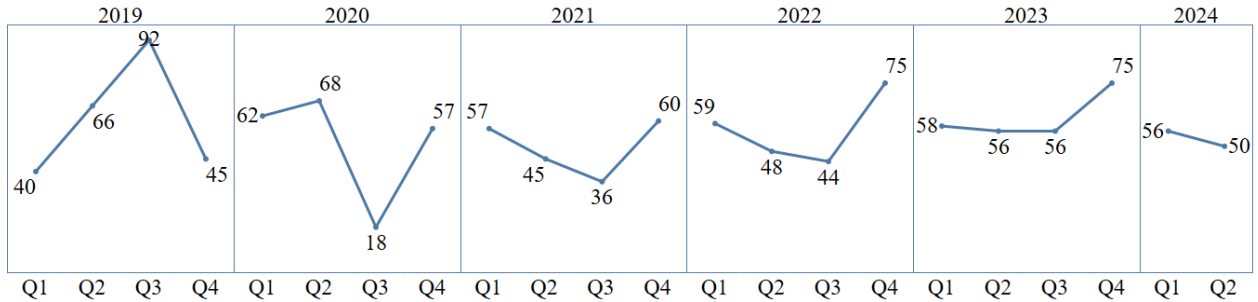


Figure 4.4 – Complaints Completed by Year and Quarter



## Investigation Completion Timeline

During this period, 73 of the 106 completed complaints led to a CPOA investigation and finding based on a review of specific APD policies. The remaining 33 complaints, though requiring a preliminary investigation by the CPOA, did not result in a finding, as each case was either administratively closed or referred to IAPS for further action.

Of the 73 complaints whose investigations led to CPOA findings on alleged APD policy violations, 70 (95.9%) were completed in 120 days or less. This is an improvement from the last reporting period, where 77.8% of investigations were completed in 120 days or less.

Figure 5.1 – Investigation Timelines

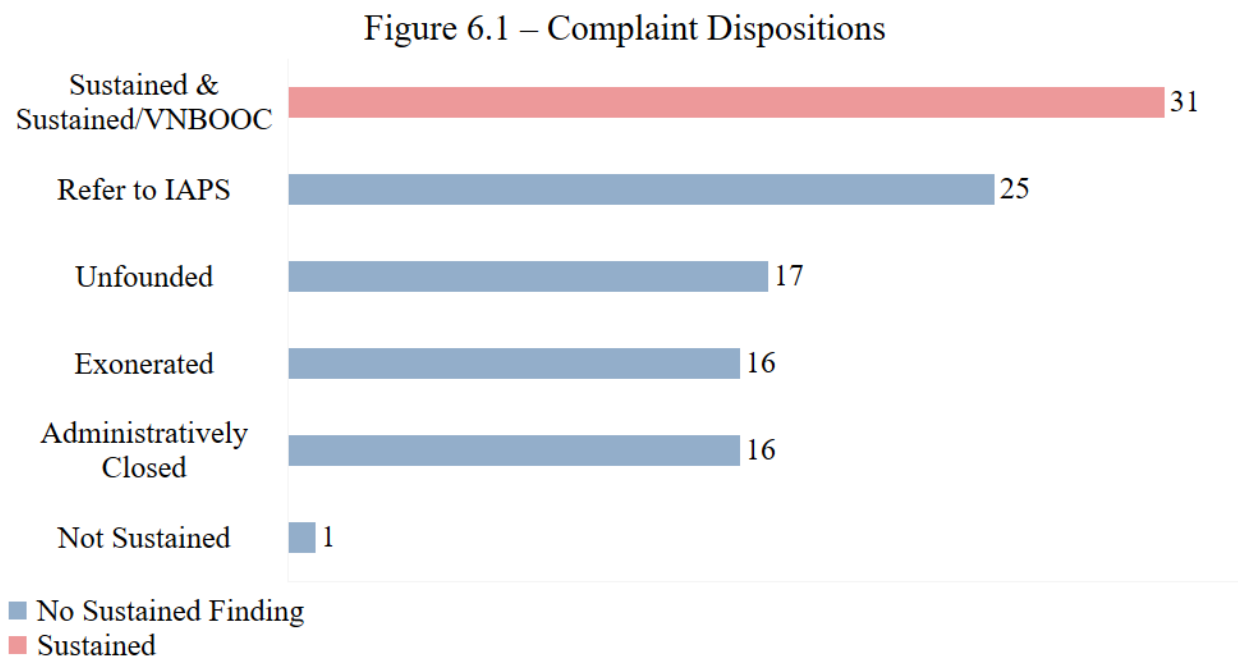


The CPOA receives a high volume of complaints, necessitating a triage process to manage them effectively. Due to the number of submissions and limited investigation personnel, the CPOA must prioritize complaints based on their urgency, severity, and likelihood of violation. This prioritization can result in longer investigation times for some complaints, as resources are allocated to investigations that are more likely to result in findings of misconduct first.

## Complaint Dispositions

The CPOA determines a finding for each allegation associated with the complaint, such that there may be more than one disposition in a single complaint with multiple allegations or multiple implicated employees. For example, a complaint with three allegations may result in three distinct findings: Sustained, Unfounded, and Administratively Closed. For complaints such as these, the representative “complaint disposition” in this report will be the highest disposition associated with the complaint in our analysis, which, in this example, would be Sustained.

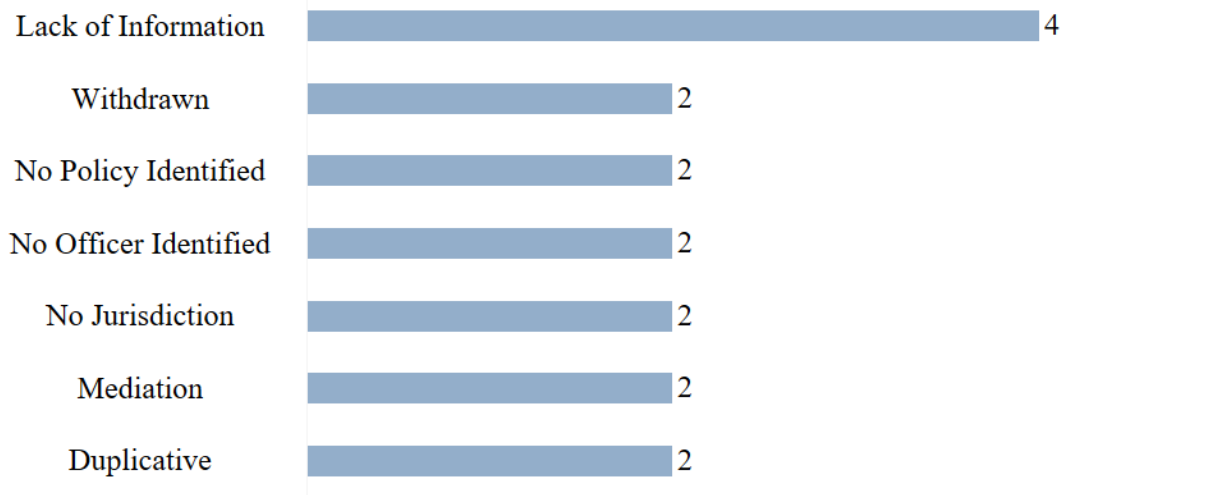
Including complaints that were Sustained on violations not based on the original complaint (“Sustained/VNBOOC”), there were 31 sustained complaints in this period (29.0%). This is up from 18 in the last reporting period, an increase of 72.2%.



After a preliminary investigation, complaints were referred to IAPS for three primary reasons during this reporting period: (1) the complaint involved a civilian APD employee exclusively, (2) the complaint alleged criminal allegations against an APD employee, or (3) the complaint alleged an APD employee who is identified to be a part of the larger APD DWI investigation.

The most common reason a complaint was administratively closed was for a lack of information.

Figure 6.2 – Admin Closed Complaints



## Reviewed SOPs

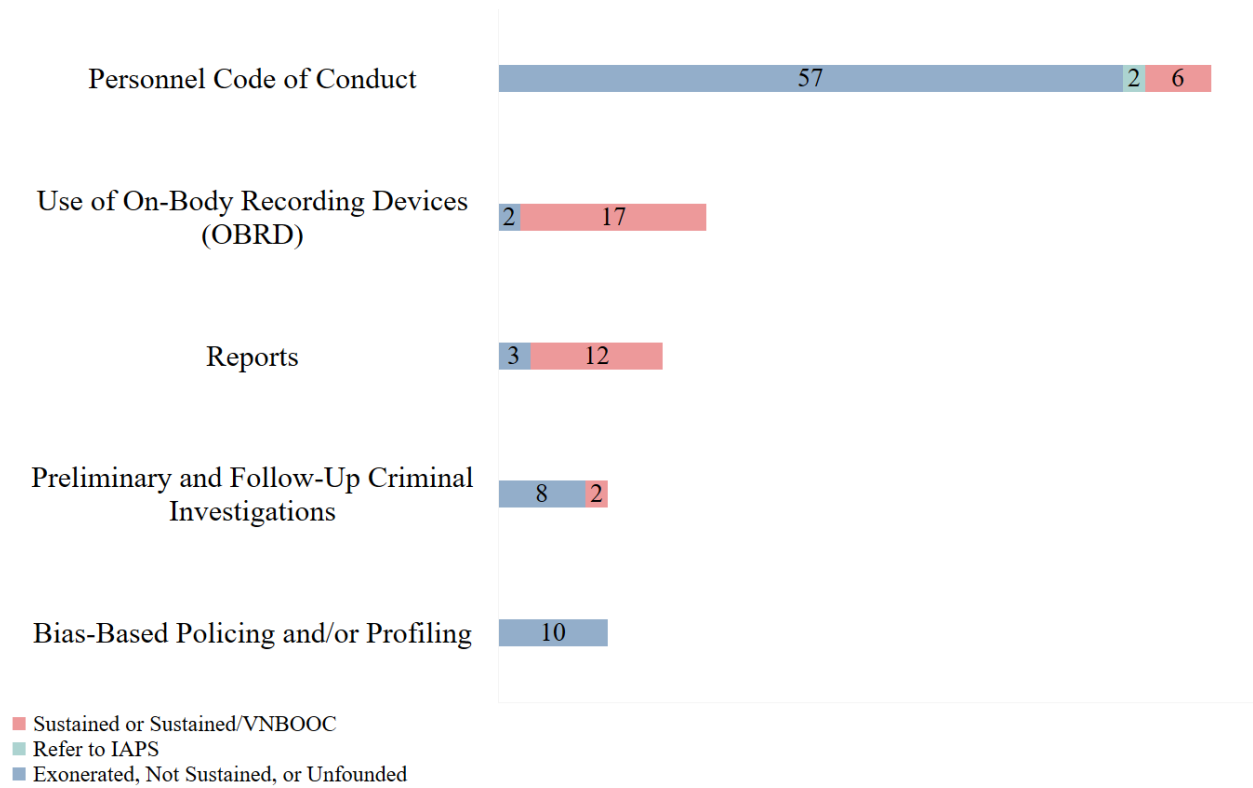
During this reporting period, 62 enumerated directives for 21 SOP chapters were reviewed 161 times for the 106 completed complaint investigations linked to a policy violation. There were 66 complaints with one allegation, 20 with two allegations, and 21 with more than two allegations. There were 16 administratively closed complaints, and 22 referred to IAPS complaints that were not linked to an allegation. 3 complaints that were referred to IAPS had an allegation linked before the complaint was transferred.

