



Fourth Quarter/Annual Report 2022

INTERNAL AFFAIRS PROFESSIONAL STANDARDS
Prepared by: Analytics Division



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Message from the Deputy Director

Deputy Director of Police Reform Bureau Zakary Cottrell has been with APD since 2004. He has been leading the Internal Affairs Professional Standards Division since December 2019. He is currently working in the role of Deputy Director of Police Reform.

“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 provides an overview of the data for the fourth quarter as well as annual statistics of Internal Affairs Professional Standards for the year 2022.

Internal Affairs Professional Standards Updates 2022:

- Internal Affairs Professional Standards Division continues to grow as responsibilities increase. IAPS has had two new civilian investigators join the team. Civilian investigators have proven to be a valuable asset as they bring outside experiences and knowl-

edge to investigations. Additionally, a lieutenant was added to the division, allowing for more oversight and management over important operational functions.

- There is now an entire new structure called Bureau of Police Reform in the Office of the Superintendent which is responsible for reviewing all internal investigations and determining discipline for consistency. The Bureau consists of a Superintendent, an Executive Director, two Deputy Directors, Professional Integrity Division, Internal Affairs Professional Standards Division and Internal Affairs Force Division. The positions were created to ensure consistency across all proposed disciplinary sanctions. Since the implementation of these positions, APD has attained consistency with disciplinary findings and established several protocols to achieve consistent discipline.

- Case timelines are continued to be checked weekly and reports are generated for management. The report is submitted to the DOJ and the IMT for review.

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



Police Reform Bureau

The Albuquerque Police Department strives for impartiality and thorough administrative investigations. As such, the Department has created the Police Reform Bureau. This new Bureau consists of a Superintendent, an Executive Director, two Deputy Directors, the Professional Integrity Division, the Internal Affairs Force Division, and the Internal Affairs Professional Standards Division. This structure allows for cases and discipline to be addressed and reviewed by those who are only assigned these tasks. The result is administrative investigations and discipline that is fair, impartial, consistent, and adheres to the standard operating procedures.

This Police Reform Bureau allows for an enhanced discipline review process. Once an investigation is completed by IAPS, the investigation is forwarded to the Professional Integrity Division for imposition of discipline. This Division consists of two commanders and a Deputy Director. Each of the commander reviews every case completed by IAPS and, depending on the violation, will impose discipline on the subject employee, when applicable. If the discipline imposed surpasses a designated discipline level, the case is reviewed by the Deputy Director, who will be the final disciplinarian. The Professional Integrity Division now reviews all administrative investigations which allows for consistent discipline across the entire department.

•Victor Valdez, Superintendent of Police Reform

Judge Victor Valdez during his time on Metropolitan Court Bench, served as presiding criminal judge and served on numerous committees. Born and raised in Santa Fe, New Mexico, Retired Judge Valdez received his undergraduate degree from Stanford University and his law degree from the University of New Mexico in 1989. Prior to his judicial appointment, Valdez practiced law for 15 years, specializing in civil rights. He was also former president and a member of the New Mexico Hispanic Bar Association.

Mayor Keller established the Superintendent of Reform in 2021. The Superintendent is independent from the chain of command at APD, reporting through the Office of the CAO (Mayor's Chief Administrative Officer). The position oversees reform efforts, meeting Department of Justice requirements, overseeing all internal affairs matters, and will have the final say on police disciplinary matters.



•**Eric Garcia, Executive Director of Police Reform**

Eric Garcia has been with the Albuquerque Police Department since June of 1990. He was a patrol officer from 1990-1993 then moved to the Domestic Abuse Response Team. From 1995-1998, Garcia was with the Gang Unit and was then promoted to Sergeant.

In 2004, Garcia was promoted to Lieutenant working with the Field Services Bureau in what are now the Northwest and Southwest Area Commands. DC worked in Operations Review for some time then was promoted to Commander in 2007 over Property Crimes, Metro Traffic Division and the Special Investigations Division. In 2013, he was promoted to Deputy Chief of the Investigative Bureau, now known as the Professional Standards and Accountability Bureau. He is currently assigned as the Executive Director of the Police Reform Bureau.



•**James Collins, Deputy Director of Police Reform**

James Collins started his career with APD in 1997. He spent 12 years in the Field Services Bureau, 8 years in the Special Operations Bureau, 3 years at the Academy, and 2 years in the Investigative Bureau. He was promoted to Sergeant in 2004, to Lieutenant in 2014, and later promoted to Commander in 2016. He is currently assigned as the Deputy Director of the Police Reform Bureau.



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 January 13th, 2023. 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, Civilian Police Oversight Agency 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 covers data for the fourth quarter (October 1st through December 31st 2022) as well as the annual statistics for the year 2022.

All data was pulled from APD's data warehouse by methodically retrieving all cases recorded with an Incident Type of "IA Investigation" and "Firearms Discharges" (specific 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", Force Internal Investigations are excluded from this report to maintain the fidelity and accuracy of incident counts.

For the purpose of this report, the date a case is initiated is listed and included. Cases 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.

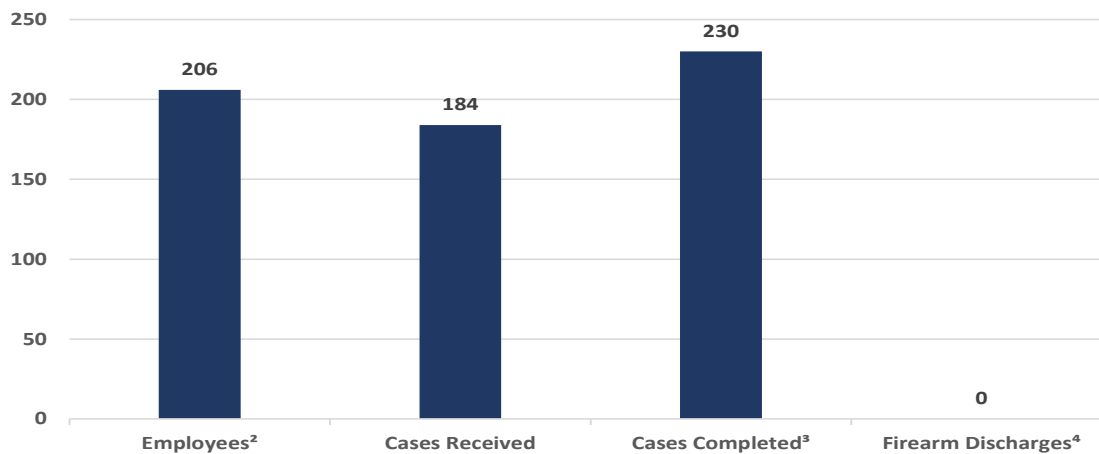
The date a case is completed by IAPS is the date an investigation has concluded. Cases presented as completed by IAPS within the relevant reporting periods include data pertaining to distinct employees, the distinct allegations and alleged policy violations within the case, the findings of investigations,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



