

WORK SESSION AGENDA

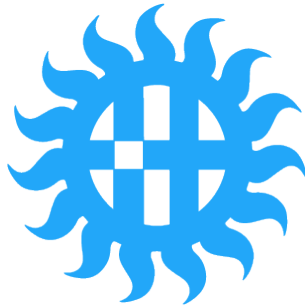
Monday, September 8, 2025 at 1:00 PM

Mayor
Eric Enriquez

Mayor Pro Tem
Johana Bencomo

Councilors
Cassie McClure
William Mattiace
Becki Graham
Becky Corran
Yvonne Flores

Council Chambers



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	Page
1. <u>JOBS OF THE WEEK</u>	
2. <u>PETS OF THE WEEK</u>	
3. <u>AGENDA ITEM</u>	
3.1. COMMUNITY OF HOPE ALLIANCE AGENCY UPDATES WS #25-037 - Pdf	2
3.2. 8TH SEMI-ANNUAL POLICE AUDIT REPORT PRESENTED BY THE OIR GROUP. WS #25-030 - Pdf	3 - 91



Council Work Session Summary

Meeting: Work Session - Sep 08 2025

TITLE: COMMUNITY OF HOPE ALLIANCE AGENCY UPDATES

PURPOSE(S) OF DISCUSSION: ☒ Inform/Update ☒ Direction/Guidance ☐ Legislative
Development/Policy

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The formation of the current Community of Hope campus began in 1994, when the City of Las Cruces acquired land and constructed the first facility at 999 W. Amador Avenue. Today, this location is home to a unique and highly effective consortium of nonprofit organizations that serve the city's low- to moderate-income residents, including individuals experiencing homelessness, housing insecurity, and those who are sick or indigent. These organizations operate on City-owned property and in City-owned facilities located on a 17-acre site at the end of a cul-de-sac. Five of these nonprofits have formed an Alliance and work in close coordination to maximize their collective impact. The Alliance will be presenting agency updates in anticipation of a new lease agreement, which will align with the City's adopted master plan for the site.

The five alliance agencies are Amador Health Center, Jardín de los Niños, El Caldito Soup Kitchen, Mesilla Valley Community of Hope, and Casa de Peregrinos.

PLAN(S):

City Council Strategic Plan, Other, Department Strategic Business Plan, 2021-2025 Consolidated Plan, Elevate Las Cruces



Council Work Session Summary

Meeting: Work Session - Sep 08 2025

TITLE: 8TH SEMI-ANNUAL POLICE AUDIT REPORT PRESENTED BY THE OIR GROUP.

PURPOSE(S) OF DISCUSSION: ☒ Inform/Update ☐ Direction/Guidance ☐ Legislative Development/Policy

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

In accordance with their contract via Resolution 21-128, the OIR group will present their semi-annual case review audit report of completed Las Cruces Police Department internal affairs complaints.

SUPPORT INFORMATION:

[FINAL - OIR Group Community Outreach Summary](#)

[FINAL REPORT PLUS MEMOS - OIR Group LCPD Eighth Semi Annual Report - Sept 2025](#)

PLAN(S):

None

COMMITTEE/BOARD REVIEW:

None



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TO: City of Las Cruces
FROM: OIR Group
DATE: March 24, 2025
RE: Independent Police Auditor Community Outreach Efforts 2024-25

Introduction

As part of the OIR Group’s expanded outreach efforts, two community meetings have been held in Las Cruces to engage with residents about law enforcement oversight and accountability. These sessions, facilitated by OIR Group representatives alongside city officials and law enforcement personnel, provided a platform for community members to voice their concerns and ask questions about police practices, investigations, and oversight mechanisms.

This summary captures the key concerns and recommendations raised during these sessions, reflecting the community’s ongoing interest in improving police accountability, strengthening oversight mechanisms, and fostering public trust in law enforcement.

Outreach Sessions

Our first community engagement session was held in City Council chambers on August 26, 2024, after one of the semi-annual updates on LCPD internal review systems that we provide to the Council. The second was held at the Munson Senior Center on February 24, 2025. Though this was also on the same day as one of the Independent Police Auditor presentations to Council, there were a couple of differences with an eye toward accessibility for the public: an evening start time, and a neighborhood location away from City Hall.

These sessions were facilitated by OIR Group's Stephen Connolly and Teresa Magula. Lieutenant Adrian Alva, the Internal Affairs supervisor, and members of City staff also attended both sessions. City Attorney Brad Douglas attended the first session. At each session, we provided an overview of our work and opened the forum to questions and discussion.

In our 7th Semi-Annual Report, we reported that the first meeting “was well-attended by members of various community organizations, family members of those who had contact with LCPD, unaffiliated members of the public, and City staff.” We chose not to record this session to allow participants to express their concerns and challenges freely, and, unfortunately, we did not count the attendees. The second meeting was also not recorded, but the City's Auditor took detailed notes, including recording that 21 people attended the session. The attendee counts and their participation was high relative to sessions in other jurisdictions where we work; we appreciate the community's engagement.

Critical Incidents: Timeline, Bias and Information-Sharing

Understandably, critical incidents involving LCPD deadly force were a focal point of participant concern on both occasions. These exercises of law enforcement authority are, of course, inherently significant and impactful, and the related media attention and questions of appropriate accountability can be further sources of strong – and often conflicting – opinions within a community.

Along with questions about our own role in any of the relevant review processes, attendees expressed frustration over the lack of available information regarding critical

incidents. (Some did acknowledge that the Department has improved its communication following recent events.) Community members found the timeline of these investigations to be too lengthy, a challenge we discussed in various case memos.

Several questions were posed regarding the potential bias of the New Mexico Officer-Involved Incident Task Force (OITF), the team responsible for investigating officer-involved shootings and other major incidents involving law enforcement. This multi-agency task force brings together representatives from various law enforcement agencies to conduct independent investigations, but members of the public questioned whether the design was appropriate to ensure impartiality and accountability. Additionally, inquiries were made about the leadership of the task force, potential factors that could change or limit its involvement, and whether there are any state mandates elsewhere requiring a different investigative structure for critical incidents.