SOP 1-1 “Personal Code of Conduct” was reviewed the most (65 times) over the course of this reporting period. SOP 2-8, “Use of On-Body Recording Devices,” was the policy with the most sustained violations, all arising from violations that were not alleged in the original complaint.

Table 1 – CPOA Investigations and Findings

SOP Number & Title	Recommended Findings by Disposition						Total Reviews
	Refer to IAPS	Exonerated	Unfounded	Not Sustained	Sustained	Sustained VNBOOC	
1-1 Personnel Code of Conduct	2	19	34	5	6		65
2-8 Use of On-Body Recording Devices (OBRD)		1		1		17	19
2-16 Reports		2	1		8	4	15
2-60 Preliminary and Follow-up Criminal Investigations		2	6		2		10
1-4 Bias-Based Policing and/or Profiling			10				10
2-71 Search and Seizure Without a Warrant		2	2		1		5
2-100 Emergency Communications Center (ECC) Division		3	1		1		5
2-80 Arrests, Arrest Warrants, and Booking Procedures			2			2	4
2-52 Use of Force-General			3				3
2-33 Rights and Safety of Onlookers		1	2				3
2-19 Response to Behavioral Health Issues		3					3
3-41 Complaints Involving Department Personnel		1	1			1	3
2-73 Collection, Submission, and Disposition of Evidence and Property		2			1		3
2-46 Response to Traffic Crashes						2	2
2-40 Misdemeanor, Traffic, and Parking Enforcement						2	2
2-5 Department Vehicles				2			2
1-78 Police Service Aid Program			1				1
2-3 Firearms and Ammunition Authorization			1				1
2-7 Damage to Civilian Property			1				1
1-31 Court Services Unit	1						1
<b>Finding Total</b>	3	36	65	7	19	31	161

Figure 6.3 – Most Reviewed SOPs



## Non-Concurrences with CPOA Findings and/or Disciplinary Recommendations

In this reporting period, there were 3 instances where the Police Reform Bureau or Chief Administrative Officer of the City of Albuquerque disagreed with the CPOA's recommended findings and/or discipline. Each non-concurrence involved a single alleged policy violation and either reduced the severity of discipline or exonerated the APD employee, resulting in the dismissal of disciplinary action. 2 of the non-concurrences only disagreed with the recommended discipline, while the other non-concurrence disagreed with the CPOA finding, exonerating the APD employee and dismissing the recommended discipline.

Table 2 – Non-Concurrences

CPC Number	Policy	CPOA Finding	APD Finding	CPOA Rec. Discipline	APD Discipline
<i>CPC2023-000261</i>	1-1-5-A-1	Sustained	Sustained	8-hour Suspension	Written Reprimand
<i>CPC2023-000181</i>	1-1-5-A-1	Sustained	Exonerated	Written Reprimand	None
<i>CPC2024-000004</i>	2-8-4-G	Sustained/VNBOOC	Sustained/VNBOOC	Verbal Reprimand	NDCA

In the last reporting period, 2 notifications of non-concurrences were received from the Police Reform Bureau. In 1 case, the APD disagreed with a sustained finding of the CPOA, while in the other, the APD sustained a finding that the CPOA recommended to Exonerate.

To view redacted copies of the Non-Concurrence Letters, please see “[Office of Police Reform Non-Concurrence Letters](#)” on the CPOA website.<sup>5</sup>

<sup>5</sup> Redacted Versions of Non-Concurrence Letters can be found here: <https://www.cabq.gov/cpoa/findings-letters/chief-of-police-non-concurrence-letters>



## Findings and Discipline Imposed by APD in Sustained Complaints

APD upheld 48 Sustained or Sustained VNBOCC CPOA findings in 31 complaint investigations. 40 APD employees were found to have violated APD policy, with 5 of the employees having two violations in a single case and 1 employee having four violations in a single case.

Table 3 – Sustained Allegations and Final Discipline by SOP

Sustained or Sustained/VNBOCC	SOP Number & Title	NDCA	Verbal Reprimand	Written Reprimand	Suspension
16	2-8 Use of On-Body Recording Devices (OBRD)	1	2	11	2
12	2-16 Reports		10	1	1
6	1-1 Personnel Code of Conduct	2		4	
3	2-82 Restraints and Transportation of Individuals			3	
2	2-46 Response to Traffic Crashes		1		1
2	2-60 Preliminary and Follow-Up Criminal Investigations	2			
1	2-71 Search and Seizure Without a Warrant				1
1	2-73 Collection, Submission, and Disposition of Evidence and Property		1		
1	2-80 Arrests, Arrest Warrants, and Booking Procedures				1
1	2-100 Emergency Communications Center (ECC) Division	1			
1	3-41 Complaints Involving Department Personnel	1			

APD did not issue 2 proposed disciplinary actions because the investigation exceeded the permissible amount of time outlined in the CBA, a Written Reprimand for a sustained finding under 2-8 “Use of On-body Recording Devices (OBRD)” and a NDCA for a sustained finding under 1-1 “Personnel Code of Conduct.” Additionally, 2 proposed disciplinary violations were not issued because the implicated employee left APD before discipline could be issued, a Written Reprimand for a sustained finding under 2-8 “Use of On-body Recording Devices (OBRD)” and a Suspension for a sustained finding under 2-16 “Reports.”

### III. Employee Demographics

As of June 30<sup>th</sup>, 2024, the APD stated it had 1586 total employees and 874 sworn employees, reflecting a 21 sworn employee increase since December 31<sup>st</sup>, 2023 (853). This brings the department back to nearly the same stated sworn staffing numbers it had on June 30<sup>th</sup>, 2023 (876). Among the 1586 total employees, both sworn and un-sworn, 1010 identified as male (63.7%) and 866 (54.6%) identified as Spanish.

APD categorizes and labels employee demographics differently for HR purposes than what is stored in the IA Pro Database. APD’s shared employment data lists counts of “Spanish” employees, while this category is labeled as “Hispanic” in IA Pro. Additionally, every APD employee who was cited in a complaint during this period and identified as “Hispanic” for Ethnicity has the corresponding race of “White” in the IA Pro database.

Table 4 – APD Employee Demographics

Gender	Ethnicity	Count
Male	American Indian/Alaska Native	28
	Asian	32
	Black	32
	Caucasian	399
	Mixed Race	18
	Other	5
	Spanish	514
Female	American Indian/Alaska Native	26
	Asian	8
	Black	5
	Caucasian	170
	Mixed Race	13
	Other	2
	Spanish	352

During this reporting period, 107 APD employees (both sworn and non-sworn) were identified in the 106 completed investigations on behalf of 102 named complainants and 8 anonymous complainants. Out of the 106 completed investigations, 25 complaints did not implicate an APD employee, all of which were administratively closed or referred to IA.

In the previous reporting period, the CPOA investigated 143 APD employees, 23 of whom were found to have violated APD policy (16.1%). Compared to this period, the number of investigated employees decreased by 25.2%, while the number of employees found to have violated policy increased by 73.9%.

A complaint can involve more than one employee, and an employee can be cited in multiple complaints. As seen in Table 5, most complaints during this reporting period implicate a single APD employee. 12 APD employees were implicated in more than one complaint, as represented in Table 6.

Table 5 – Number of Complaints Associated with Multiple Employees

Number of Complaints	Number of Employees Involved
82	1
13	2
8	3
3	4

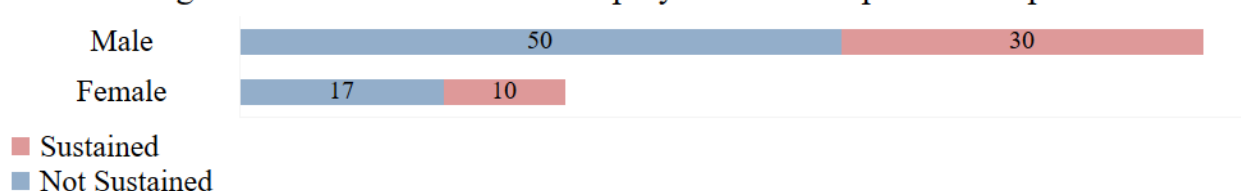
Table 6 – Number of Complaints Associated with Multiple Employees

Number of Employees	Times Involved
96	1
10	2
1	3

## Employee Gender, Race, and Ethnicity in Completed Complaints

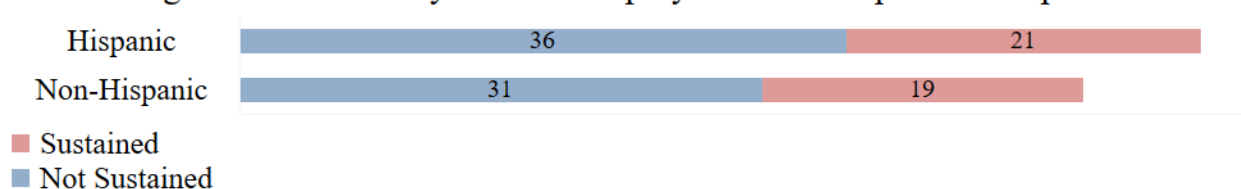
Most of the 107 APD Employees cited in a complaint identified as male (74.7%). Of the 40 APD employees with sustained findings, an almost identical majority identified as male (75.0%). This is higher than the overall percentage of identified males employed by APD (63.7%), similar to the percentage of total males cited in the last reporting period (76.2%), and lower than the percentage of males with sustained findings in the last reporting period (82.6%).