Statistical Data¹ (Quarter 4)

Internal Affairs Professional Standards Statistics, Fourth Quarter (October 1st, 2022-December 31st, 2022)

Internal Investigations

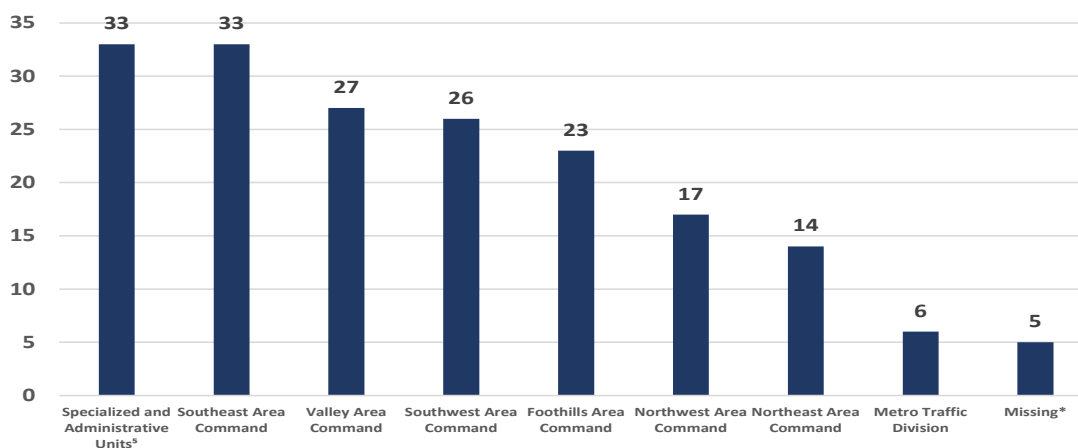


Statistical Data as of January 13th 2023.

This section covers the data for the fourth quarter reporting period beginning October 1st 2022 through December 31st 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".

Subjects of IAPS investigations by Assigned Division (Includes Sworn & Professional Personnel)



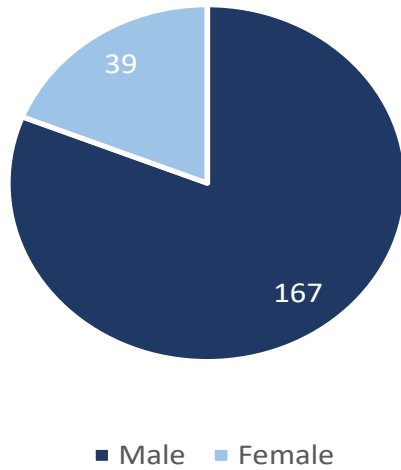
During the last quarter of 2022, majority of the investigations opened by IAPS were received for employees in Southeast Area Command (18%) followed by Valley (14%)

5. Specialized and Administrative Units includes: Internal Affairs Force Division, Investigative Services Division, Academy Training Division, Compliance and Oversight Division, SED/Criminalistics Lab, Crisis Intervention Division, Homeland Security/Special Events Division, Internal Affairs, Criminal Investigations Division, Scientific Evidence Division, Investigative Services Division, Special Operations Division, Aviation Division, Law Enforce Center - Main, Internal Affairs Professional Standards Division.

*Missing: 5 cases are missing information related to personnel division.

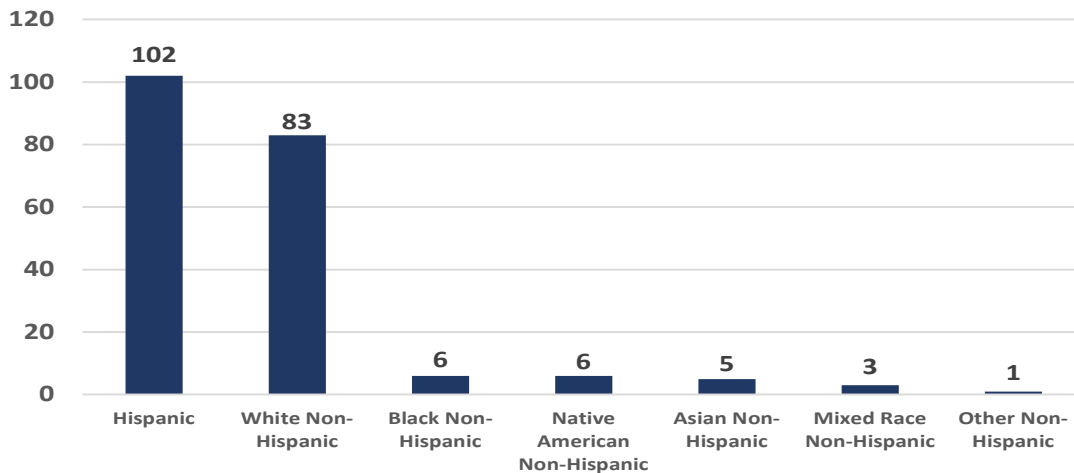
Involved Employee Demographics (Sworn & Professional Personnel)

Gender (Sworn and Professional Personnel)