Understanding how this task force operates, its leadership structure, and the extent of its authority remains a key concern for the community. It reflects the concern that law enforcement's own control of these investigations is an impediment to objectivity and fairness, though the design of the task force and the District Attorney's decision-making authority are meant to be counterbalances to this.

In the second session, for example, members of the public noted that the OITF's findings regarding an officer-involved shooting were different than the outcome of a jury trial regarding the same case. There were concerns that the task force did not "get it right."

Concerns were also raised about whether officers who are involved in critical incidents are being adequately disciplined, what actions are taken when LCPD investigates charges against an officer—such as termination or administrative leave -- and whether case outcomes are clearly shared with the public.

Others asked about OIR Group's role in reviewing these incidents, including whether the OIR Group reviews trial testimony. There was also concern about conflicts of interest when OITF and/or LCPD investigate their own officers and whether the OIR Group can change this dynamic.

OIR Group's Scope of Work

Community members in both sessions raised numerous questions about OIR Group's scope of work and its adequacy as a form of oversight for LCPD. A primary concern was the limited scope of cases that the OIR Group reviews, with questions about what

happens to the cases we do *not* see, including most incidents in which officers use force.¹

The timing and process of reviews were also in question. Some community members wanted to know whether cases pending litigation can be expedited for review and why the OIR Group waits until litigation is closed before conducting its reviews. Some asked for a proactive monitoring approach rather than a reactive audit system.

Additionally, issues of bias-based policing and accountability were raised. Community members questioned how OIR Group demographic review methods are sufficient to identify bias, and whether demographics are tracked for both complainants and officers beyond just zip code data.

Some asked if OIR Group considers an officer's past record, including their supervisor's history, and if the scope of work allowed for a holistic review that might identify problematic patterns of behavior before a critical incident.

Overall, the public sentiment clearly favored the consideration of any adjustments that would help maximize transparency and accountability. This included occasional references to the potential or viability of resident participation in the process, perhaps through a civilian board that would complement the functions of the Independent Police Auditor in some way.

Department Policy and Procedures

Community members raised several questions and concerns regarding the policies and procedures of the Las Cruces Police Department (LCPD), particularly in areas of funding, officer accountability, and complaint handling.

An area of concern revolved around the handling of complaints and investigations. Questions were raised about how officers are assigned to Internal Affairs, whether Standard Operating Procedures (SOPs) exist to identify behavioral "red flags" in officers, and who determines if an issue falls within policy.

Community members also sought clarity on who first receives and processes complaints referred to Internal Affairs, who has the final say on complaints, and what the overall complaint process entails. Questions were also raised about whether officer-

¹ There are also public complaint cases that are not within our scope of work, because the Department makes a determination that the allegations involve a lower level of seriousness.

Agenda Item #3.2.

involved shootings automatically trigger an investigation, as well as concerns that some complaints about officer conduct may not be taken seriously.

Concerns about officer behavior, training, and intervention were also discussed, such as questions about LCPD's Duty to Intervene policy, whether officers receive incentives or rewards for good behavior, or if the system only enforces consequences for misconduct.

Finally, community members expressed concerns about spending and day-to-day operations: some asked about the justification for purchasing new equipment, and others wanted to know how the public can learn about police call-outs and the reasons behind police responses.

We were grateful for the insights we received during these sessions. As we mentioned to attendees, our work obviously gives us a window in LCPD operations, effectiveness, and accountability measures. But the opportunity to hear directly from residents about their own priorities and perspectives is valuable context that we would otherwise be lacking. We thank the City for facilitating these events on our behalf.

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Las Cruces Police Department

Eighth Semi-Annual Audit Report

September 8, 2025

OIR
GROUP



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OIRGroup.com

Table of Contents

Introduction 1

Internal Affairs Case Review5

 Internal Investigations7

 External Complaints 11

 Additional Complaint Demographics 13

 Race/Ethnicity..... 13

 Location 14

Review of Closed Litigation 15

Review, Findings & Recommendations 16

 Critical Incident Review: Process & Recommendations 17

 Evolution of the Force Review Cadre20

 Performance Challenges & Corrective Action.....22

Policy, Management and Training.....25

 Canine Unit.....25

 Off-Duty Conduct & Intervention.....26

 Domestic Matters: Continued Progress27

 Use of AI-Generated Reports: DraftOne.....28

Next Steps 30

Appendix A: OIR Group Case Memos31

Introduction

OIR Group¹ is in its fifth serving as the Independent Police Auditor (IPA) for the City of Las Cruces, providing external oversight of the Las Cruces Police Department (LCPD). In this capacity, we have full access to LCPD's otherwise-confidential internal files and evidence (including body-worn camera footage) to review how allegations of officer misconduct are investigated, whether the complaints originate from the public or from within the Department. This transparency in access allows us to make informed, independent assessments of LCPD's handling of each case and to issue public reports with detailed findings and outcomes. In addition, our role includes examining closed litigation involving LCPD officers to identify any performance issues that could pose liability risks, offering the City a "lessons learned" perspective beyond the immediate legal outcomes.

This Eighth Semi-Annual Report presents our analysis of LCPD's Internal Affairs investigations completed between January 1 and June 30, 2025; it encompasses 10 misconduct cases. These include department-initiated Internal Investigations (II) – when LCPD supervisors or leadership identify potential misconduct by an employee – as well as External Investigations - Category 1 (EIC1) filed by members of the public alleging serious officer misconduct.

For each case, OIR Group reviewed the entire investigative file (including all relevant reports, body-worn camera videos, interview recordings, and other evidence) to evaluate the thoroughness and fairness of LCPD's investigation and the appropriateness of its findings. While detailed case memos are

¹ OIR Group has been working in the field of independent oversight of law enforcement for two decades. We specialize in evaluating and seeking to strengthen law enforcement policies, practices, and accountability measures. You can learn more at our website, www.OIRGroup.com. You may contact us at Info@OIRGroup.com

provided in Appendix A, this report highlights key findings and recommendations drawn from those reviews.