Figure 8.1 – Gender of APD Employees in a Completed Complaint



57 APD employees cited in complaints identified as Hispanic (53.3%). Of the 40 employees with sustained findings, a similar majority identified as Hispanic (52.5%). These percentages are very similar to the percentage of total APD employees that identified as “Spanish” as stated by APD (54.6%), higher than the implicated Hispanic employees of the last period (47.6%), and lower than the employees cited in a sustained complaint that identified as Hispanic from last period (60.1%).

Figure 8.2 – Ethnicity of APD Employees in a Completed Complaint



100 of the 107 APD employees cited in a complaint identified as White (93.5%). Similarly, the vast majority of the 40 employees with sustained findings identified as White (92.5%).

Figure 8.3 – Race of APD Employees in a Completed Complaint

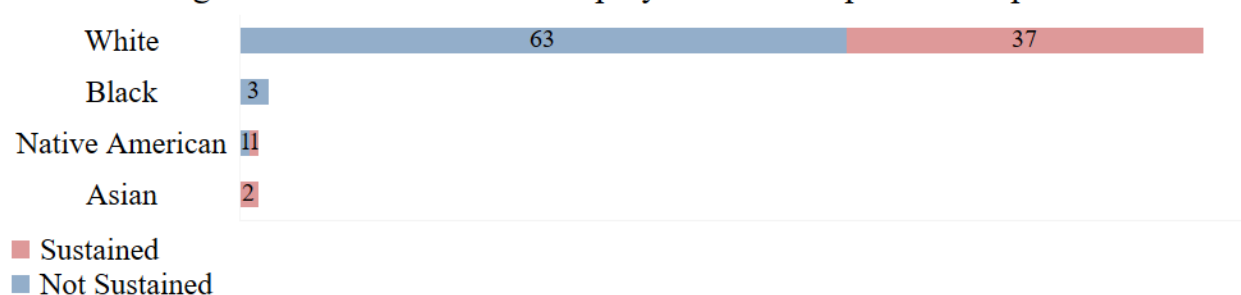
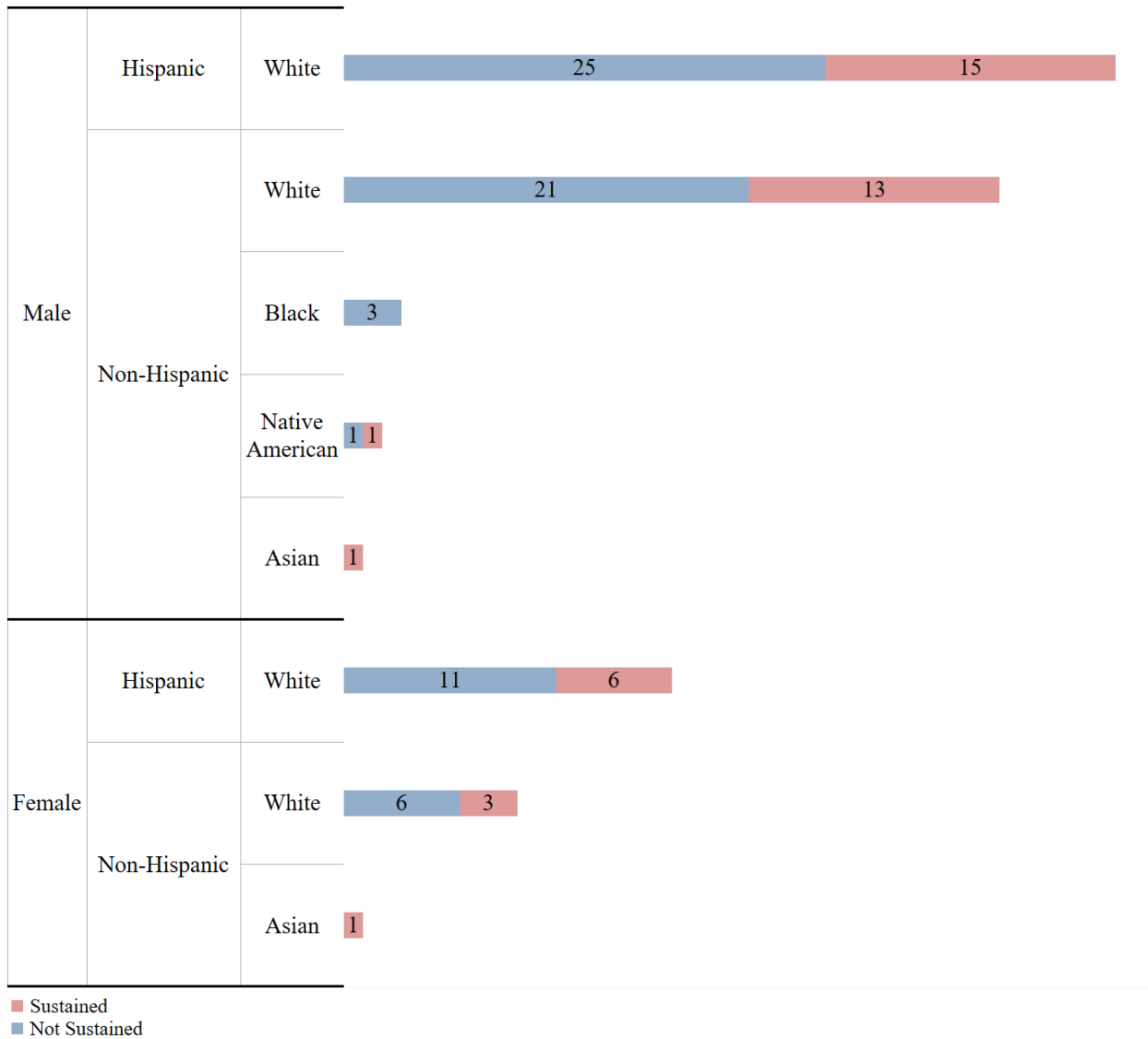


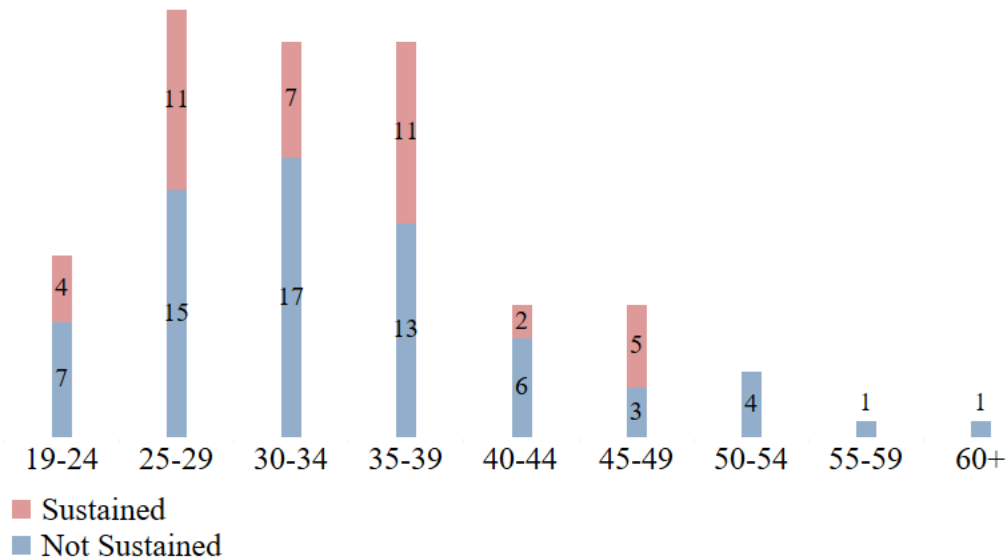
Figure 8.4 – Demographic Breakdown of APD Employees in a Completed Complaint



## Employee Median Age

Many employees cited in a complaint fall in the 25 – 29 age range (24.3%), followed by the 30 – 34 age range (22.4%). At the time of the incident, the youngest APD employee was 19 years old, and the oldest was 73 years old. Out of the 40 APD employees with sustained findings, most were in the 25 – 29 and 35 – 39 age range (27.5% each).

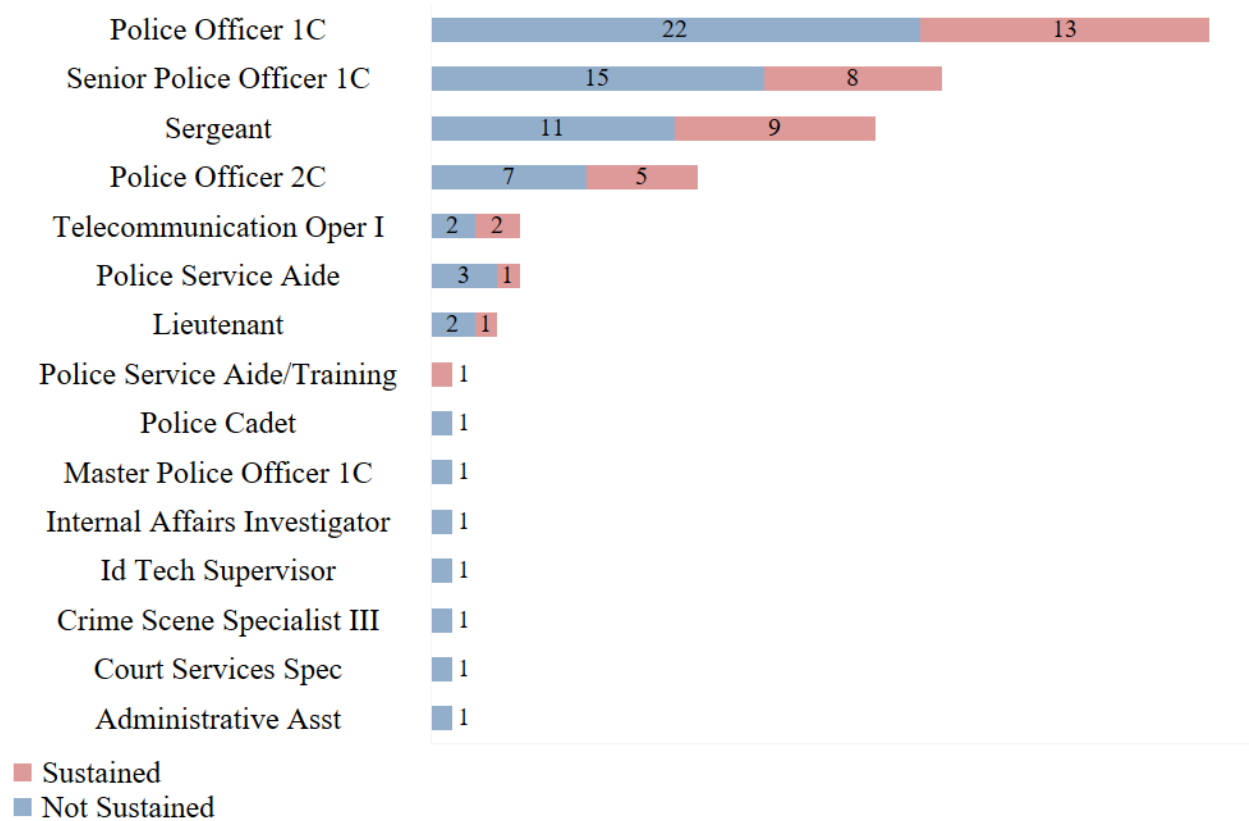
Figure 8.5 – Ages of APD Employees in a Completed Complaint



## Employee Rank

Of the 107 employees cited in a complaint completed during this reporting period, most held the rank of Police Officer 1<sup>st</sup> Class (32.7%) or Senior Police Officer (21.5%). Of the 40 employees with sustained findings, Police Officer 1st Class also had the most sustained findings (32.5%).

