

# Third Quarter Report

July-September 2022

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INTERNAL AFFAIRS PROFESSIONAL STANDARDS



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# Message from the Deputy Director

Zakary Cottrell has been with APD since 2004. He has been at the forefront of the Internal Affairs Professional Standards Division (IAPS) since December 2019.

As a police department, we cannot effectively serve our community without their trust. Our internal Affairs process plays an integral role in building and maintaining that trust. The men and women of the Albuquerque Police Department are committed to providing the best service possible and fostering and maintaining a high level of confidence within our community.

The goal of this report is to convey to the community the seriousness with which we approach misconduct investigations and to bolster understanding about the processes we follow when an employee is accused of misconduct. This report also provides an overview of third quarter internal affairs investigations.

To illustrate our commitment to effective and robust oversight, notable new developments in the past quarter that have occurred within Internal Affairs to further enhance our operational ability are as follows:

- A monitor-approved checklist has been created to help guide IAPS personnel with their investigations.
- An 8-hour IAPS Investigative training block was delivered to all sworn supervisors during the IMR-16 reporting period with a 96.78% completion rate.
- Case timelines continue to be checked weekly and

weekly timeline reports are generated for management. The report is submitted to the DOJ and the IMT for review. No case timelines were missed during the IMR-16 reporting period.

- The discipline review process has been streamlined to limit the number of reviewers. The Superintendent or the Deputy Superintendent within Internal Affairs Division now makes the final disposition on all cases to ensure appropriate and consistent measures are applied departmentwide. This new process has shown to improve consistency of the discipline that is being imposed



# Introduction

The Albuquerque Police Department’s mission is to build relationships through community policing that will lead to reduced crime and increased safety.

This report reflects accurate and complete data as of September 30th, 2022. The Albuquerque Police Department (APD) uses dynamic, live databases wherein counts of recorded allegations, findings, and case dispositions are subject to revision as reporting standards and processes develop within APD’s Internal Affairs Professional Standards Division (IAPS). Due to the aforementioned nature of IAPS data, historical records presented may vary slightly from those reported in prior APD IAPS reports.

The purpose of this report is to provide the city’s administration, APD executive staff, the city council, police oversight board and the residents of Albuquerque with statistics and

outcomes pertaining to IAPS Investigations. Data within this report is comprised of allegations, findings, and dispositions of investigative cases involving both sworn personnel (law enforcement officers certified through the New Mexico Department of Public Safety (DPS)) and professional personnel. All figures presented in this report are labelled as representing one of these two employee cohorts, or an aggregation of both.



## Data Collection

This report captures data for the third quarter reporting period starting July 1, 2022 through September 30th, 2022.

All data were pulled from APD’s data warehouse by methodically retrieving all cases recorded with an Incident Type of “IA Investigation” and “Firearms Discharges” (Specifically to only cases involving discharges of a firearm at an animal) and filtered by the relevant reporting periods. Due to significant redundancies between the Incident Types “IA Investigation” and “Force Internal Investigation”, at the beginning of 2022, APD decided to document all misconduct investigations under the Incident Type of “IA Investigation”.

The date the case is received by IAPS is the date the investigation has begun. Cases presented as received by IAPS within the relevant reporting periods include data pertaining to the count of distinct employees facing one or more distinct allegations, their divisions, their demographic profiles, and their employee cohorts.