We work in a number of jurisdictions and can say from experience that a key variable in any oversight model is the approach taken by the law enforcement agency itself. LCPD has met its fundamental obligations from the outset, including full cooperation with access issues and prompt responsiveness to all inquiries and requests for information. This has not been our experience everywhere, and we don't take it for granted. More than that, though, the Department has engaged thoughtfully with our ideas and criticisms. It has made concrete adjustments to its policies and practices based on our input, solicited our contributions to new initiatives, and ensured that even points of disagreement are addressed constructively.

During our tenure in Las Cruces, we have been gratified to see the adoptions of many of OIR Group's prior recommendations – and to see incremental but meaningful improvements in policy, training, and supervisory practices as a result. Several specific improvements and best practices were evident in this reporting period.

To give one important example, the Department's Critical Incident review protocol has become more rigorous and timely. In the past, administrative investigations of officer-involved shootings or other critical events were extensively delayed pending external criminal or civil proceedings; now LCPD more often runs internal reviews in parallel, which led to swifter administrative action in at least one case we examined. While a faster timeline may not always be achievable due to competing concerns such as on-going litigation, LCPD's current intention is to resolve these cases as swiftly as possible. This shift matters: timeliness of resolution increases the efficacy of accountability and transparency after these incidents, which by their nature are deserving of the highest levels of attention.

LCPD's Force Review Cadre (Cadre) – a panel of Department experts who evaluate uses of force – is also evolving in meaningful ways: it now evaluates not just the moment force was used but the entire encounter, including tactics and de-escalation efforts. This more holistic, early review process allowed the Department to identify policy violations (in one case, determining an officer's use of force was unreasonable despite an initial supervisor recommendation

to the contrary) and promptly escalate those issues to Internal Affairs for formal investigation. The result was appropriate accountability (sustained findings and discipline) for those incidents and the capture of “lessons learned” to inform training.

Equally important, LCPD demonstrated attentiveness to underlying causes and prevention of future misconduct. In nearly every sustained case, LCPD coupled disciplinary action with targeted remedial training or counseling, reinforcing the expectation that employees correct deficiencies and improve their performance – and giving them the tools to do it. This emphasis on accountability and improvement reflects a maturing “corrective” philosophy within the Department’s discipline system. The Department’s Officer Wellness program includes peer support, counseling resources, and resiliency training. There is, of course, inherent value in supporting employees’ well-being. But these resources can also help avert future misconduct or performance lapses.

Despite these positive developments, challenges and areas for further improvement remain. We have recommended making the Cadre a standard step in every critical incident review; while the Department has indicated that it agrees with the recommendation, it will continue to use the Cadre selectively because the subject-matter experts who staff it have limited time due to competing operational commitments. And, while discipline has generally become more consistent, we did flag one scenario in this audit period where we felt two employees received somewhat lenient penalties given the seriousness of their performance failures; we discuss this issue in more detail below.

The first half of the year also featured our second Community Listening Session: it was held on February 24, 2025. These sessions aim to foster dialogue around police oversight and accountability. Key concerns raised by community members in February included the transparency and timeliness of investigations into critical incidents involving police use of force, perceived bias in the New Mexico Officer-Involved Incident Task Force, and the limited scope of cases reviewed by our team. Participants also questioned the

adequacy of complaint handling procedures, the effectiveness of internal affairs, and the need for more proactive and holistic oversight mechanisms.²

The sessions confirmed that an engaged group of residents continues to push for improvements in accountability, fairness, and transparency in law enforcement practices. It also provided us with an important complement to our regular interactions with LCPD: namely, the perspective residents who have their own experiences and priorities when it comes to defining "effective policing." We reflect on the information shared by participants throughout this report and thank them here for taking the time to engage with us.

² At the City's request, we provided a summary memo of these sessions. It is included as part of the agenda packet.

Internal Affairs Case Review

Our scope of work requires that we review completed and closed investigation files from formal citizen complaints, internal investigations, and complaints with allegations against LCPD that are reported to the City of Las Cruces Ethics Hotline. Our scope consists of two types of complaints: Internal Investigations, or “II,” which are complaints generated from within the Department when leadership becomes aware of allegations related to potential misconduct of employees on or off duty; and External Investigations - Category 1, or “EIC1,” which are complaints submitted by the Las Cruces public with allegations that may rise to the level of formal misconduct.³

As mentioned above, we reviewed ten complaint cases in this period.⁴ Six of these cases were initiated by a call for service by a member of the public; two

³ External Investigations fall into one of three categories based on the perceived seriousness of the allegations: Category 1, which we review because they may involve formal misconduct, and Categories 2 and 3. Category 2 is an “informal” complaint that involves allegations of a “non-serious” nature where the reporting complainant chooses not to pursue a formal investigation; and Category 3 involves allegations of a “non-serious” nature where the complainant is not able to articulate a complaint, or where there is an apparent lack of General Order violations.

⁴ While this case count is lower than our 7th Semi-Annual Report, where we “caught up” from a brief contractual pause that occurred in the first part of 2024, the count is commensurate with our average. Our previous case counts are as follows:

Report 1, January 2022: 12

Report 2, June 2022: 16

of these were critical incidents, a category that we detail later in the report. Two cases involved off-duty conduct, and two focused on internal administrative matters. These cases make up an extremely small percentage of the total engagement with the community: from January 1 to June 30, 2025, LCPD responded to 68,045 calls for service.

In this period, we again saw improvement by LCPD in identifying, addressing, and, where appropriate, remediating misconduct at all levels.

LCPD framed and investigated 40 formal allegations against 20 LCPD employees across several rank levels.⁵ Of these, 80% (32) of the allegations were sustained; this higher percentage reflects the fact that most of these cases were generated *internally*, after the Department identified potential misconduct through supervisor reviews or officer/supervisor reports.⁶ The remaining were exonerated (7) and not sustained (1).⁷

Report 3, January 2023: 16

Report 4, June 2023: 10

Report 5, January 2024: 19

Report 6, August 2024: 8

Report 7, February 2025: 21

⁵ At the time of the respective investigations, 14 were officers, two were detectives, two were sergeants, two were non-sworn employees. Two cases involved the same employee.

⁶ In our experience across a number of jurisdictions, the dynamic of internally generated cases yielding more sustained findings is a common one, since the agency's own knowledge of its policies and the relevant facts give a significant "head start" to the investigative process. At the same time, the fact that LCPD itself opened significantly more investigations than came from the public complaint process seems noteworthy as a reflection of a commitment to accountability.