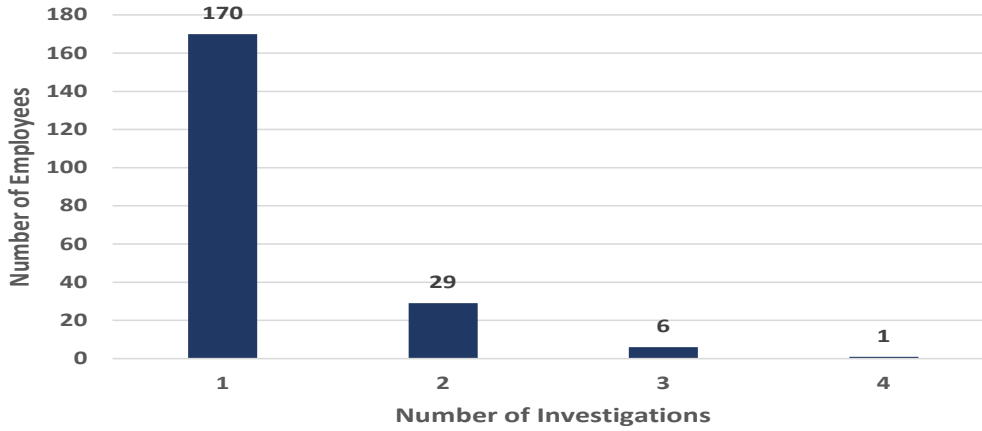
During the last quarter of 2022, majority of the employees identified in IAPS investigations were Hispanics (49.5%) and (81%) were Male

Race & Ethnicity (Sworn and Professional Personnel)

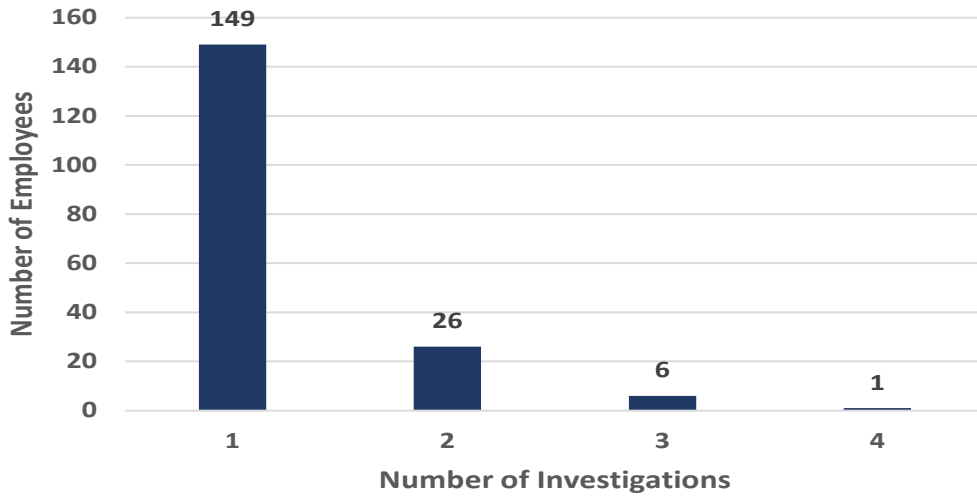


Employees Involved and Number of Investigations (Sworn and Professional Personnel)

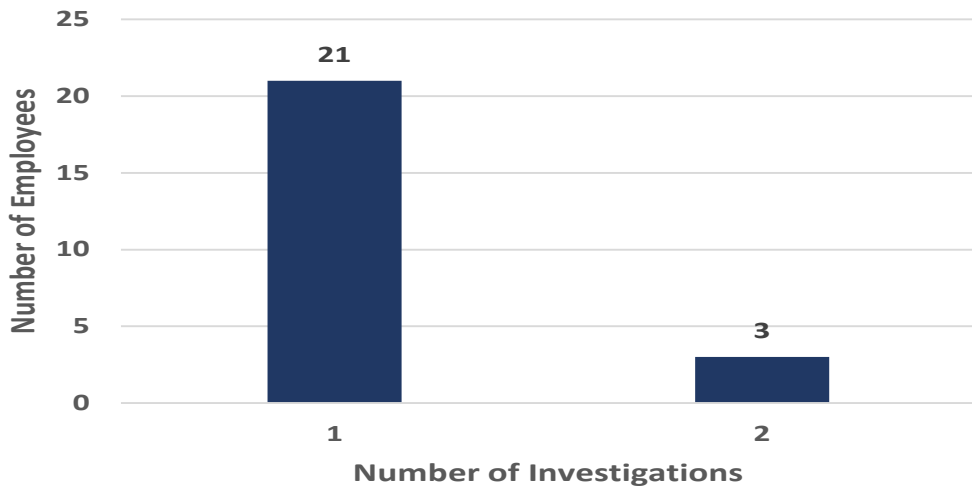
Sworn and Professional Personnel



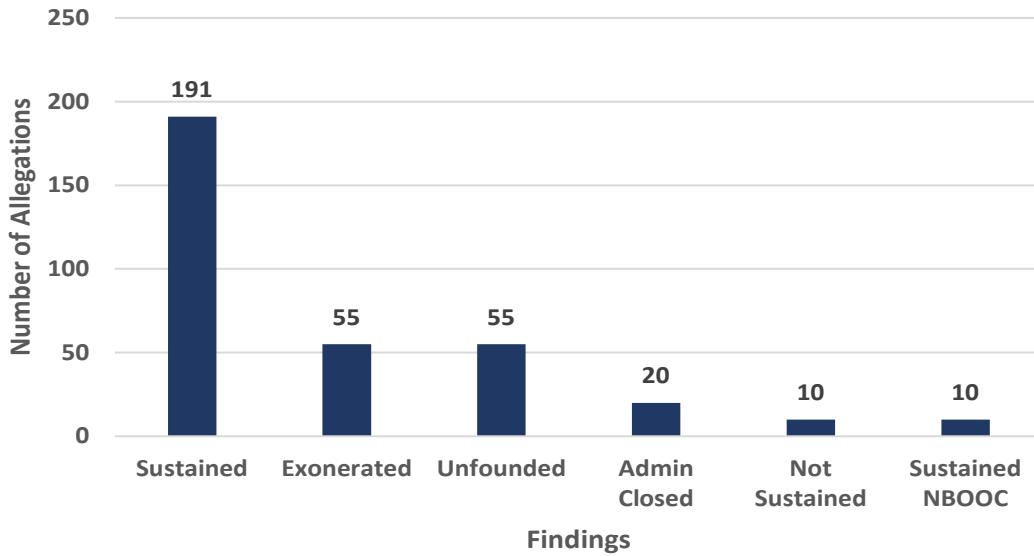
Sworn Personnel



Professional Personnel



During the last quarter of 2022, majority of the employees were identified in a single investigation. One sworn employee was listed in four investigations in the last quarter of 2022



During the last quarter of 2022, majority (59%) of the allegations were found to be Sustained/SNBOOC followed by Exonerated and Unfounded with (16%) each

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.