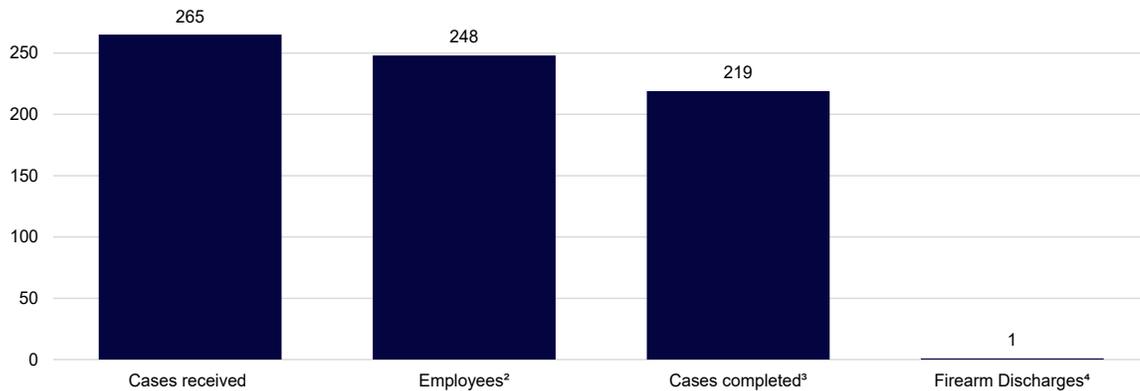
The date a case is completed by IAPS is the date an investigation has concluded. Cases presented as completed by IAPS within the relevant reporting periods include data pertaining to distinct employees, the distinct allegations and alleged policy violations within the case, the findings of investigations, and actions taken as result of said findings.



# Statistical Data<sup>1</sup>

## Internal Affairs Statistics, Third Quarter (July 1, 2022-September 30, 2022) Internal Investigations

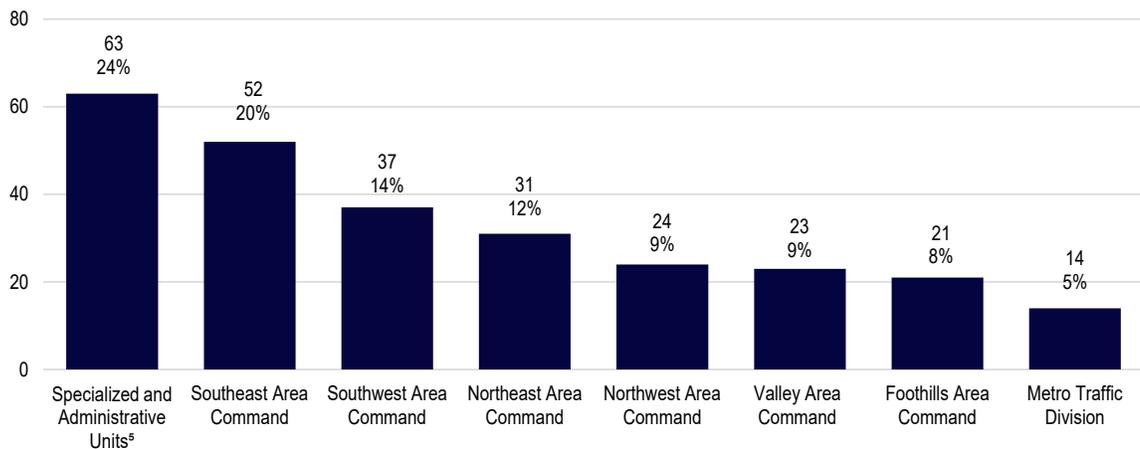
### Statistical Data<sup>1</sup>



Statistical data as of September 30, 2022. This data covers the period from July 1, 2022 through September 30, 2022.

1. There could be minor changes to the statistics because of changes in data or file status.
2. Different employees.
3. Completed cases with dispositions different from Administratively Closed, Exonerated, Not Sustained, Sustained, Sustained/NBOOC and Unfounded are not included in the count.
4. Includes only Incidents where Type Of Firearm Discharge is "Animal Shooting".

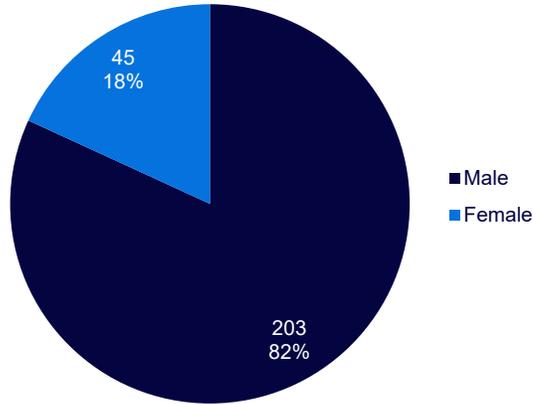
## Assignment of the subject of investigation (Includes Sworn and Professional Personnel)



As of September 30, 2022: 71% of the investigations received at IAPS come from the six area commands.