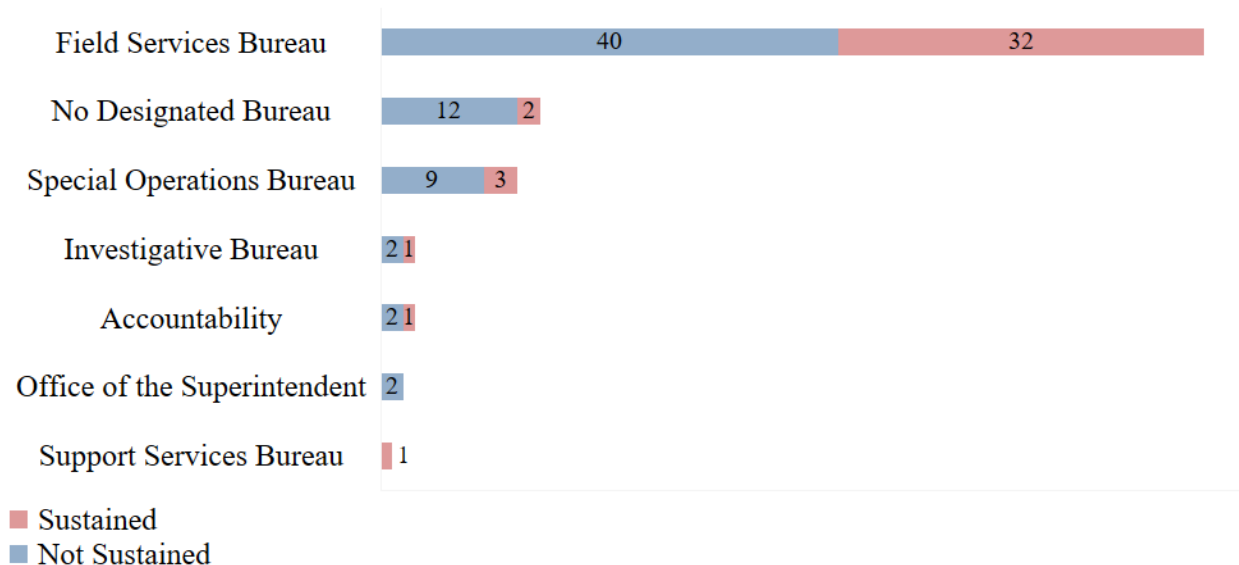
Figure 8.6 – Rank of APD Employees in a Completed Complaint



## Employee Assigned Bureau

The majority of the complaints identified an APD employee from the Field Services Bureau (67.3%). Of the 40 employees with sustained findings, the Field Services Bureau had the vast majority (80.0%). 14 non-sworn employees (e.g., Police Service Aid, Telecommunication Operator, or Crime Scene Specialist) were not assigned a Bureau.

Figure 8.7 – Bureau of APD Employees in a Completed Complaint

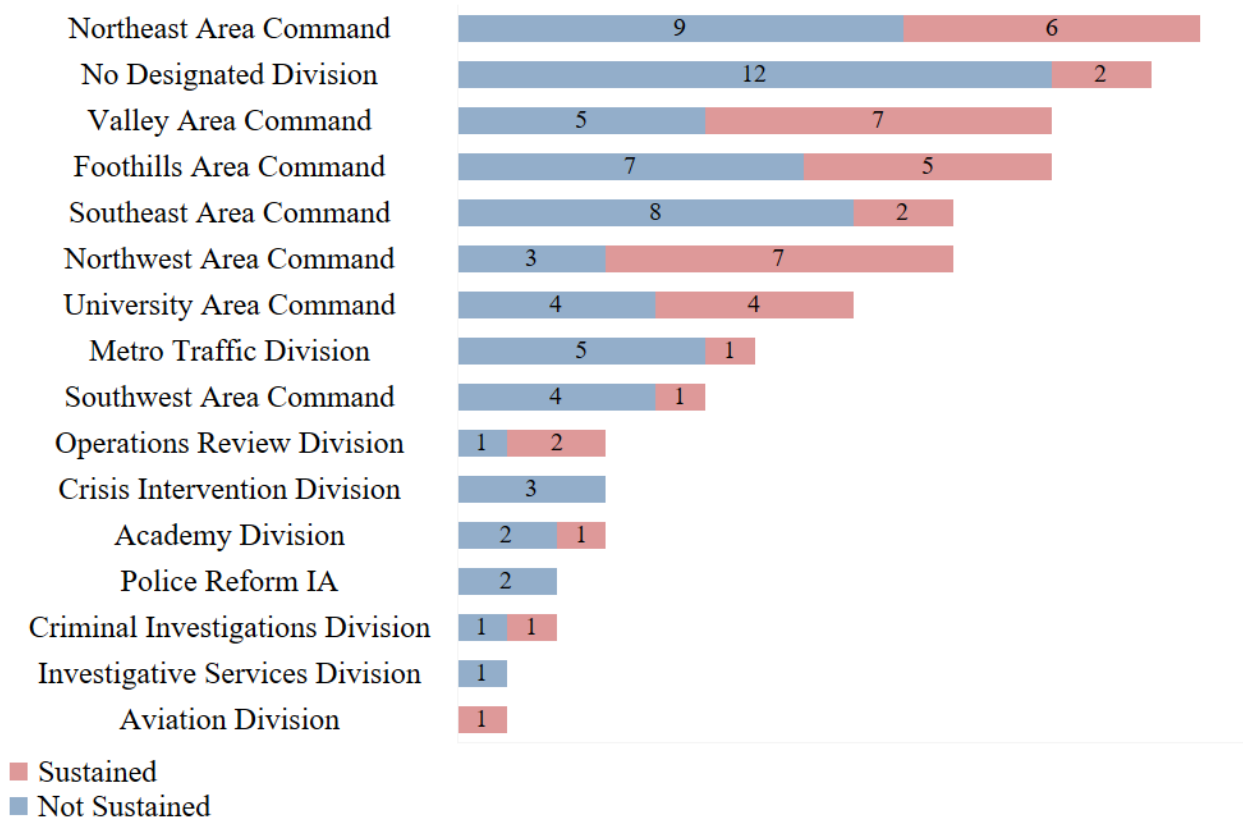




## Employee Assigned Division

The Northeast (14.0%) and Valley (11.2%) APD Area Commands had the highest number of employees implicated in a completed complaint during this reporting period. Of the 40 employees with sustained findings, the Valley APD Area Commands had the most (17.5%).

Figure 8.8 – Division of APD Employees in a Completed Complaint



## IV. Complainant Demographics

For the reporting period, the CPOA completed 107 CPC investigations on behalf of 102 identifiable complainants and 8 anonymous complainants. There were 4 complaints with two named complainants, 1 complaint with seven named complainants, and 1 complaint with one named complainant and one anonymous complainant. Additionally, seven named complainants filed 2 separate complaints.

During the previous reporting period, the CPOA investigated 112 identifiable complainants and 9 anonymous complainants. Compared to this period, the number of identifiable complainants decreased by 10 (8.9%), and the number of anonymous complaints decreased by 1 (11.1%).

### Albuquerque Demographics

According to [United States Census Bureau](#) estimates from the American Community Survey, the City of Albuquerque's population is 51.0% female and 49.0% male, 49.2% White, and 47.7% Hispanic.<sup>6</sup>

Table 7 – Albuquerque Demographics

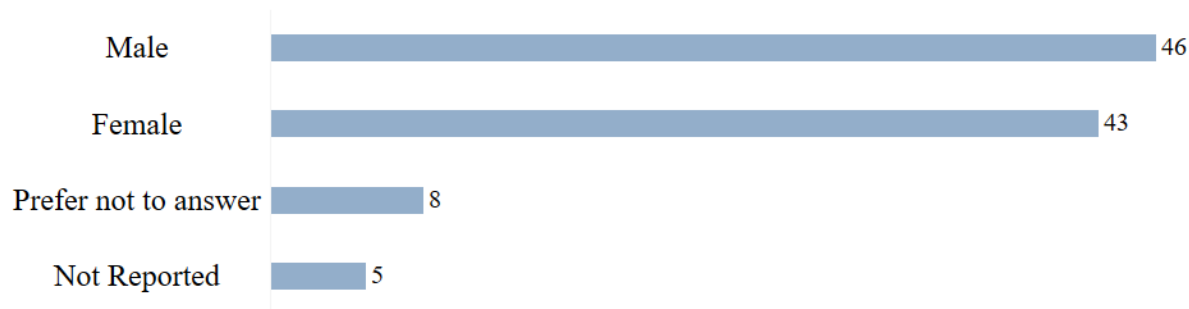
Gender	% of Pop.	Race	% of Pop.	Ethnicity	% of Pop.
Female	51.01%	White	49.22%	Hispanic	47.73%
Male	48.99%	Black or African American	3.58%	Non-Hispanic	52.27%
		American Indian and Alaska Native	4.70%		
		Asian	3.44%		
		Native Hawaiian and Other Pacific Islander	0.20%		
		Some Other Race	14.28%		
		Two or More Races	24.57%		

<sup>6</sup> U.S. Census Bureau, "2023 American Community Survey 1-Year Estimates: Demographic and Housing Estimates (DP05)," data.census.gov, <https://data.census.gov/table/ACSDP1Y2023.DP05?g=160XX00US3502000>.