⁷ "Exonerated" means that the alleged conduct occurred but was found to be within Department policies and procedures, "unfounded" means that the allegation did not occur in the way it was alleged, and "sustained" means that the allegation did occur and was a violation of Department policy and procedure. "Not sustained" means that there was insufficient evidence to prove or disprove that an allegation occurred.

For those sustained allegations, the discipline ranged from a verbal reprimand to suspension days or termination. All discipline except termination was also accompanied by some form of directed training, except in case 2025EIC1-001 (we discuss this in greater detail later in our report).

Here, we provide brief summaries of each case, list the allegations and ranks of the involved employees, and provide the Department's findings for the eight Internal Investigations and two external complaints. More detailed memos for each case are also included in Appendix A. These feature a more thorough case description, as well as our analysis of the Department's investigation, our related recommendations (if any), and LCPD's Management Response,

Internal Investigations

We reviewed eight Internal Investigations in this reporting period.

These internally generated complaints resulted in 30 unique allegations, most of which were sustained by the Department, including allegations of excessive force and unbecoming conduct.

For the most part, LCPD responded to these violations of policy with an appropriate disciplinary outcome (we discuss our differing perspective on one case in more detail below). For continuing personnel, these resolutions included directed training and/or counseling to prevent future similar actions. This is a clear indication that LCPD is committed to holding its employees accountable for misconduct, regardless of rank or tenure.

2022II-006⁸

Department-initiated administrative investigation of a critical incident, a non-hit officer-involved shooting and canine bite of a subject who had shot his domestic partner and fired rounds at officers.

Officer	255 Use of Force	Exonerated
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⁸ This case is related to a claim for damages that was closed in an earlier reporting period. See Closed Litigation section below.

2023II-017

Department-initiated administrative investigation into critical incident, a fatal officer-involved shooting at a public housing complex.

Officer	103.05(A) Conduct Toward the Public	Sustained
Officer	255.02(A)(B) Procedures - Applying Force	Sustained
Officer	215.01(A)(3) Preliminary Investigations	Sustained
Officer	103.28(A) Conduct Unbecoming	Sustained
Officer	170.02(E) Radio Procedures	Sustained
Officer	160.01 Complaint Intake	Sustained

2024II-012

Department-initiated administrative investigation into use of force during a call for service involving potential residential burglary.

Detective	255 Use of Force	Sustained
Detective	141 Police Reports	Sustained
Detective	103 Code of Conduct	Sustained
Sergeant 1	255.04 Use of Force - Duty to Intercede	Sustained
Sergeant 2	255.04 Use of Force - Duty to Intercede	Sustained
Officer 1	103.03 Code of Conduct - Compliance	Exonerated
Officer 2	103.03 Code of Conduct - Compliance	Exonerated
Officer 3	255 Use of Force	Sustained
Officer 3	103.03 Code of Conduct - Compliance	Exonerated
Officer 4	103.03 Code of Conduct - Compliance	Exonerated
Officer 5	103.03 Code of Conduct - Compliance	Exonerated
Officer 6	103.03 Code of Conduct - Compliance	Exonerated

2024II-013⁹

This complaint was initiated by a public complainant, who alleged that the Department had not properly investigated her case. But, in reviewing the matter, the Department identified several internal challenges and ultimately framed this as an “internal investigation.”

Detective 1	103 Code of Conduct	Sustained
Officer 1	215.01 Investigations - Preliminary Investigation	Sustained
Officer 2	215.01 Investigations - Preliminary Investigation	Sustained
Officer 1	141.01 Police Reports - Required Reporting	Sustained
Officer 1	300.10 Evidence and Property	Sustained
Detective 1	215.02 Investigations - Follow-up Investigation	Sustained

2024II-017¹⁰

Department-initiated administrative investigation into allegations of an officer’s unbecoming conduct and driving while intoxicated while off-duty.

Transport Officer	103.28 Code of Conduct A, B Conduct Unbecoming	Sustained
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2025II-001

Department-initiated administrative investigation into member-involved domestic violence.

⁹ This case is also related to a claim for damages. See Closed Litigation section below.

¹⁰ This case is also related to a claim for damages. See Closed Litigation section below.

Officer	103.17(C) Code of Conduct - Truthfulness	Sustained
Officer	103.08(A) Code of Conduct - Criminal Conduct Prohibited	Sustained
Officer	103.28(A)(B)(1)(5) Code of Conduct - Conduct Unbecoming	Sustained

2025II-011

Department-initiated administrative investigation into job classification and pay discrepancies between the City and LCPD employees performing the same functions. This case had no formal allegations as no specific employees were named and the complaint was made anonymously.

2025SM-002

Department-initiated administrative investigation of misuse of time and company resources. This complaint came in from the City's Ethics Hotline, but, due to the nature of the allegations, was handled by the employee's direct supervisor and designated as a "Supervisory Matter" (SM) as is LCPD's complaint process protocol.

PD Records Technician	CPM Work Rules 603.1 and 603.40	Verbal Counseling
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External Complaints

We reviewed two Category 1 External Complaints, which are complaints made by members of the Las Cruces public with allegations that potentially constitute formal misconduct. Both of these cases resulted from dissatisfaction with aspects of calls for service.

The complaints generated 10 unique allegations, some of which were reported by the public complainants, but others that were identified by the Department during the investigation, such as failure to properly activate body-worn cameras or submit reports. (This willingness to pursue additional conduct issues – that the complainant may not even know about reflects well on the agency's philosophy of accountability). While most were exonerated or unfounded, several were sustained, and officers received the appropriate discipline accompanied by directed training.

2024EIC1-002

Public complaint resulting from mishandling of a child abuse case.

Detective ¹¹	103.01 Code of Conduct - Unsatisfactory Performance	Sustained
Detective	141.02 Police Reports - Accuracy & Thoroughness	Not Sustained
Detective	215.02 Investigations - Follow-up Investigation	Sustained
Detective	295.04 Interviews - Miranda Rights	Sustained
Detective	151.01 Recording Devices	Sustained
Officer 1	141.01 Police Reports - Required Reporting	Sustained
Officer 1	243.09 Juveniles - Investigating Abuse/Neglect	Sustained
Officer 2	243.09 Juveniles - Investigating Abuse/Neglect	Sustained

¹¹ This is the same employee as “Detective 1” in case 2024II-013. This case occurred approximately five months after the incident in case 2024II-013. We discuss this and the concept of progressive discipline later in the report.