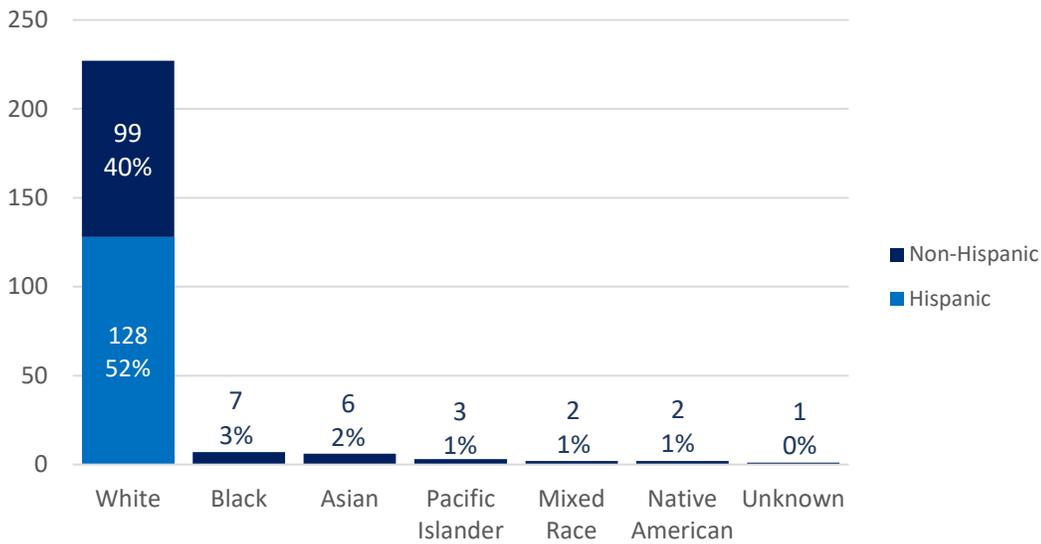
5. Specialized and Administrative Units category includes: Crisis Intervention Division, Special Operations Division, Internal Affairs Force Division, Scientific Evidence Division, Investigative Services Division, Communications Division, Aviation Division, Criminal Investigations Division, Management Services & Support Division, Internal Affairs Professional Stds Div, Homeland Security/Special Events Div, Compliance and Oversight Division, Operations Review Division, Fiscal Division, Field Services, SED/Criminalistics Lab, Special Services Bureau, Academy Training Division, Prisoner Transport Division.

### Gender (Includes Sworn and Professional Personnel)



Gender data as of September 30, 2022. This data covers the period from July 1, 2022 through September 30, 2022.

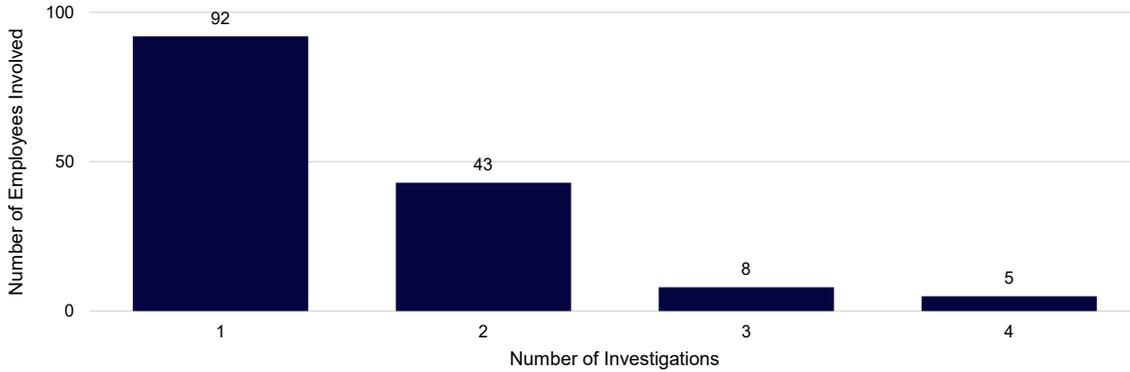
### Race and Ethnicity (Includes Sworn and Professional Personnel)



Race and Ethnicity data as of September 30, 2022. This data covers the period from July 1, 2022 through September 30, 2022.