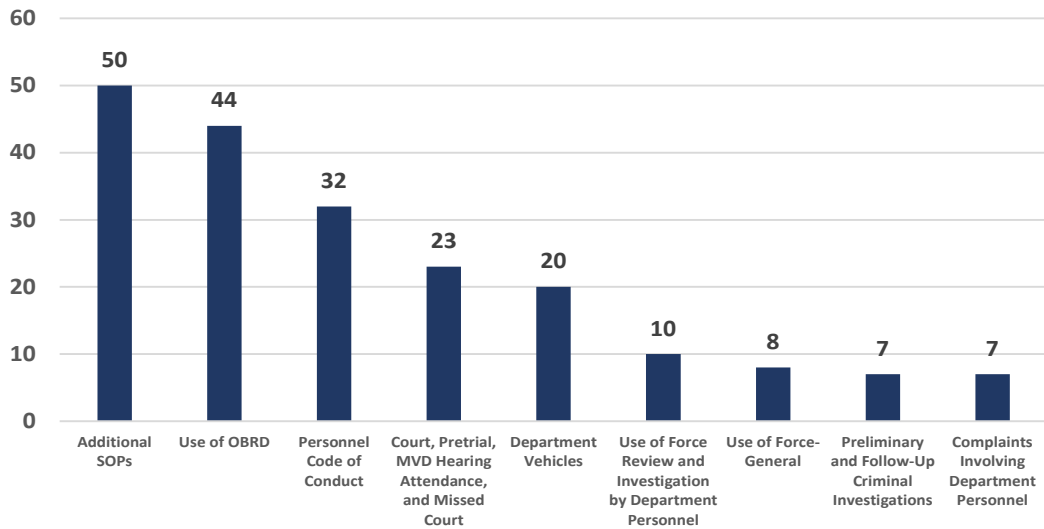
Exonerated: Investigation classification where the investigator determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.

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 (NBOOC) 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.

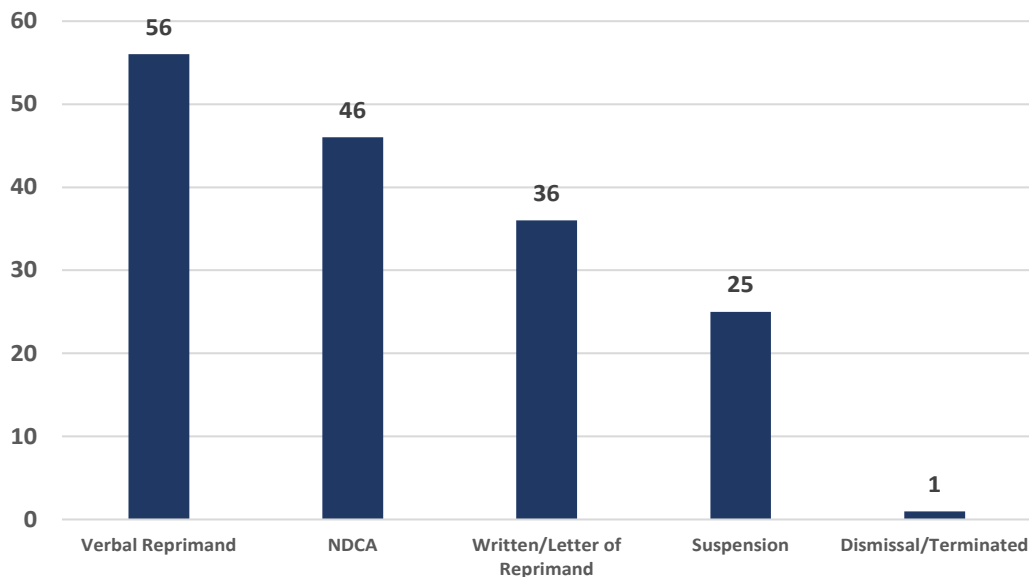
Administratively Closed: Investigation classification where the investigator determines: a. the allegations are duplicative; b. the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile. Such complaints may be reopened if additional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



During the last quarter of 2022, majority (21%) of the allegations concerning the Use of On-body recording devices were found to be Sustained/SNBOOC followed by Personnel Code of Conduct (16%)

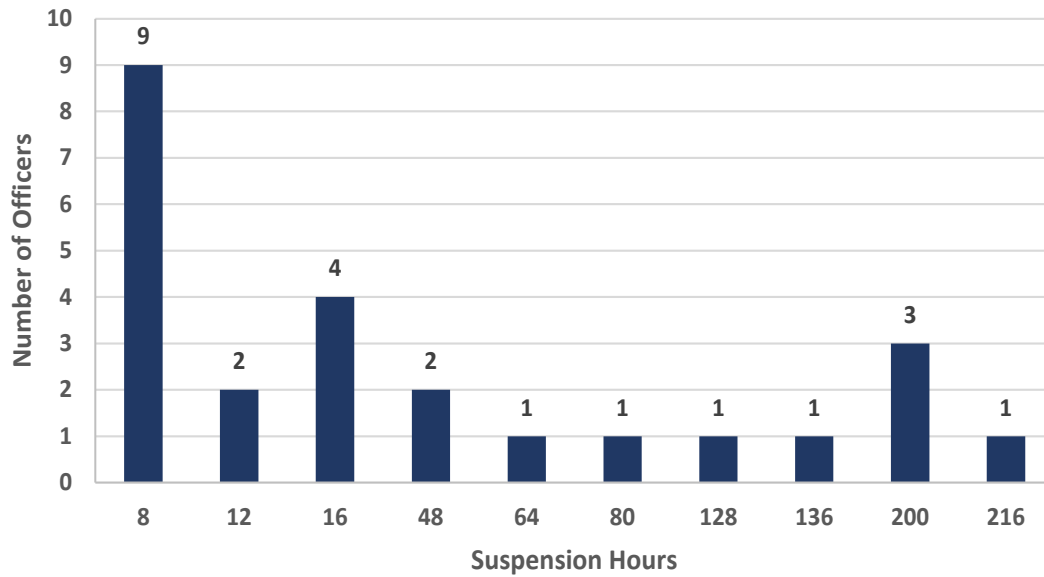
Additional SOPs category includes: Line Inspection Process, Use of Force- Reporting by Department Personnel, Restraints and Transportation of Individuals, Intermediate Weapon Systems, Use of Force De-escalation, Supervisory Leadership, Reports, Department Property, Firearms and Ammunition Authorization, Domestic Violence, Arrests, Arrest Warrants, and Booking Procedures, Certificates for Evaluation, Overtime, Compensatory Time, and Work Shift Designation, Grooming Standards, Field Training and Evaluation Program, Harassment/Sexual Harassment in the Workplace, Canine Unit, Apparent Suicide, Daily Staffing and Briefing, Traffic Stops, DWI Investigations and Revoked/Suspended License, Search or Seizure Without a Warrant, Collection, Submission, and Disposition of Evidence and Property, Off-Duty Conduct: Power of Arrest, Scheduled and Unscheduled Leave, Performance Evaluation System, Review of Completed Administrative Investigation Cases.