2025EIC1-001

Public complaint resulting from the mishandling of a call for service involving potential domestic abuse.

Officer	103.01 Code of Conduct - Unsatisfactory Performance	Sustained
Officer	151.01 Recording Devices - Procedures	Sustained

Additional Complaint Demographics

Our scope of work includes our providing additional demographics related to complaint cases in order to identify any trends that might indicate racial bias or discriminatory policing based on geographic location. We now have several years of data since we began our work in Las Cruces, and no patterns of disparate policing have emerged.

In our community listening sessions, participants questioned if these demographic “review methods” were sufficient to identify bias. We understand this concern. Data analysis with respect to bias in policing is inherently complicated; we have worked with other jurisdictions seeking to answer the same questions.

Specifically, in California (where agencies are required to collect demographic data for all stops), we have conducted analyses in an effort to identify trends or patterns of disproportionate policing.¹² But the outcomes have generally been inconclusive (and, to some, unsatisfying), even across considerably larger and more detailed sample sizes. Even when surface disparities are seemingly reflected, the significance or explanation of those differences can remain unclear.

We will continue to assess the limited data set included in our scope of work and report on the outcomes.

Race/Ethnicity

Most cases involved at least some interaction with a member of the public; since the start of our engagement, we have tracked the race/ethnicity of these individuals where their race/ethnicity was known. Across all cases over five years, we were able to identify the race/ethnicity of 62 complainants: 36% were identified as Hispanic, 21% were identified as White Alone, not Hispanic

¹² This is obviously a much bigger “pool” of police-community contacts than the small number of incidents that give rise to complaints.

or Latino, and 5% were identified as Black.¹³ In our basic statistical analysis using Census data for Las Cruces, these counts do not reflect a disproportionate frequency of any one race/ethnicity reporting misconduct or being the subject of incidents that may have involved misconduct.

We also track the race/ethnicity of involved Department employees. Here again, the race/ethnicity of Department employees who are the subjects of complaints reflect the general makeup of the Department: 68% are Hispanic, 26% are White Alone, and 5% are Black.

We did not identify any statistical outcomes that suggest that certain race/ethnicities of Department employees are engaged in misconduct to a disproportionate extent. Nor did we see a significant imbalance that suggested a racial/ethnic component as influencing the negative interactions that prompted complaints. (That is, for example, Hispanic members of the public are not more likely than non-Hispanic members of the public to have negative interactions with white officers).

Location

Our scope of work also requires that we catalogue the zip code of any incident to identify any trends by area or location. We have analyzed zip code statistics since the start of our engagement.

Since that time, most cases were listed as occurring in zip code 88001; this is the Department's address, often used as the address for any complaints that are internally generated, occur in Department facilities (e.g., training rooms, parking lot, or Academy) or that do not have an underlying call for service. The next highest case counts came from zip codes 88011, 88005, and 88012, respectively. However, after discussion with Department leadership, we have not identified any specific factors that might contribute to a higher complaint rate in these specific zip codes.

¹³ In some cases, the reporting or involved party was anonymous. In others, the case was initiated internally and did not involve a member of the public. And in a small number of situations, we were not able to determine the race/ethnicity of the complainant definitively.

Review of Closed Litigation

OIR Group received files for two cases from the Las Cruces City Attorney that were closed during our review period. Both cases were settled.

In both instances, LCPD responded promptly to the filing of claims by initiating administrative reviews that resulted in disciplinary action for the personnel involved. This approach reflects an important principle: while litigation may resolve financial liability, it does not substitute for internal accountability. Department-led reviews are essential to ensure that personnel conduct is evaluated against policy standards, that corrective action is taken when warranted, and that broader organizational learning can occur.

We evaluated the litigation outcomes within the memorandum prepared for the related Internal Affairs administrative investigation (see cases 2023II-017 and 2024II-013 in Appendix A).

Our scope of work requested that we summarize demographics related to the cases. The demographic data does not suggest any patterns or trends.

- The named employees were Hispanic.
- According to LCPD, one employee was terminated. The other employees remain employed.
- On the claimant side, all are Hispanic.

We previously received and reported on closed litigation related to the canine bite component of case 2022II-006; that case was settled in early 2024.

Review, Findings & Recommendations

OIR Group has reviewed over one hundred of LCPD's complaint cases and twenty-one closed civil claims to date. For each, we reviewed all evidence provided by LCPD and consulted with LCPD when necessary for clarification or research into potential recommendations.¹⁴ At the conclusion of our review, OIR Group submitted a memo for each case, and LCPD provided a formal Management Response.

The Department continues to be responsive to our recommendations, especially those related to its internal review mechanisms. In the past year, it has strengthened its investigative and review functions, including reducing its investigative timeline, working extensively with its Legal Advisor,¹⁵ and regularly referring cases to its Force Review Cadre. As we have reported in our past two Semi-Annual Reports, our recommendations now typically constitute process refinements rather than fundamental shifts.

In this section, we discuss three categories that build on previously identified themes: investigation of critical incidents, use of the Force Review Cadre, and the Department's disciplinary outcomes.

¹⁴ When LCPD closed an Internal Affairs investigation within the scope of our work, it provided OIR Group with all documentary and digital evidence related to the case file. This often included, but was not limited to, the investigative memo, internal case correspondence, disposition/findings memo, limited personnel files, disciplinary recommendations, body-worn camera video, radio / dispatch audio recordings, and recordings of interviews with personnel, complainants, and witnesses.

¹⁵ The Legal Advisor was hired by the Chief; he provides legal counsel and training to department personnel on constitutional law, criminal procedure, civil liability, and policy compliance, and advises command staff on legal risks, legislative updates, and operational decisions with legal implications.