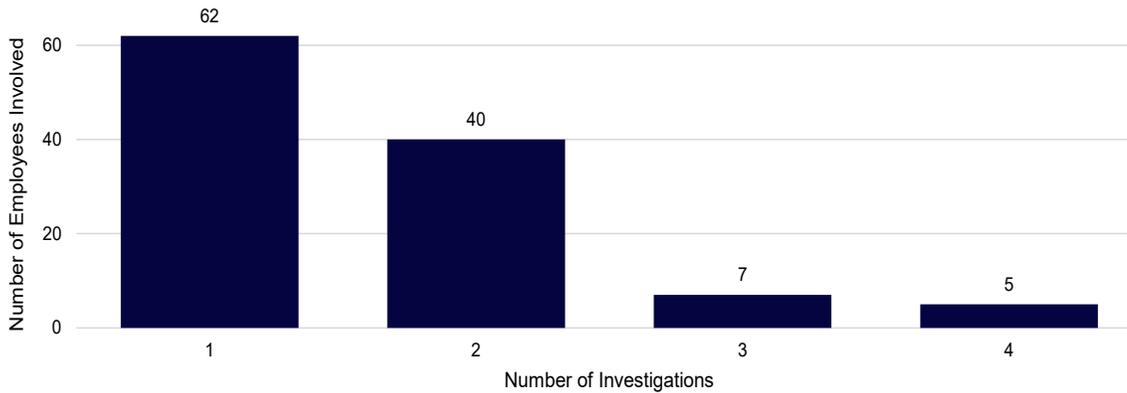
# Graphs

Employees Involved in Investigations (Includes Sworn and Professional Personnel)



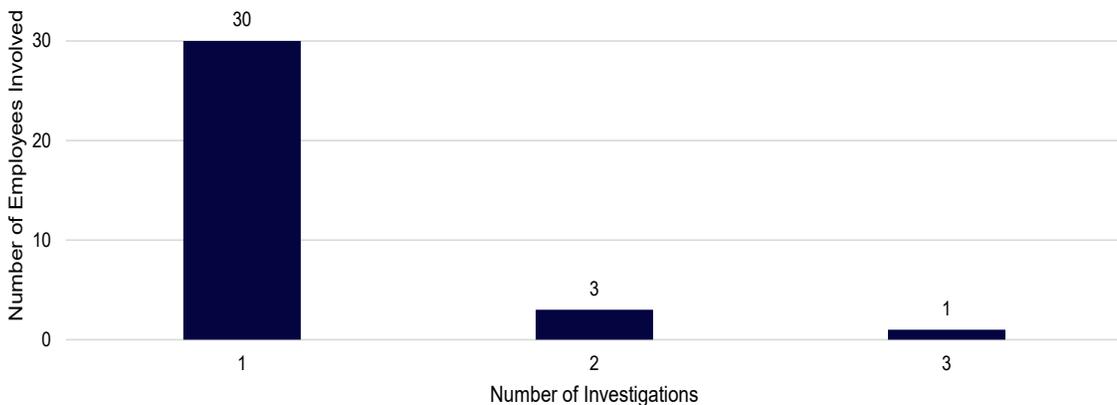
Employees Involved in Investigations (Sworn and Professional Personnel) data as of September 30, 2022. This data covers the period from July 1, 2022 through September 30, 2022.

Employees Involved in Investigations (Includes Sworn Personnel Only)



Employees Involved in Investigations (Sworn Personnel Only) data as of September 30, 2022. This data covers the period from July 1, 2022 through September 30, 2022.