Action Taken for Sustained/SNBOOC Findings (Sworn)



During the last quarter of 2022, majority (34%) of the allegations with the finding of sustained/SNBOOC resulted in Verbal Reprimand followed by Non-Disciplinary Corrective Action (28%) for sworn personnel

Length of Suspension in Hours (Sworn)

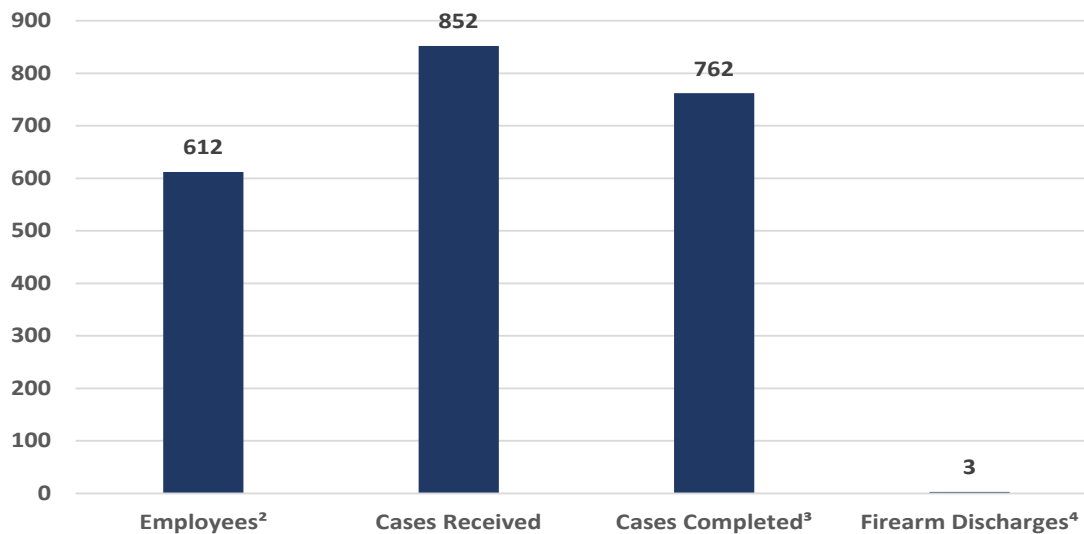


During the last quarter of 2022, a total of 25 officers received suspensions. 9 officers received a total of 8 hours and 1 officer received a total of 216 hours suspension. Note that the suspension hours are aggregated for distinct officers. E.g if one officer receives two suspensions of 8 hours during this period, they will be listed within 16 hours



Statistical Data¹ (Annual 2022)

Internal Investigations

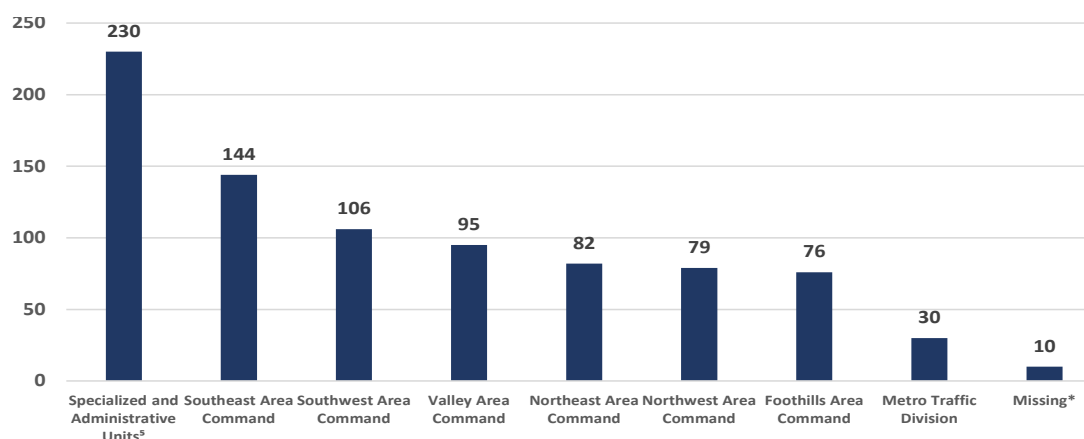


Statistical Data as of January 13th 2023.

This section covers the data for the reporting period beginning January 1st 2022 through December 31st 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".

Subjects of IAPS investigations by Assigned Division (Includes Sworn & Professional Personnel)



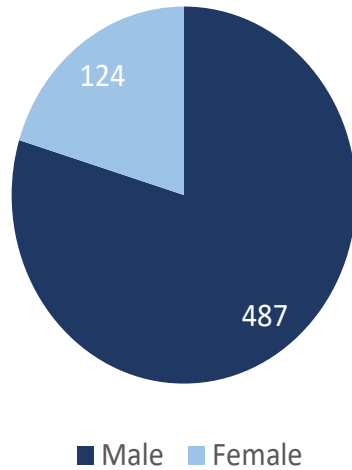
During the year 2022, majority of the investigations opened by IAPS were received for employees in Southeast Area Command (17%) followed by Southwest Area Command (12%)

5. Specialized and Administrative Units Includes: Academy Training Division, Aviation Division, CID/Family Advocacy Center, Communications Division, Community Outreach Division, Compliance and Oversight Division, Criminal Enforcement Division, Criminal Investigations Division, Crisis Intervention Division, Field Services, Fiscal Division, Homeland Security/Special Events Division, Internal Affairs, Internal Affairs Force Division, Internal Affairs Professional Standards Division, Investigative Services Division, Law Enforcement Center - Main, Management Services & Support Division, Operations Review Division, Planning Division, Prisoner Transport Division, Records Division, Scientific Evidence Division, SED/Criminalistics Lab, Special Operations Division, Special Services Division.