## Complainant Gender, Ethnicity, and Race

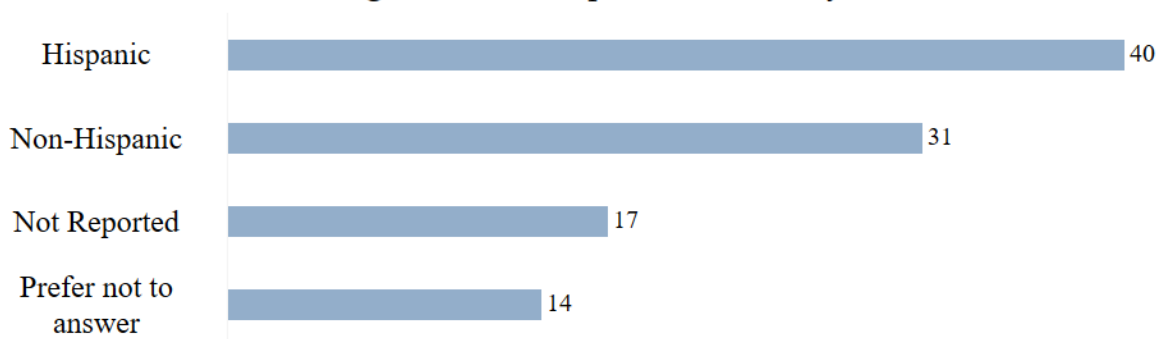
Of the 102 identifiable complainants, slightly more (45.1%) identified as male than (42.2%) identified as female. This slight difference is consistent with the last reporting period when males represented 42.0% and females 40.2%.

Figure 9.1 – Complainant Gender



Many of the 102 identifiable complainants identify as Hispanic (39.2%). This is slightly higher than the last reporting period when 33.9% of identifiable complainants identified as Hispanic.

Figure 9.2 – Complainant Ethnicity



Over one-half of identifiable complainants identify as White (52.9%). This is slightly higher than the last reporting period when 45.5% of identifiable complainants identified as White.

Figure 9.3 – Complainant Race

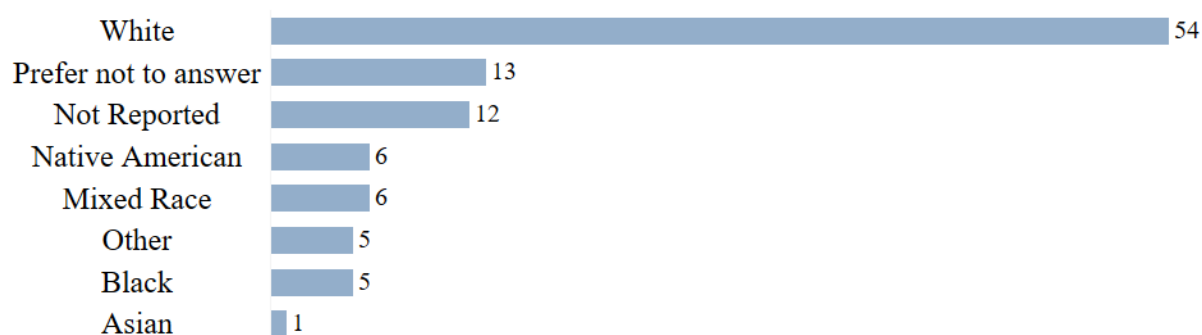
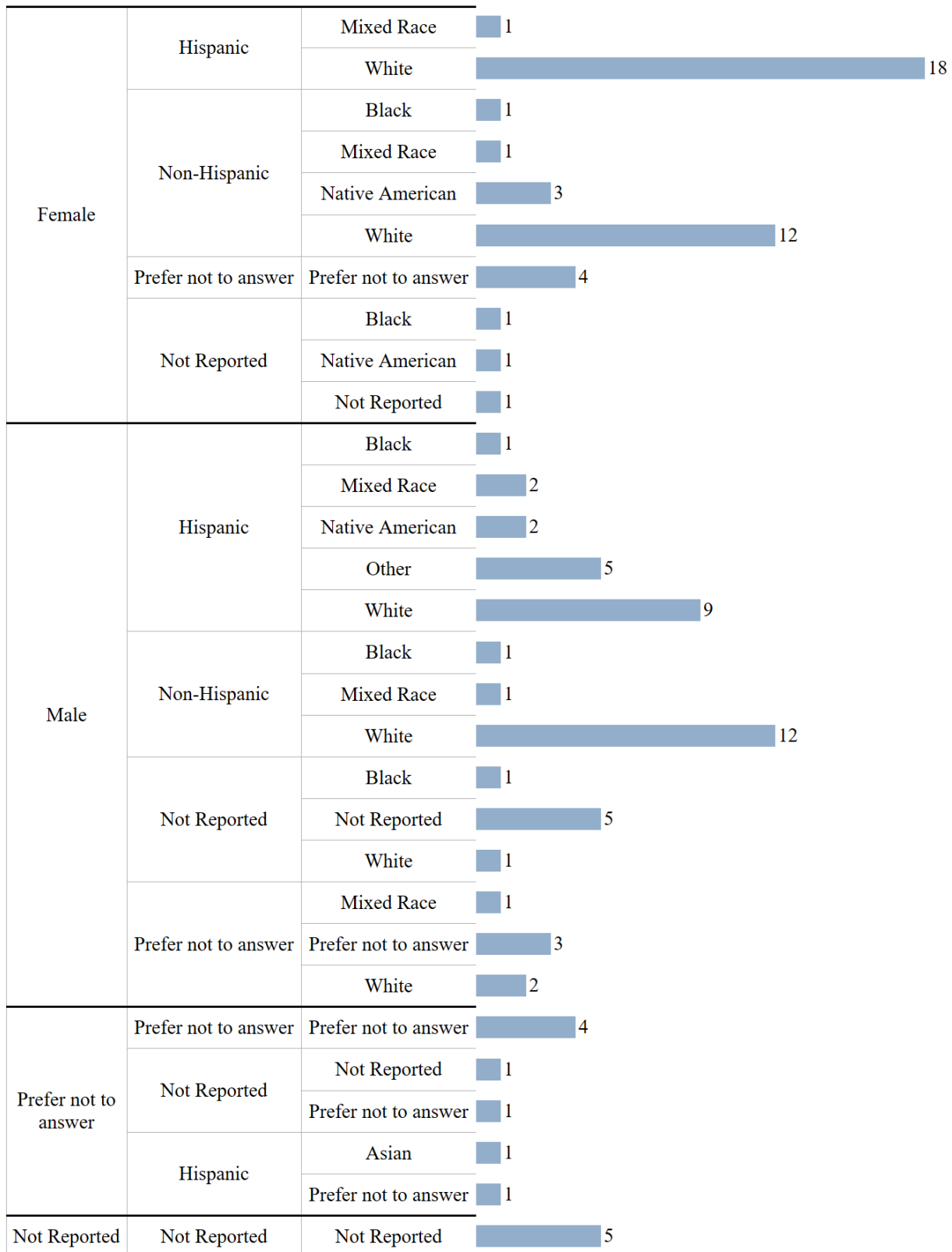


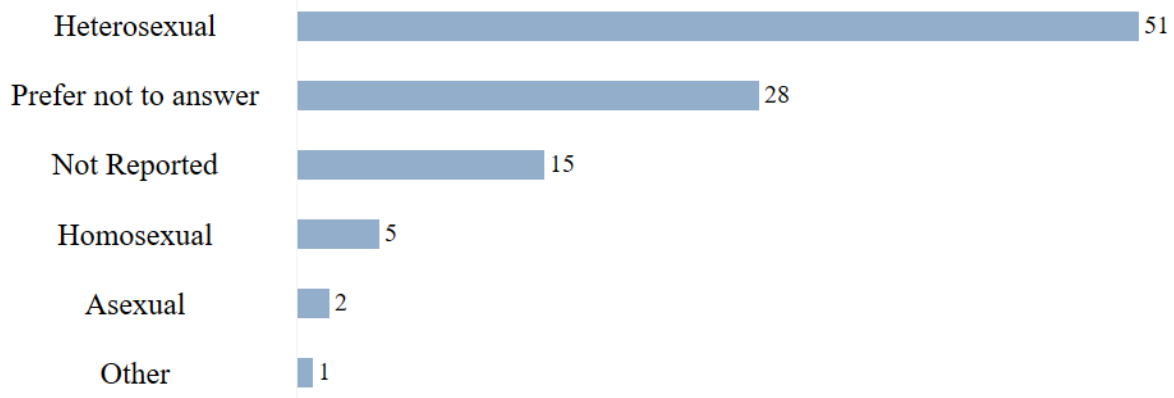
Figure 9.4 – Complainant Demographic Breakdown



## Complainant Sexual Orientation

Of the 102 identifiable complainants, 52 (51.0%) identified as heterosexual while 43 (42.2%) did not provide information regarding their sexual orientation.