Critical Incident Review: Process & Recommendations

The term "critical incident" encompasses officer-involved shootings, deaths in custody, and other high-profile uses of force that warrant heightened scrutiny. In recognition of the seriousness of these events, the public concern that they generate, and the opportunity they provide to ensure meaningful self-scrutiny, many departments, including LCPD, have established critical incident management protocols to ensure a structured and transparent response. As we described in our 5th Semi-Annual Report, LCPD's protocol follows nationwide best practices.

Immediately following a critical incident, LCPD's response begins with lifesaving measures, ensuring public safety, and preservation of evidence. On-scene supervisors separate involved personnel, ensure that potential evidence is secured, and initiate notifications to the Watch Commander and command staff. The New Mexico Officer-Involved Incident Task Force (OITF), which includes representatives from the New Mexico State Police, Doña Ana County Sheriff's Office, New Mexico State University Police, and the Las Cruces Police Department, is activated and responds to the scene, often with a detective from LCPD's Homicide Unit.

Within days of the incident, the Chief of Police and/or the Public Information Officer provide an initial public statement that confirms basic facts and outlines the investigation, and when feasible within legal constraints, they release body-worn camera footage and related material to provide the community a timely, accurate understanding of what is known.

From there, the OITF conducts its criminal investigation. Upon completion, it forwards its findings to the Third Judicial District Attorney for legal review. The District Attorney evaluates the evidence under the applicable criminal statutes and issues a written findings letter indicating whether criminal charges are warranted.

While the criminal investigation proceeds, LCPD has an independent obligation to assess whether officer actions were within Department policy and training, and whether tactical decisions and supervisory oversight met Department standards. While it was not always the case, LCPD has now committed to conduct these administrative steps in parallel to the criminal investigation, where allowed by law and consistent with other constitutional protections, so that the Department is not waiting for criminal or civil outcomes before identifying and addressing organizational risk.

Administrative steps include administrative leave (as applicable) for involved employees and the formal Internal Affairs (IA) investigation. The Department also conducts focused after-action reviews that identify training gaps, equipment needs, and policy clarifications.¹⁶

Once the criminal and administrative tracks and all related litigation are complete, the Independent Police Auditor reviews the closed matter and reports to the City Council, providing an external check on the process.

The two cases reviewed in this period illustrate both strengths and opportunities to refine practice. While we detail these in each case memo (see Appendix A), we summarize them here:

- In case 2022II-006, officers confronted an armed subject who had shot his domestic partner and later fired at responding personnel; the incident involved a non-hit officer-involved shooting and a canine deployment. The Department's administrative investigation in that matter was significantly delayed because LCPD deferred formal administrative work until related case matters, including civil litigation, concluded – which took nearly three years.

At the same time, and conversely, the Canine Unit's post-incident debrief in 2022II-006 reflected a strong model of specialized review, leading to retraining and a performance evaluation that targeted the technical and tactical dimensions of the incident without waiting on external processes.

¹⁶ To keep this tactical review separate from the *formal* use of force review, these review teams of subject matter experts are distinct from the Force Review Cadre.

- In the 2023II-017 fatal shooting associated with an encounter near a public-housing complex, several issues highlight the importance of immediate administrative presence and scene discipline.

Although LCPD reports that IA is generally notified and often responds to officer-involved incidents, this case was a notable exception. The involved officer declined a voluntary interview with criminal investigators on the date of the incident and was not interviewed until several months after.¹⁷ An on-scene response by IA investigators could have advanced the timeline by compelling a same-shift administrative interview without interfering with the criminal investigation.¹⁸

Additionally, scene integrity was compromised when the involved officer moved his bicycle and picked up his flashlight and notebook. On-scene supervisors appropriately intervened to prevent additional alterations once this was reported, but the lapse underscores the need for recurring, scenario-based training that reinforces basic crime-scene preservation. LCPD subsequently issued a Department-wide training bulletin on this topic.

The Department has implemented several practices that align closely with national standards and warrant recognition. Since 2023, LCPD has demonstrated a growing commitment to running criminal and administrative inquiries in parallel, as occurred in a case that we will present in our 9th Semi-Annual Report (2024II-016). The Department has also convened subject-matter experts within weeks for non-disciplinary technical debriefs to identify immediate training and equipment needs, translating preliminary insights into fixes rather than waiting for final case closure. The Canine Unit's

¹⁷ We acknowledge that case 2023II-017 presented unique challenges with respect to obtaining the involved officer's statement: as we reported in this and prior memos related to the same subject officer, the officer showed extreme resistance (and even hostility) to cooperating in administrative investigations.

¹⁸ We previously made this recommendation in case 2020II-005, which we reviewed in a prior report; see 2020II-005 "Recommendation 1: LCPD should include assigned IA investigators to its post-incident review process as the first phase of its larger, formal administrative review process."

detailed debrief following the incident in case 2022II-006 reflected this review protocol.

Even when the protocol functions as intended, the inherent complexity of critical incident work can produce timelines that feel protracted to the public. In the absence of predictable updates, families and community members often experience the process as opaque, which erodes confidence in both the investigation and the institution. This dynamic was voiced repeatedly during our team's listening sessions in Las Cruces.

To increase transparency, the Department has established more regular communication through press conferences and Chief events, such as the quarterly Town Hall meetings.

Collectively, these actions indicate a Department that is willing to learn from experience, adapt procedures, and invest in the transparency that is essential to effective policing in Las Cruces.

Evolution of the Force Review Cadre

The Force Review Cadre – a team of subject-matter experts that reviews use of force -- has developed into a more consistent and useful part of LCPD's learning and accountability process. Where their early efforts tended to focus exclusively on the moment force was used, more recent reviews look at the whole encounter, including communication, tactics, supervision, de-escalation, medical aid, and decision-making. And they do so with a standard template that prompts evaluators to address those factors explicitly.

Case 2023II-017, the fatal officer-involved shooting cited above, illustrated how this more holistic approach works in practice. After the criminal activation by the OITF, command staff directed the Cadre to evaluate the event. The Cadre determined that the officer's use of deadly force was unreasonable and forwarded its analysis to the Chief and Internal Affairs, which then carried out a full administrative investigation. That inquiry did not stop at the shots fired; it also examined the officer's language and professionalism, the display of the Taser, the lack of a reasonable-suspicion basis for the attempted detention, radio procedures, and the duty to render medical aid. The Department

sustained those violations and, together with other sustained matters, ultimately terminated the officer.