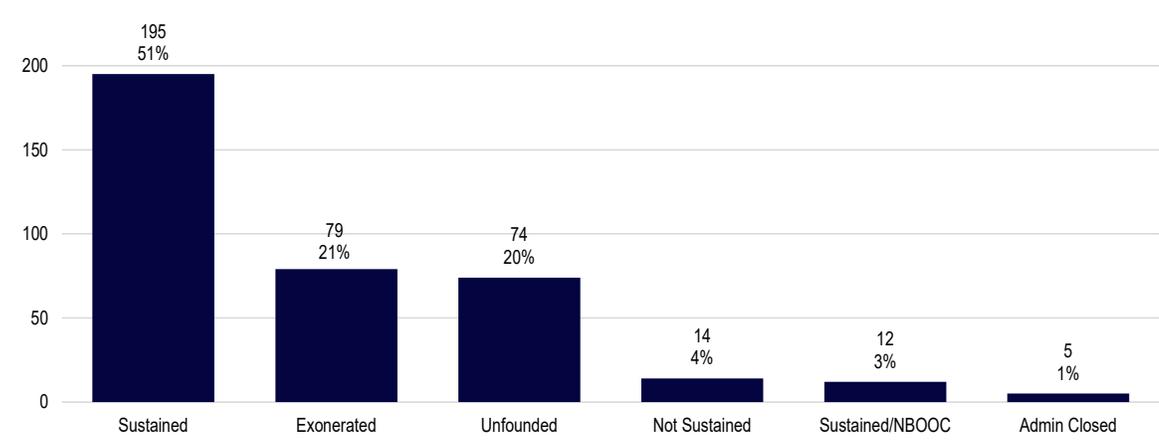
Employees Involved in Investigations (Includes Professional Personnel)



Employees Involved in Investigations (Professional Personnel Only) data as of September 30, 2022. This data covers the period from July 1, 2022 through September 30, 2022.

# Graphs

## Findings of Sworn Personnel Only



As of September 30, 2021: 195 (51%) of the 379 allegations including Sworn personnel were sustained, 79 (21%) were exonerated, 74 (20%) were unfounded, 14 (4%) were not sustained, 12 (3%) were sustained/NBOOC, and 5(1%) were administratively closed.

# Definition of Findings

**Sustained:** Investigation classification when the investigator determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.

**Exonerated:** Investigation classification where the investigator determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.

**Unfounded:** Investigation classification when the investigator determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.

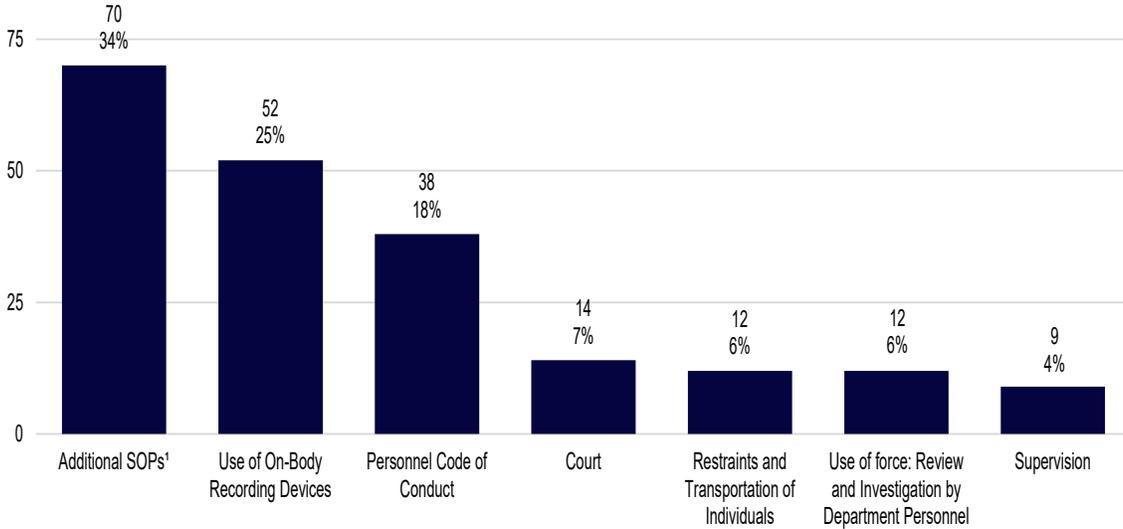
**Not Sustained:** Investigation classification when the investigator is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.

**Sustained Violation Not Based on Original Complaint:** Investigation classification where the investigator determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct occur.

**Administratively Closed:** Investigation classification where the investigator determines: a. the allegations are duplicative; b. the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile. Such complaints may be reopened if additional information becomes available.