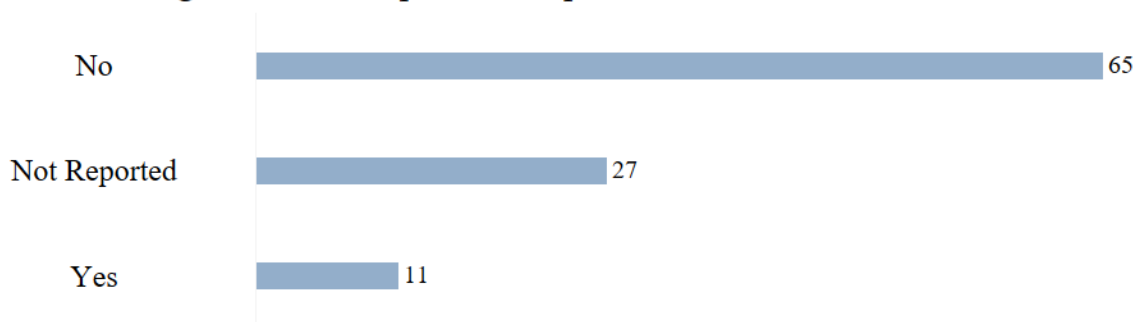
Figure 9.5 – Complainant Sexual Orientation



## Complainant Mental Health and Housing Status

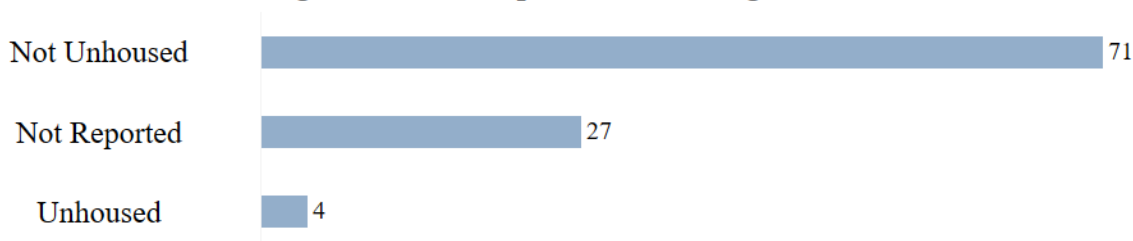
For this reporting period, most complainants self-reported having not experienced mental health issues (63.7%) and over a quarter did not answer the question (26.5%). 11 complainants reported experiencing mental health issues (10.8%).

Figure 9.6 – Complainant Reported Mental Health Issues



The majority of complainants (69.6%) reported they were not unhoused at the time of the incident. 4 complainants (3.9%) stated they were unhoused when the incident occurred. Again, a large number of complainants (26.5%) did not answer whether or not they were unhoused at the time of the incident.

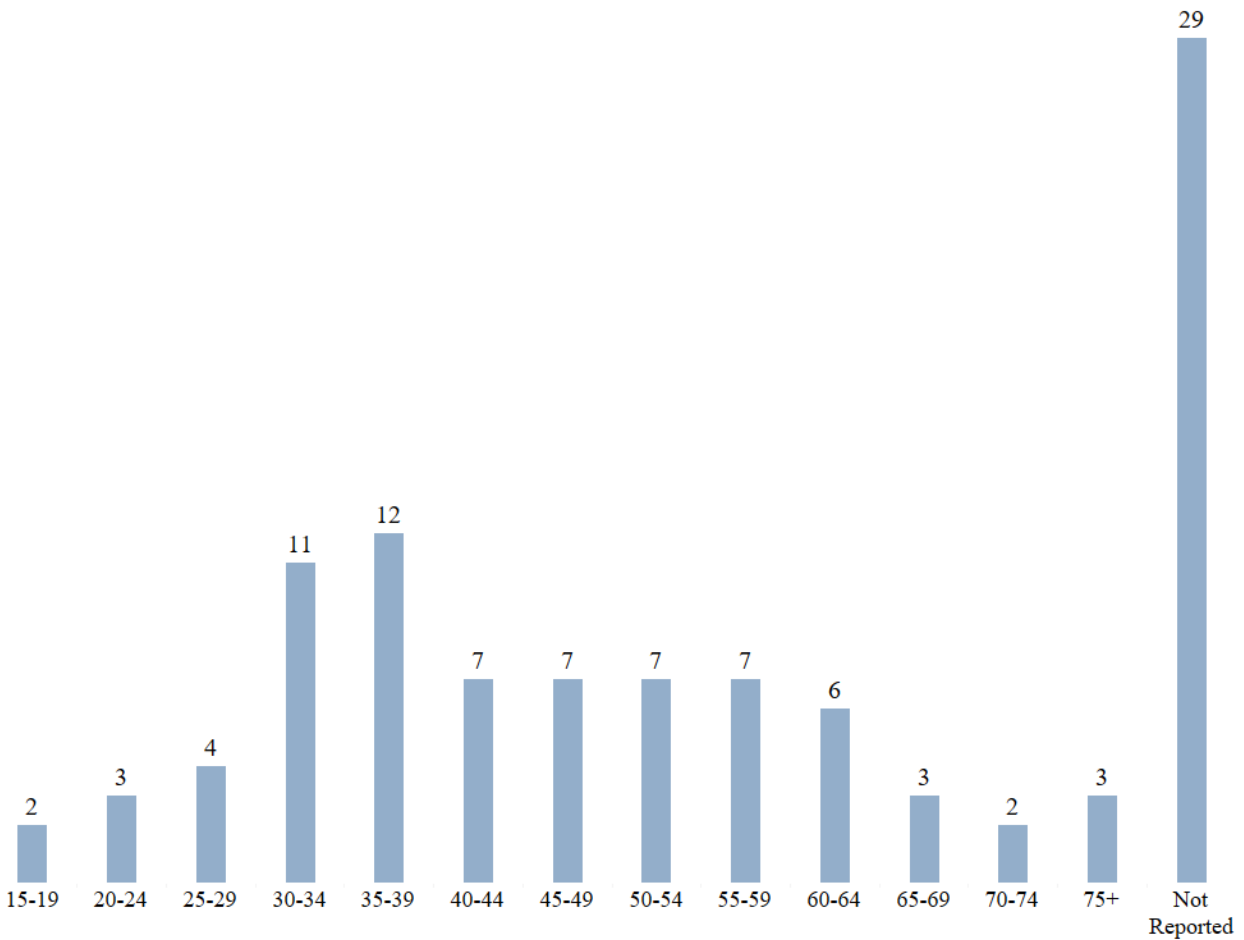
Figure 9.7 – Complainant Housing Status



## Complainant Median Age

Many complainants submitting complaints completed during the reporting period did not share age information (28.4%). For complainants that did report, the age distribution at the time of the incident is highest for the 35 – 39 (11.8%) and 30 – 34 (10.8%) age ranges. The youngest complainant was 15 years old, while the oldest was 78 years old.

Figure 9.8 – Complainant Ages



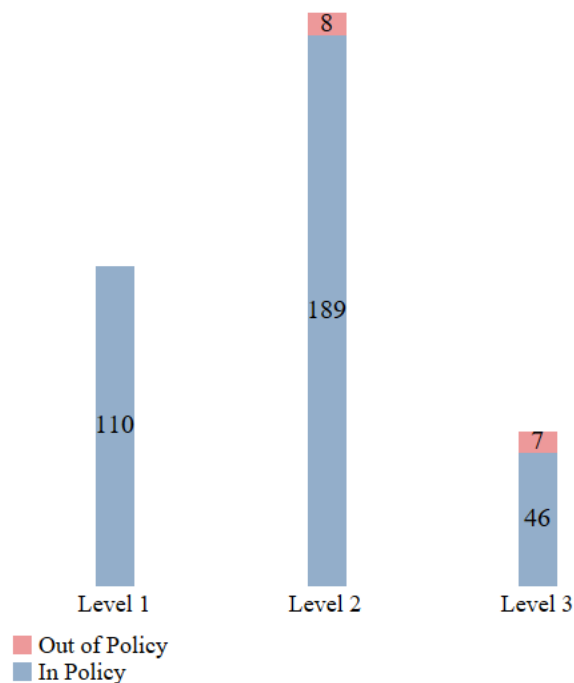
## V. APD Use of Force

A force interaction, or incident, is an encounter involving a single individual at a specific time and place. A single force case may involve multiple force interactions, occurring either with different individuals or at various locations involving the same individual. A force interaction can also involve multiple officers, each using various force techniques with an individual. In the first half of 2024, APD used force in 325 cases, which included a total of 360 force interactions.

APD's six use of force policies cover how force is defined, reported, investigated, and reviewed. SOP 2-53: Use of Force Definitions defines key terminology discussed in this section.

During this reporting period, there were 110 Level 1 interactions, 197 Level 2 interactions, and 53 Level 3 interactions with completed investigations. 15 interactions were found to be Out of Policy, 8 Level 2 interactions, and 7 Level 3 interaction.

Figure 10.1 – Use of Force by Priority



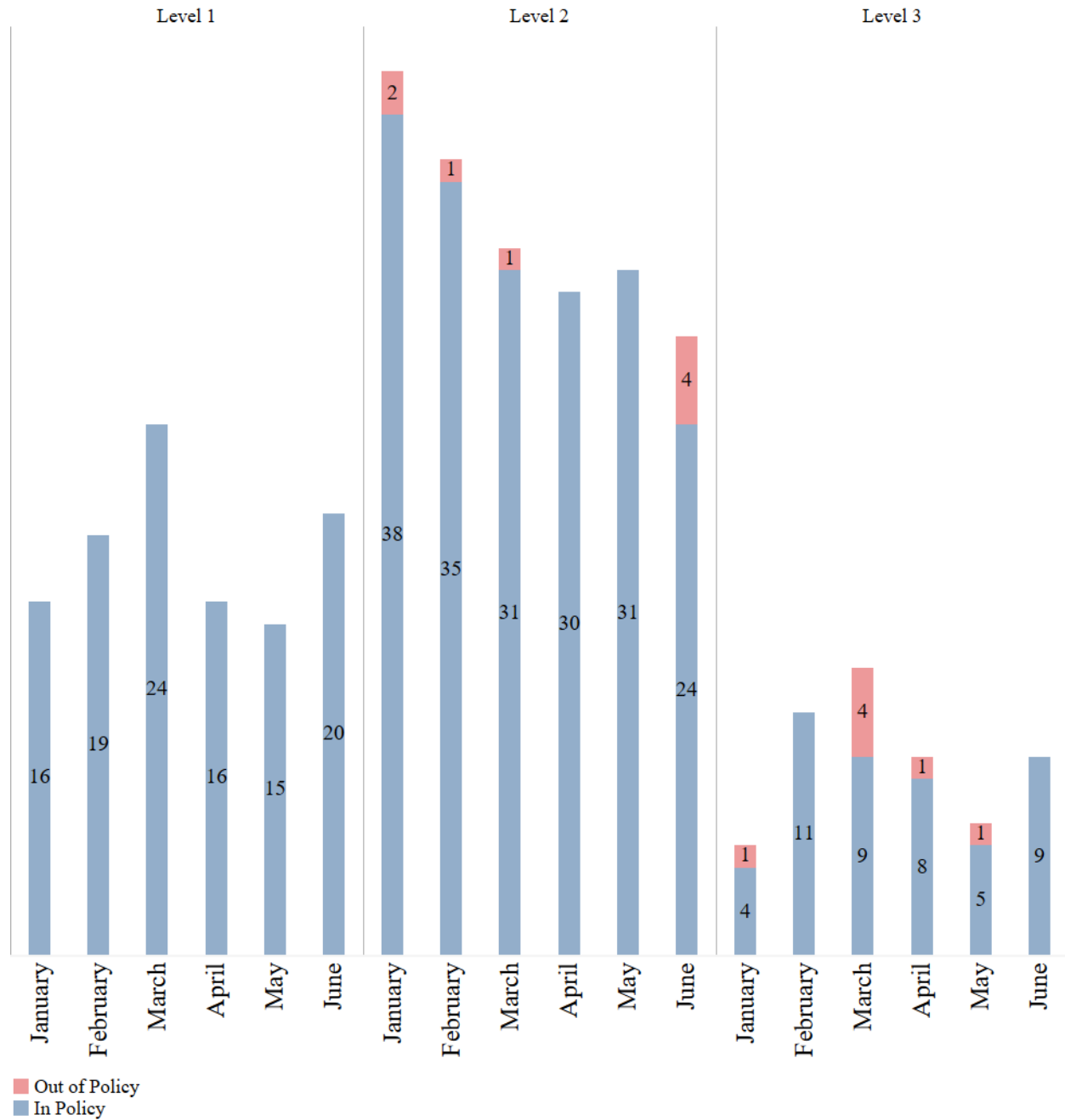
In the last reporting period, there were 281 total UOF interactions: 79 Level 1, 152 Level 2, and 49 Level 3 interactions. Of these, 21 interactions were found to be Out of Policy (7.5%): 6 Level 1, 9 Level 2, and 6 Level 3 interactions. Compared to this period, the total number of UOF interactions increased by 79 (28.1%): Level 1 interactions increased by 31 (28.2%), Level 2 interactions increased by 45 (29.6%), and Level 3 interactions increased by 4 (8.2%). Out of Policy UOF interactions decreased by 6 (28.6%): Level 1 decreased by 6 (100%), Level 2 decreased by 1 (11.1%), and Level 3 increased by 1 (14.2%).