By late 2024, the Cadre's role as a mechanism for early issue-spotting was clear. In a residential burglary case (see 2024II-012), a supervisor initially addressed unprofessional language but determined the involved use of force to be reasonable. Command staff sent the matter to the Cadre for a closer look, and the Cadre determined that the shove of a compliant woman was *unreasonable*. It forwarded its findings to the Chief and Internal Affairs. The subsequent administrative case sustained unreasonable force, failure to report the force, and failure to render medical aid against the subject officer; it also held two supervisors responsible for duty-to-intercede failures after they had reviewed the body-worn video and found that a delayed call for medical-aid by another officer had also violated policy.

By way of contrast, the aforementioned case 2022II-006 (involving an officer-involved shooting with a canine deployment) helps show how far the process has come. The Cadre's review of that incident – which occurred early in its creation -- treated the shooting and the canine deployment as a single, combined question instead of evaluating them as distinct decisions with their own tactical details. But our review identified tactical concerns beyond the force, such as slowing the encounter, avoiding conflicting commands such as “show your hands” and “crawl,” and designating a single voice for command and control. These are the kinds of tactical points now captured by the Cadre's standard prompts.

And while the Canine Unit did conduct a technical debrief and retraining, the absence of a formal, Cadre-style write-up meant some lessons were not memorialized for future incidents.

Because of both the value and quality of the Cadre's work, we have recommended making its involvement a standard step in every critical incident review, as detailed in memo 2024II-012. Universal use would standardize learning, reduce variability in when the Cadre is convened, and make it easier to track themes across cases. The Department has indicated that it agrees with the recommendation but is using the Cadre selectively for now because the subject-matter experts who staff it have competing operational

commitments: most of the members also hold positions in Training and specialized units and already carry several collateral duties.

As an interim approach, we have suggested designating at least some categories of incident as "automatic" referrals to the Cadre. These would include any fatal officer-involved shooting, any force that causes serious bodily injury, or specified less-lethal deployments beyond set thresholds; with the goal of ensuring that the unit's important contributions remain predictable and responsive to best practice.

Performance Challenges & Corrective Action

In this reporting period, we received several cases involving allegations of investigative or enforcement "errors" within a short timeframe.¹⁹ At first glance, this spike in related issues was attention-getting to us as possible indicia of a larger trend that merited a collective response by LCPD. However, this figure still represents a relatively small fraction of the total enforcement activity and investigations conducted by LCPD personnel. Upon further review, the cases did not appear to reflect underlying systemic issues. Instead, we noted that the errors were made by individual employees across various units/assignments (versus errors by multiple employees assigned to one unit).

Overall, the cases demonstrated that LCPD is effective at identifying and responding to performance deficiencies. In each instance, LCPD took timely and appropriate action. Internal investigations were thorough and well-documented, and the Department consistently implemented targeted retraining, supervisory follow-up, and appropriate discipline. Where feasible, LCPD also took steps to mitigate the operational impact of the errors, such as correcting investigative outcomes. These actions reflect a proactive and accountable approach to maintaining performance standards.

¹⁹ See cases 2024EIC1-002, 2025EIC1-001, 2024II-013, and 2025SM-002 in this reporting period. We will report on three additional cases with similar performance issues in our 9th Semi-Annual report (cases 2025EIC1-004, 2025II-004, and 2025II-007), since these were completed outside the time window for this report.

However, we did note a challenge with the consistency of discipline issued in these cases. For example, in case 2025SM-002, initiated in response to allegations of time theft and misuse of resources by a civilian employee, LCPD imposed a structured Performance Improvement Plan (PIP) with daily monitoring and clearly defined expectations. This intervention was appropriate and aligned with best practices for addressing performance concerns while preserving the opportunity for improvement.

But in case 2024II-013, we found the disciplinary outcomes to be less persuasive. The investigation itself was commendable, particularly in its ability to clarify a complex sequence of events and substantiate sustained findings. Yet, given the nature and impact of the identified lapses, we believe that stronger consequences would have been reasonable for two of the involved employees: one employee had a documented history of similar violations, and another's investigative shortcomings resulted in harm to the complainant and potential liability for the City.

One of the same employees then engaged in similar misconduct approximately five months later (see case 2024EIC1-002), which was also sustained. While we cannot directly attribute the employee's performance in the second incident to the lenient discipline issued in the first, it appears that the discipline did not serve the intended corrective purpose. This time, the Department issued more severe penalties, reflecting a commitment to progressive discipline.

This concern is not new, and that specific case exemplifies why it is so important to strike the right balance. We discussed our concerns with the Department's "Philosophy of Discipline" at the start of our engagement (see our 2nd Semi-Annual report, issued in August of 2022). Since that report, we have consistently advocated for a disciplinary framework that balances individual correction with broader accountability.

The Department has made progress in various ways. The first, and perhaps the most important, is the Department's commitment to regular use of directed training and counseling as part of its corrective strategy. Since our recommendation related to this in 2022, the Department has regularly incorporated informal counseling and directed training into its corrective action framework. We urge the Department to implement this consistently: in this

period, we noted one case where the practice lapsed (in case 2025EIC1-001, we recommended that, in addition to the progressive discipline issued, the officer receive targeted remedial training or a performance improvement plan to address the officer's recurring deficiencies).

Second, the Department has implemented internal checks to track disciplinary outcomes over time and provided the raw data for our review. While it is impossible for us to determine if the specific outcomes were appropriate in all cases, as most of the case types are outside our scope of work, the data showed that the Department:

- Is generally consistent in its application of discipline across time, issuing similar levels of discipline for similar types of sustained misconduct.
- Regularly used a system of progressive discipline when employees engaged in repeated sustained misconduct of a similar nature. Progressive discipline is the concept of issuing more severe disciplinary penalties, including termination, when employees engage in a pattern of similar misconduct over time. As we noted above, we observed this in real time with the repeat employee in this period.
- Has issued more severe disciplinary penalties over time, suggesting a shift toward greater accountability.