# Graphs

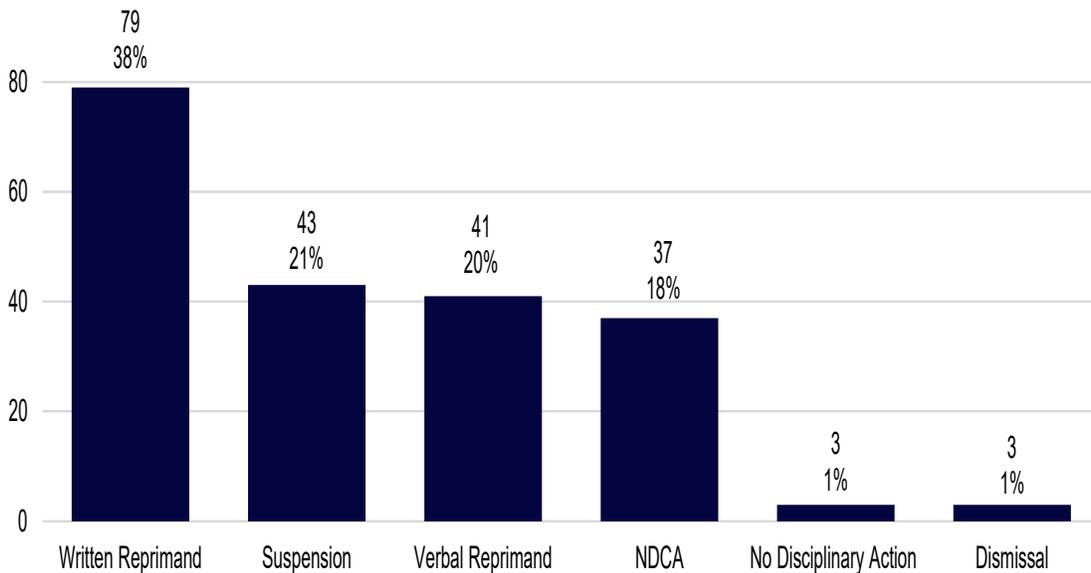
## Sustained and Sustained/NBOOC Allegations Faced by Sworn Personnel Only



As of September 30, 2022: the majority of the allegations sustained or sustained NBOOC including sworn personnel are listed in a combined category (Additional SOPs) showing 70 instances (34%). Use of On-Body Recording Devices 52 (25%), Personnel Code of Conduct 38 (18%), Court 14 (7%), Restraint and Transportation of Individuals 12 (6%), Use of Force: Review and Investigation by Department Personnel 12 (6%) and Supervision 9 (4%).

1. Additional SOPs category includes: Department Vehicles, Preliminary and Follow Up Criminal Investigations, Complaints involving department personnel, Use of Force-General, Arrests, Arrest Warrants, and Booking Procedures, Overtime, compensatory time, and work shift designation, Collection, Submission, and Disposition of Evidence, Reports, Use of Force: Reporting by Department Personnel, Supervisor Responsibilities, Interviews and Interrogations, Hospital Procedures and Rules, Mandatory Foot Pursuit Training, Sexual Assaults Reported by Prisoners, Search and Seizure Without A Warrant, Line Inspection Process, Department Property, Use of Tire Deflation Devices, Intermediate Weapons Systems, Homicide Unit, Misdemeanor, Traffic, and Parking Enforcement, Administrative Instruction for ECW, Timelines, Special Order, Use of Emergency Warning Equipment.