## Level of Force by Month and Level

UOF incidents mostly occurred in February (66, 18.3%) and March (69, 19.2%) during this reporting period (360 incidents).

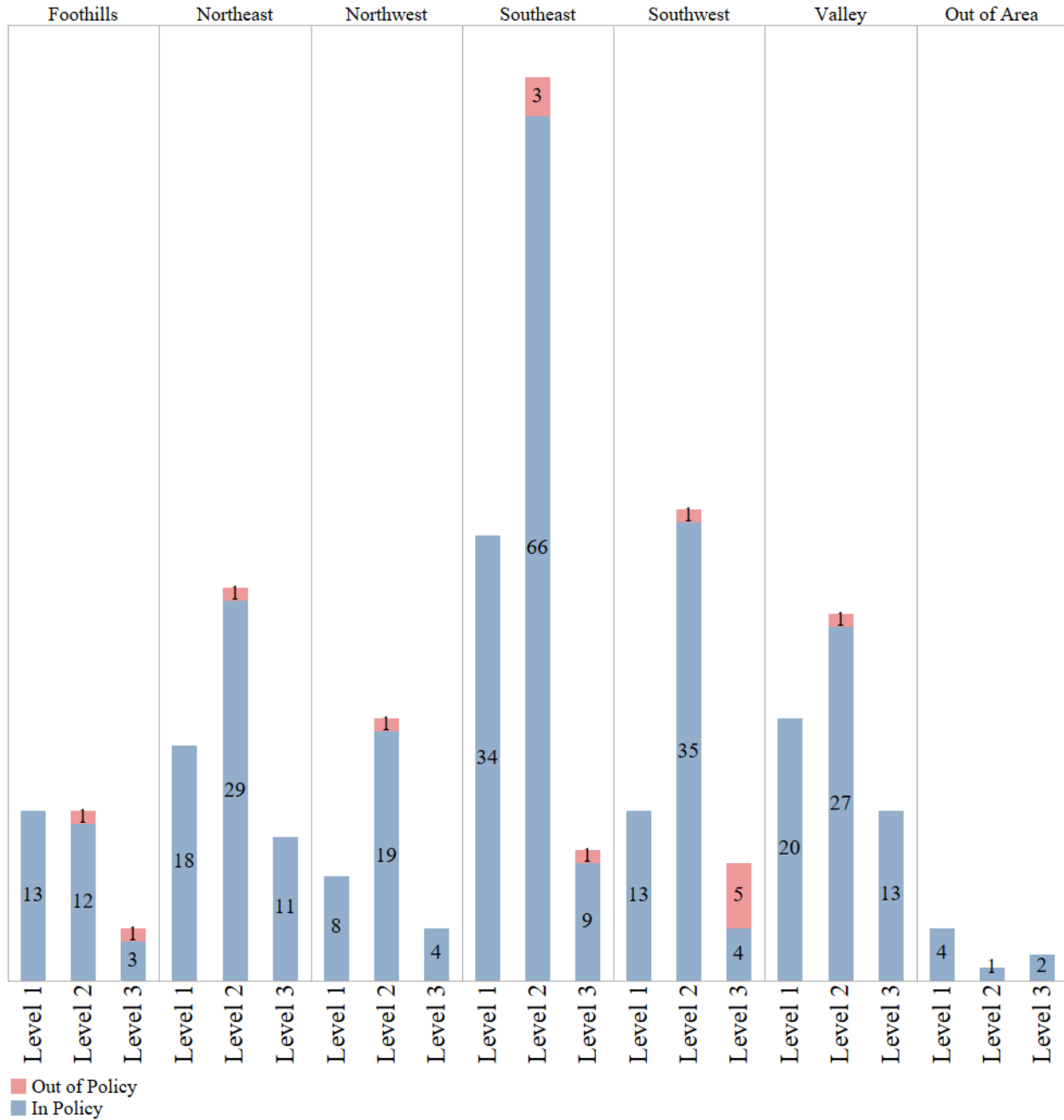
Figure 10.2 – Use of Force Levels by Month



## Level of Force by Area Commands

UOF incidents mainly occurred in the Southeast Area Command (113 total), where Level 1 was investigated 34 times, Level 2 69 times, and Level 3 10 times.

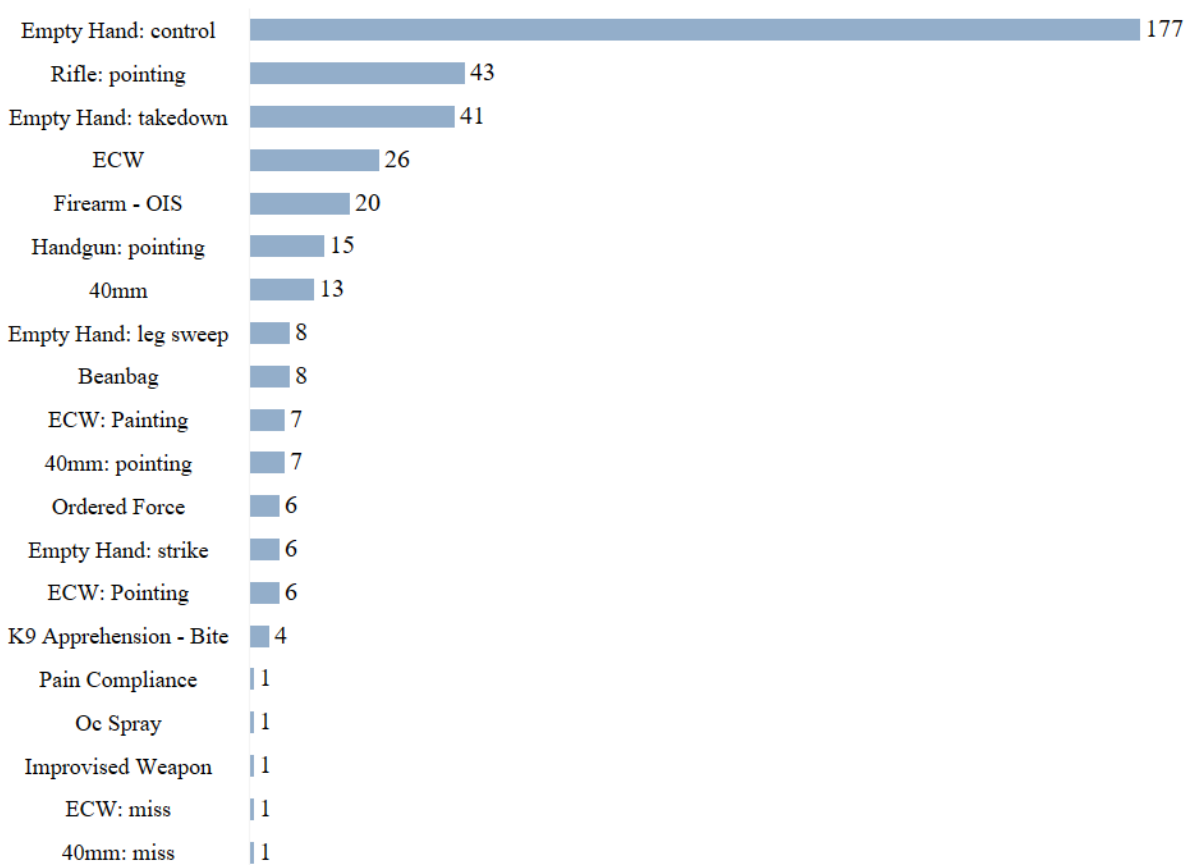
Figure 10.3 – Area Command Location and Priority



## Types of Force Used – Level 3 Interactions

The total counts of the types of force used in the 53 Level 3 interactions during the period are presented below. Please note that multiple types of force, including types of Level 1 and Level 2 force, can be used in a single Level 3 interaction. The figure below includes all force types involved in Level 3 use of force interactions, including the lesser types of force that also may have occurred in the interaction. For instance, in one interaction during this period, there were 4 types of force used, however, only 1 of those uses of force was a Level 3 type of force – “K9 Apprehension – Bite.” All 12 types of force are presented below because they were involved in an interaction with a Level 3 application of force.