*Missing: 10 cases are missing information related to personnel division.

Involved Employee Demographics (Sworn & Professional Personnel)

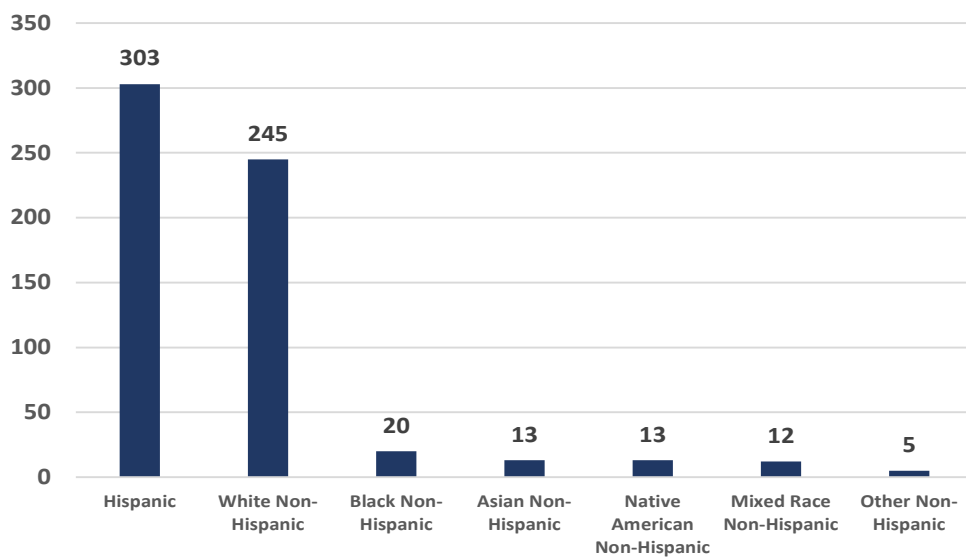
Gender (Sworn and Professional Personnel)



During the year 2022, majority of the employees identified in IAPS investigations were Hispanics (49.5%) and (79%) were Male

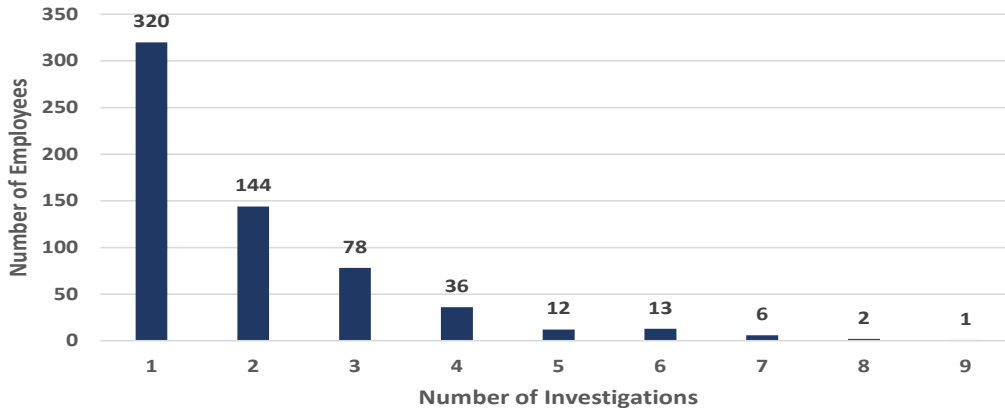
There is missing demographic information for 1 employee in the database

Race & Ethnicity (Sworn and Professional Personnel)

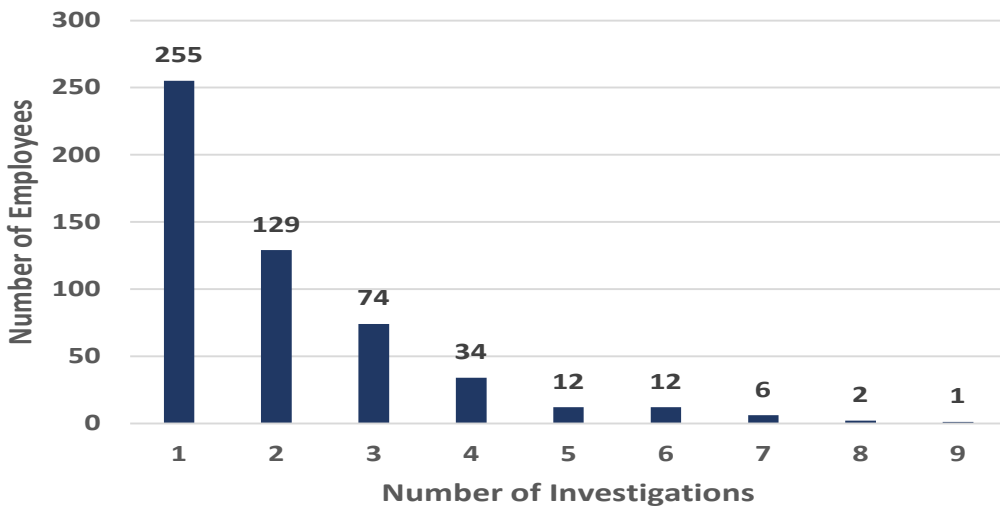


Employees Involved and Number of Investigations (Sworn and Professional Personnel)