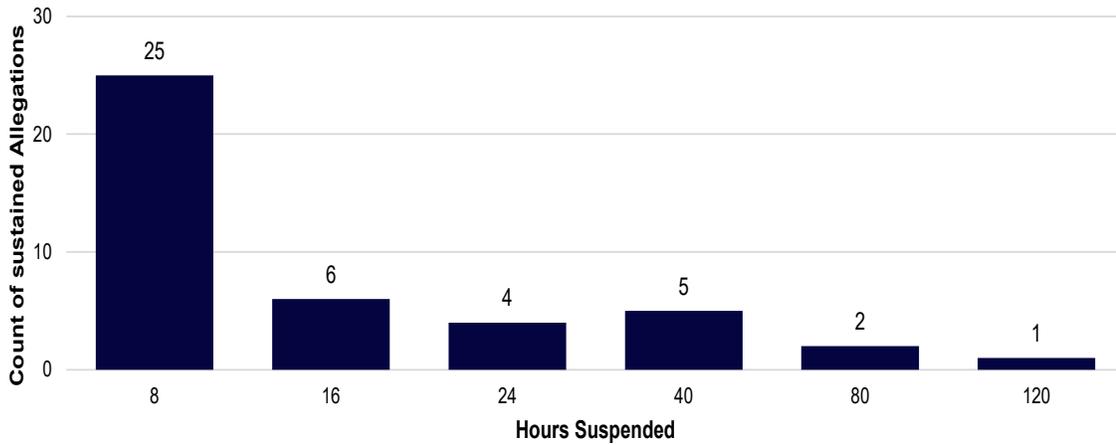
## Actions Taken of Allegations Faced by Sworn Personnel Only



As of September 30, 2022: 206 allegations including sworn personnel were sustained or sustained/NBOOC. The actions taken for those sustained or sustained/NBOOC allegations were: written reprimand: 79 (38%), Suspension: 43 (21%), Verbal Reprimand 41 (20%), Non disciplinary corrective action (NDCA) 37 (18%), No disciplinary action 3 (1%), and dismissal 3 (1%).

# Graphs

Length of Suspension in Hours for Sustained/Sustained NBOOC Individual Allegations That Resulted in Suspension by Sworn Personnel



As of September 30, 2022: 43 sustained allegations including sworn personnel ended in suspension. The length for those sustained or sustained/NBOOC allegations were: 25 with 8hr suspension time, 6 allegations with 16 hours suspension time, 4 with 24 hours suspension, 5 with 40 hours suspension, 2 with 80 hours suspension, and 1 with 120 hours suspension.



# Summary

## Looking Ahead and Moving Forward



The Albuquerque Police Department's mission is to build relationships through community policing that will lead to reduced crime and increased safety.

The men and women of the Albuquerque Police Department are committed to providing the best service possible and fostering and maintaining a high level of confidence within our community.

The goal of this report is to convey to the community the seriousness with which we approach misconduct investigations and to bolster understanding about the processes we follow when an employee is accused of misconduct.

This report provides an overview of third quarter internal affairs investigations. APD has improved in command and executive staff management in areas such as discipline, the Force Review Board, and after-actions stemming from tactical and emergency response deployments.

The Department will continue with-

those improvements and build upon other areas such as force investigations regardless of level of force used. The Office of the Superintendent continued to ensure consistent and fair discipline in accordance with policy, which has proven to be a successful discipline review and imposition process.

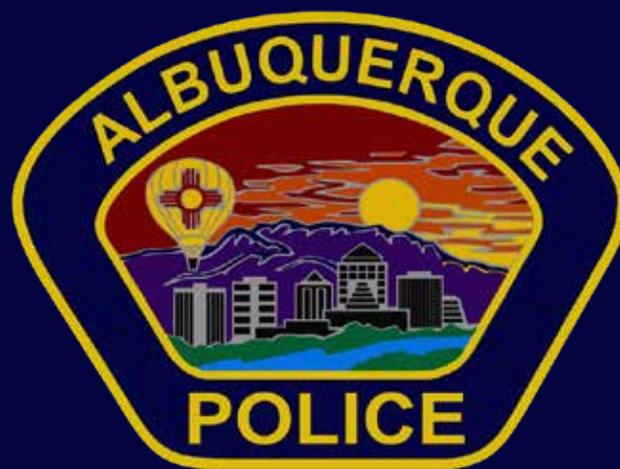
The City continued to work with the DOJ and the IMT to transition the Department in multiple paragraphs towards self-assessment. The Department will assume the role of the Independent Monitoring Team in the evaluation and reporting of compliance levels for numerous CASA requirements beginning with self-assessments in August 2022.



For more information, please contact the City of Albuquerque Public Records Request Department (IPRA) at:

<https://nextrequest.cabq.gov/>

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Albuquerque, NM 87102



<https://www.cabq.gov/police>



Emergency Calls: 911  
Non-Emergency  
Calls: (505) 242-2677