Figure 10.4 – Types of Level 3 Force Used in Level 3 Interactions and Policy Disposition



## VI. CPOAB UOF/OIS Review

Although the CPOA/CPOAB does not investigate UOF/OIS incidents, they do review materials, prepare findings, and may recommend disciplinary action for a sampling of UOF/OIS incidents. This process begins at FRB, where the CPOA Executive Director is an attendee with monitoring authority. As an attendee, the CPOA Executive Director receives investigatory materials and assesses whether the use of force was in or out of policy. The CPOA/CPOAB then audits and monitors a representative sampling of Level 2 or Level 3 incidents presented at FRB. Upon review, the CPOA Executive Director and CPOAB confer and jointly submit their findings on this UOF sample to APD. Given the described CPOA/CPOAB involvement in monitoring UOF/OIS incidents, a summary of these incidents is included in this report.

The CPOAB reviewed 3 UOF incidents and 1 OIS incident during this reporting period. Of the 4 UOF/OIS cases the CPOA/CPOAB reviewed and discussed, no incidents were found to be out of policy. The CPOAB findings matched all of the findings made by APD.

Table 8 – CPOAB UOF/OIS Review

Case Number	Incident Type	Date of Incident	Date of CPOAB Review	APD Finding	CPOAB Finding
23-0037214	OIS	5/10/2023	04/11/2024	Within Policy	Within Policy
23-0040301	UOF	05/21/2023	04/11/2024	Within Policy	Within Policy
23-0047865	OIS	06/16/2023	06/13/2024	Within Policy	Within Policy
23-0050108	UOF	06/24/2023	06/13/2024	Within Policy	Within Policy

To view copies of the CPOAB Finding Letters, please see “[Use of Force Finding Letters](#)” for UOF letters and “[Officer Involved Shooting Finding Letters](#)” for OIS letters on the CPOA website.<sup>7</sup>

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<sup>7</sup> CPOAB UOF Finding Letters: <https://www.cabq.gov/cpoa/case-outcomes/serious-use-of-force>  
CPOAB OIS Finding Letters: <https://www.cabq.gov/cpoa/case-outcomes/officer-involved-shootings>  
CPOA Semi-Annual Report  
January – June 2024

## **VII. Public Outreach**

The community policing councils (CPCs) continued their ongoing community engagement efforts, culminating in a total of 78 events during this reporting period, a near 42 percent increase from the previous reporting period. These events included the following select public outreach activities:

- An annual meeting with Mayor Keller, a discussion with City Councilor Nicole Rodgers, and the election of CPC officers in January 2024
- Meetings with Eric Olivas, the District 5 County Commissioner, and Eric Garcia, the Superintendent of Public Reform, and attendance at the State Employment Agency Job fair in February 2024
- Meetings with Sam Bregman, District Attorney, and the CPC Council of Chairs in March 2024
- An open community discussion on crime, tabling at “Tech Connect,” and attending a discussion on overdose prevention, treatment, and intervention with Metro Court Judge Claire McDaniel in April 2024
- Four community conversations and a meeting with City Councilor Louie Sanchez in May 2024
- Hosting a Youth Community Policing Council luncheon and presentation to the APD Youth Camp in June 2024

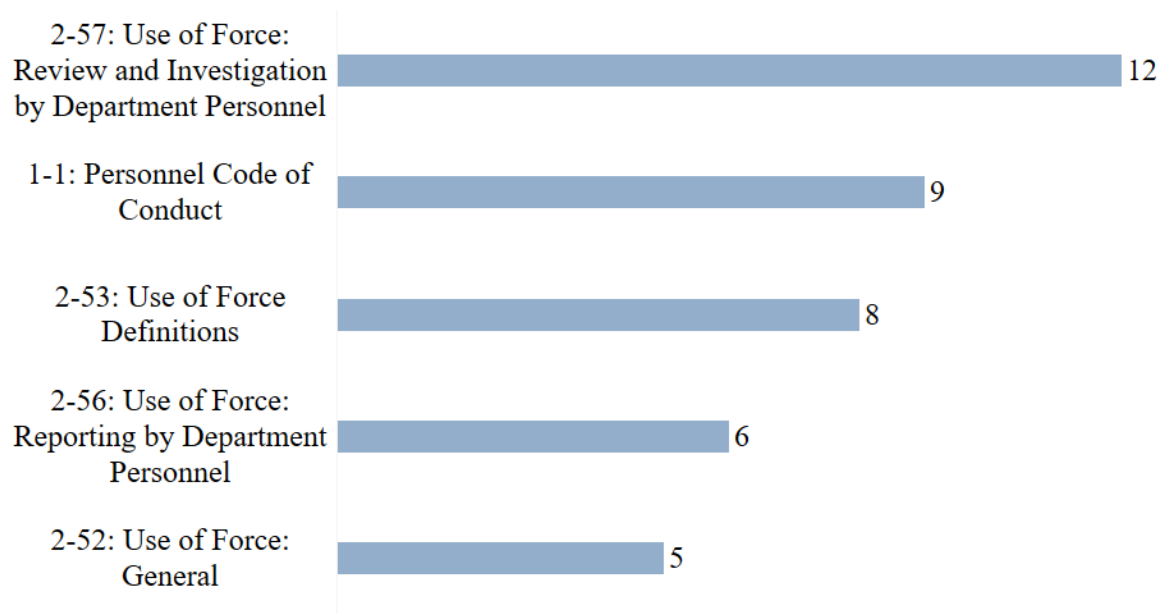
Additionally, the CPOA and CPCs have been engaged in planning an upcoming television advertisement campaign to recruit CPC volunteers and educate the public on their efforts. As part of their planning, they held several meetings with news outlets during this reporting period.

## VIII. CPOA/CPOAB Policy and Activities

### Recommendations

The CPOA, CPOAB, and CPCs made 115 policy recommendations on behalf of 43 policies at 6 PnP meetings, 13 PPRB meetings, and through the 30/35-day review process. 43 percent of policy recommendations were made at PPRB. APD agreed with 53 percent of these recommendations, disagreed with 43.5 percent, and partially agreed with 3.5 percent. The policies with the highest number of policy recommendations were SOP 2-57: Use of Force: Review and Investigation by Department Personnel, SOP 1-1: Personnel Code of Conduct, SOP 2-53: Use of Force Definitions, SOP 2-56: Use of Force: Reporting by Department Personnel, and SOP 2-52: Use of Force: General.

Figure 11.1 – Policies with Most Recommendations



Nearly 50 percent of policy recommendations were made on behalf of 15 CASA policies. APD's response to these recommendations closely follows the previous trend: APD agreed with 53.6 percent of the CASA-related recommendations, disagreed with 39.3 percent, and partially agreed with 7.1 percent.

The Use of Force policy suite was up for review during this reporting period and the CPOA worked closely with APD to ensure policies were sound and clearly written. The CPOA reviewed two drafts of the policy suite and recommendations from the *amicus curiae*, researched key policy topics (e.g., the Grappler tethering device), compared language to that of other Departments under consent decrees, and presented the findings and recommendations at a CPOAB meeting.

## **CPOAB Policy Activities**

Over the last reporting period, there were 5 monthly CPOAB meetings<sup>8</sup>, 2 monthly Policy & Procedure Review subcommittee meetings<sup>9</sup>, and 18 PPRB meetings where CPOAB members discussed policy-related activities.<sup>10</sup> The CPOAB spends a portion of each of its monthly public meetings dedicated to the discussion of policy activities and recommendations, and the CPOAB Policy & Procedure Review Subcommittee spends the entirety of its monthly hour-and-a-half meeting on policy. Additionally, a CPOAB member attends, as a voting member, the weekly PPRB meeting, which may last for two hours.

## **CPOAB Member Status**

As of their first monthly public meeting in February 2024, the CPOAB had five appointed members. One member resigned during the reporting period.

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<sup>8</sup> The CPOAB started holding monthly, public meetings in February 2024.

<sup>9</sup> Two CPOAB subcommittees are actively meeting – the Ad Hoc Rules subcommittee and the Policy & Procedure Review subcommittee – and began meeting in March 2024 and May 2024, respectively.

<sup>10</sup> A CPOAB member was approved as a PPRB voting member on March 6, 2024 and they, or their designee, has attended all PPRB meetings since then.

## IX. Commendations

In addition to complaints, the CPOA also receives and processes commendations for APD employees. Commendations may be submitted in the same ways as complaints.

During the reporting period, the CPOA received 43 commendations for APD employees. A total of 25 APD employees were named in the commendation submission, while 18 commendations were for unknown employees, 7 of which were driving commendations. The most common situation cited for commendations was “Support Services,” while the most cited reason was “Professionalism.”

Figure 12.1 – Commendation Situation

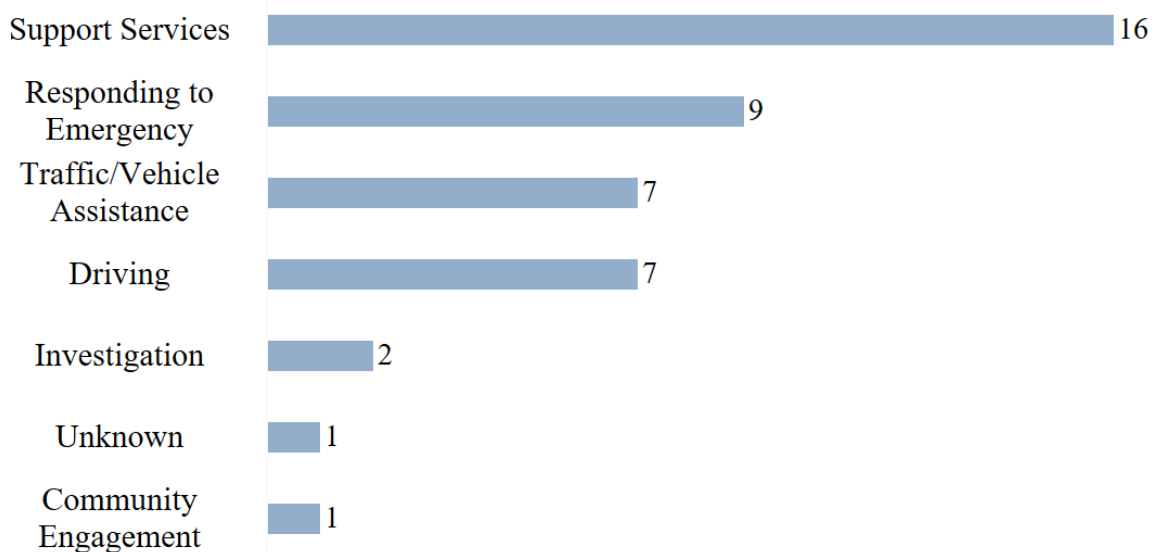


Figure 12.2 – Commendation Reason