Sworn and Professional Personnel

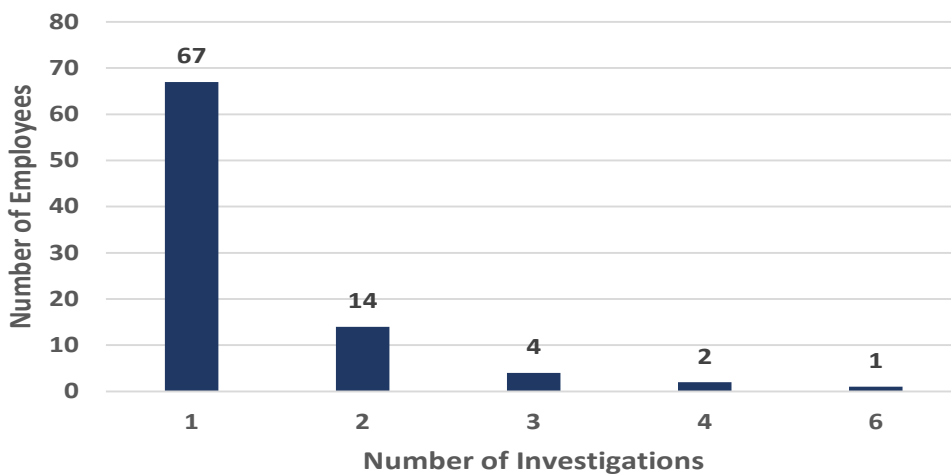


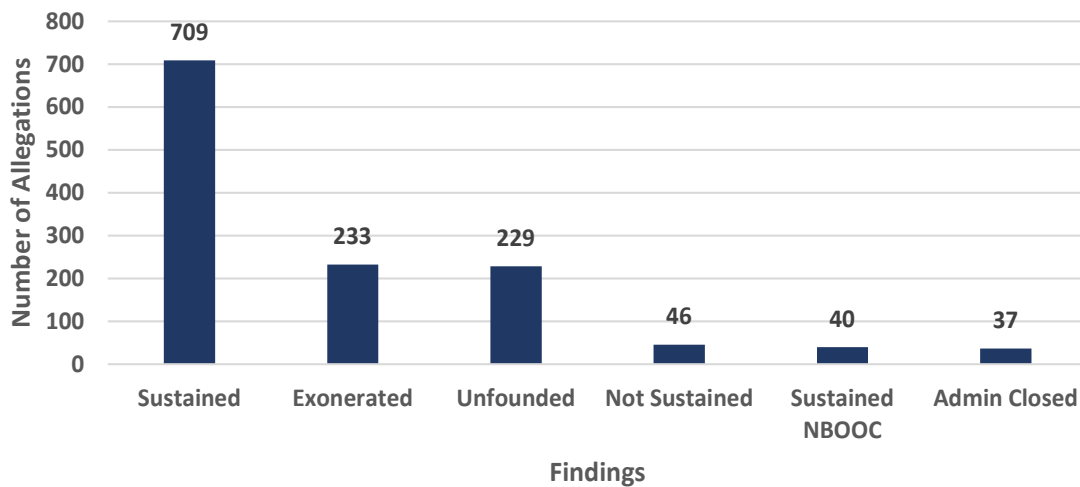
Sworn Personnel



During the year 2022, majority of the employees were identified in single investigation. One sworn employee was identified in nine investigations in the year 2022

Professional Personnel





During the year 2022, majority (57%) of the allegations resulted in the findings of Sustained/SNBOOC followed by Exonerated (18%) for sworn employees

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.

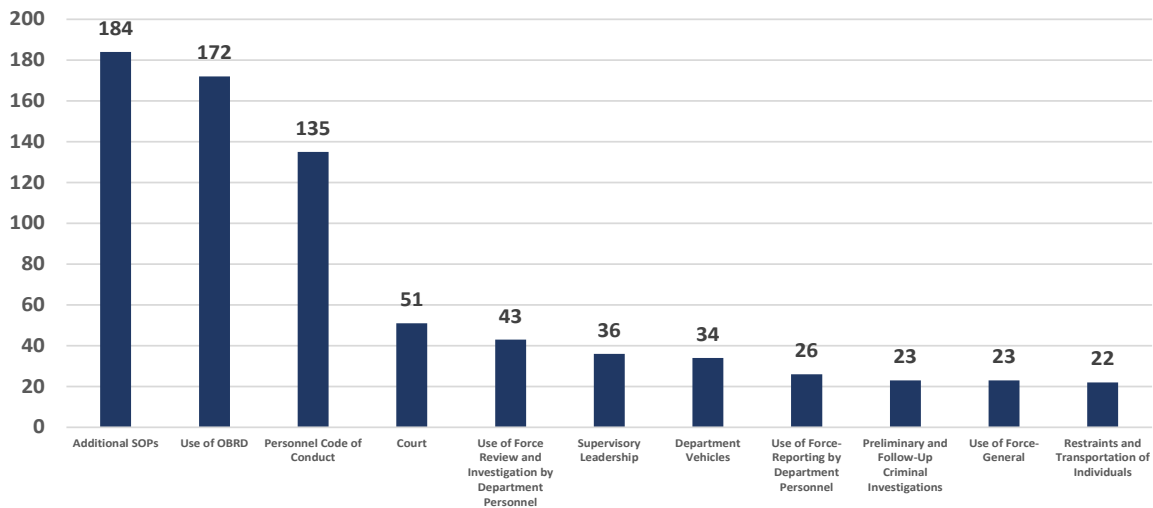
Exonerated: Investigation classification where the investigator determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.

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 NBOOC 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.

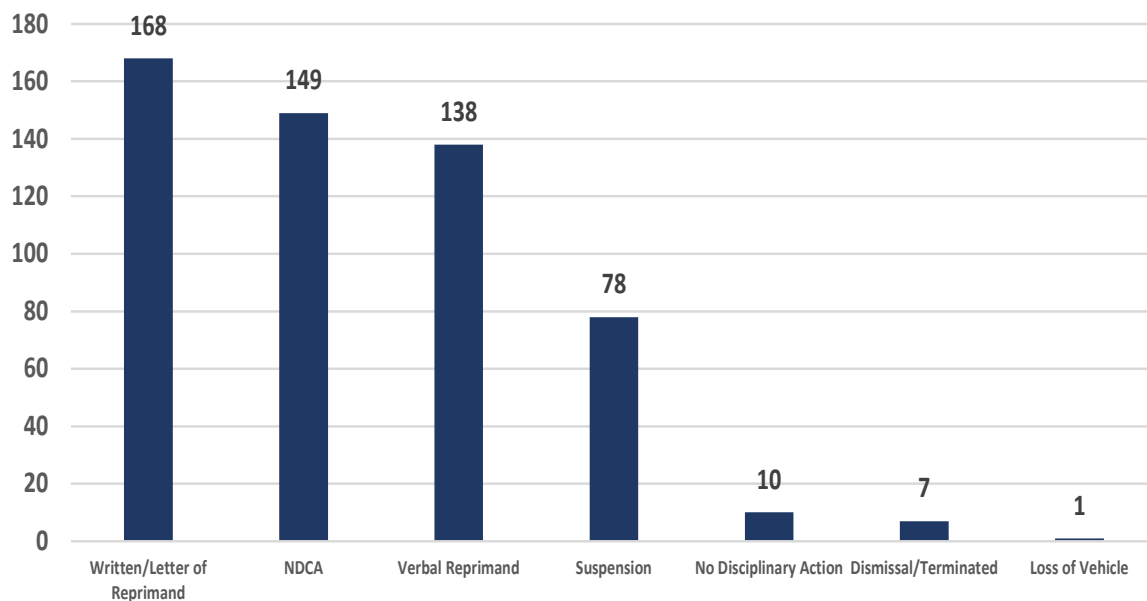
Administratively Closed: Investigation classification where the investigator determines: a. the allegations are duplicative; b. the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile. Such complaints may be reopened if additional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



During the year 2022, majority (23%) of the allegations concerning the Use of OBRD were Sustained/SNBOOC for sworn personnel followed by Personnel Code of Conduct (18%)

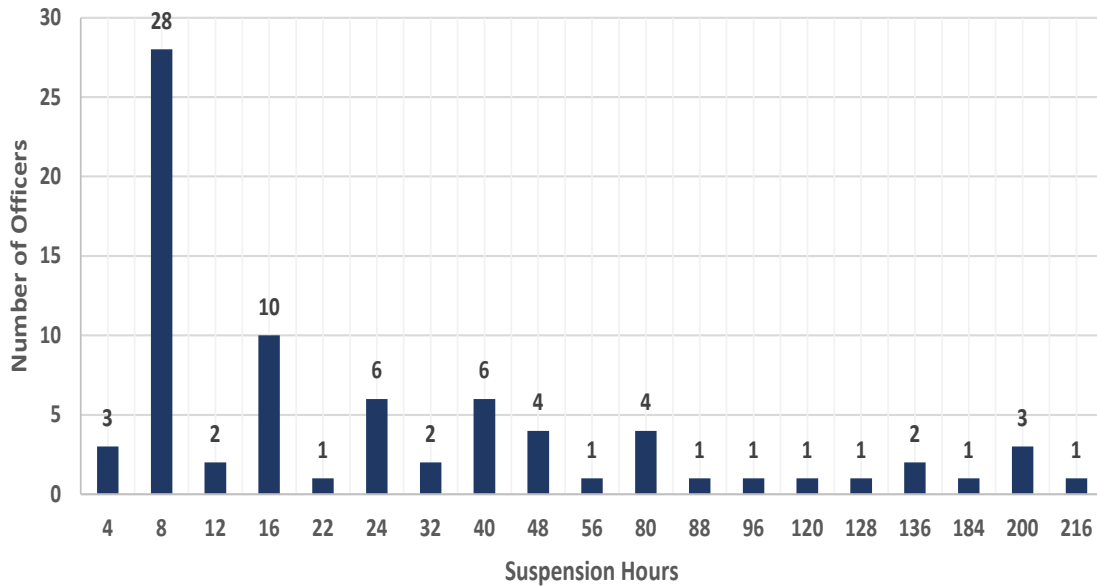
Additional SOPs category includes: Pursuit by Motor Vehicle, Complaints Involving Department Personnel, Intermediate Weapon Systems, Special Order, Collection, Submission, and Disposition of Evidence and Property, Reports, Overtime, Compensatory Time, and Work Shift Designation, Use of Force De-escalation, Arrests, Arrest Warrants, and Booking Procedures, Interviews and Interrogations, Line Inspections, Search and Seizure without a Warrant, Hospital Procedures and Rules, Performance Evaluations, Crashes Involving Police Vehicles, Department Property, Firearms and Ammunition Authorization, Pursuit Intervention Technique, Certificates for Evaluation, Domestic Violence, Response to Behavioral Health Issues, Review of Completed Administrative Investigation Cases, Scheduled and Unscheduled Leave, Uniforms, Apparent Suicide, Aviation Division, Bid Process, Canine Unit, Daily Staffing and Briefing, DWI Investigations and Revoked/Suspended License, Field Training and Evaluation Program, Grooming Standards, Harassment/Sexual Harassment in the Workplace, Homicide Unit, Misdemeanor, Traffic, and Parking Enforcement, Off-Duty Conduct: Power of Arrest, Specialized Tactical Units, Towing and Wrecker Services, Traffic Stops, Use of Emergency Warning Equipment, Use of Tire Deflation Devices.

Action Taken for Sustained/SNBOOC Findings (Sworn)



During the year 2022, majority (30%) of the allegations with the finding of sustained/SNBOOC resulted in Written Reprimand followed by NDCA (27%) for sworn personnel

Length of Suspension in Hours (Sworn)



During the year 2022, a total of 78 officers received suspensions. Majority (28) officers received a total of 8 hours suspension followed by (10) officers receiving a total of 16 hours suspension. 4 officers in 2022 received total suspension of over 200 hours. Note that the suspension hours are aggregated for distinct officers

Criminal Offenses by Officers On & Off-Duty in 2022 (Sworn)

11 investigations received by IAPS during the year 2022 had allegations of criminal conduct by officers. 9 officers were identified in those investigations. 3 of 11 investigations were received by IAPS in the fourth quarter of 2022 (October-December 2022).

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. We are committed to positive change – ensuring that APD progresses in the right direction. We seek and are open to support and partnership with federal, state, and local community leaders who share our priority of keeping

the public's best interests in mind. 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. Our foremost goal is to continuously strive toward a transparent, holistic vision of public safety and law enforcement that emphasizes accountability while providing for a safer Albuquerque.



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

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

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



400 Roma Avenue
Albuquerque, NM 87102



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



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