Continued attention to the proportionality and signaling value of disciplinary outcomes will further strengthen the Department's accountability framework. We will continue to work with the Department on this topic.

Policy, Management and Training

While our emphasis is largely on the internal complaint investigation process, we also often note areas where LCPD might consider additional training and/or policy updates. More often than not, the Department had already identified the need for policy clarification, updates, or training, and completed these changes prior to our review.

Canine Unit

As we noted above, our review of case 2022II-006 suggested that a stand-alone assessment of the canine deployment would have better captured the distinct tactical choices and timing involved. But we also noted that the Department took concrete follow-up steps with the Canine Unit worth reiterating here:

- The Unit held a detailed debrief, as is their usual practice after every deployment.
- The lead canine trainer retrained and re-tested the dog, which passed.
- LCPD implemented the use of a break (bite) stick, a tool to mechanically open a canine's jaw for a cleaner, safer release, rather than relying on verbal commands or manual force. While the purchase of the tool was not attributed solely to this case, the Department reported it is often more effective for disengagement.

In addition, external subject-matter experts from the National Police K9 Association and Utah POST evaluated LCPD's canine program and deployments, an indicator of the Department's willingness to benchmark against current best practices and to keep policy, training, and equipment aligned with evolving expectations.

Off-Duty Conduct & Intervention

During this review period, we reviewed cases involving officer conduct while off duty. These matters are inherently sensitive. We recognize that police officers, like all individuals, are entitled to personal lives outside of their professional responsibilities. However, the authority vested in law enforcement personnel—along with the public visibility and trust that their roles demand—requires that their conduct, both on and off duty, reflect the ethical standards of the profession.

Most departments, including LCPD, maintain codes of conduct that extend beyond the workplace. These standards prohibit criminal behavior, discriminatory actions, and other forms of misconduct that could erode community trust or compromise an officer's fitness for duty. The rationale is clear: officers carry weapons, enforce laws, and make decisions that can profoundly affect lives. When off-duty behavior calls into question an officer's judgment or integrity, it also calls into question their ability to serve effectively. We reviewed two cases in this period that involved serious off-duty misconduct. In both instances, LCPD responded swiftly and decisively.

Case 2024II-017 involved allegations of inappropriate conduct involving alcohol and harassment. The Department terminated the employee, sending a clear message that such behavior is incompatible with the values and expectations of LCPD.

Case 2025II-001 centered on allegations of member-involved domestic violence. The officer ultimately resigned, but LCPD continued its investigation and referred the matter to the New Mexico Law Enforcement Academy (NMLEA) for potential certification revocation under the New Mexico Law Enforcement Training Act. At the time of this report, that review remains pending. We commend LCPD for its thorough and principled handling of this case in particular. Despite the absence of criminal charges and a recantation by the victim, the Department pursued additional evidence, administered a polygraph exam in response to credibility concerns, and sustained findings of criminal conduct. This level of diligence reflects a commitment to accountability, even in complex and emotionally charged circumstances.

Notably, the officer acknowledged personal struggles that contributed to the incident. This context underscores the reality that the demands of law enforcement can affect officers' off-duty lives, and vice versa. LCPD has demonstrated awareness of this dynamic and has taken proactive steps to support officer wellness. These include the appointment of a Wellness Coordinator, the establishment of peer support groups, access to professional counseling, and the recent implementation of an "Officer Wellness and Resiliency" training program.

We encourage LCPD personnel to utilize these resources and commend the Department for its dual commitment to accountability and officer well-being. The swift and appropriate responses to off-duty misconduct reviewed in this period reflect a culture of integrity and reinforce public confidence in the Department's standards.

Domestic Matters: Continued Progress

As noted in our 7th Semi-Annual Report, we have tracked cases involving domestic matters since the beginning of our engagement. During this reporting period, we reviewed two cases - 2024EIC1-002 and 2025EIC1-001 - in which the Department identified policy and procedural deficiencies in responses to domestic matters, and one case involving member-involved domestic abuse.

While the employees' initial failures were troubling and regrettable, we found that the Department appropriately addressed the issues identified, both internally and externally. In all three instances, LCPD conducted thorough internal investigations, sustained the relevant allegations, and imposed discipline. The Department also implemented corrective measures, including employee counseling and retraining.

Notably, in case 2024EIC1-002, the reassignment of the investigation to a qualified detective resulted in a timely and effective resolution, underscoring the value of professional competency and adherence to investigative protocols. The Department's Management Response to that case review further emphasized the importance of child abuse investigations and its commitment to enhancing training in this area.

In case 2025EIC1-001, the supervisor's engagement with the complainant -- encouraging documentation and facilitating access to victim services -- reflected best practices in trauma-informed response.

Additionally, as we detailed above, the Department demonstrated diligence in addressing allegations of officer-involved domestic violence in case 2025II-001, culminating in sustained findings and the officer's resignation.

These cases collectively illustrate LCPD's ongoing efforts to uphold accountability, reinforce training, and ensure appropriate responses to domestic matters. We commend these actions and encourage continued vigilance and improvement in this vital area of service.

Use of AI-Generated Reports: DraftOne

During this review period, we observed that the LCPD has begun using Axon's DraftOne, an AI-powered report-writing tool that assists officers in generating police report narratives. The software uses structured transcription from body-worn camera footage and standardized phrasing to produce draft reports, which officers must review and sign as a way of affirming accuracy and accepting responsibility for the contents.

While the reports generated in this case were of good quality, we noted a significant overlap in phrasing across different employees' reports. Axon advised that this is an expected outcome, particularly when multiple officers use DraftOne to document jointly observed events. Because the system relies on shared footage and template-driven language, it can produce highly similar narratives across reports, even when "authored" by different individuals. Most significantly, the report should be an account of what each officer witnessed, not just a narrative of what the body worn camera footage shows which, depending on officer positioning, lighting conditions, and other factors might be different.

This uniformity presents a risk to perceived report authenticity. When multiple reports contain near-identical language, it may undermine the credibility of individual officer accounts and diminish the evidentiary value of the

documentation. Although DraftOne includes safeguards such as mandatory officer review and sign-off, the reliance on formulaic phrasing warrants close monitoring. We encouraged LCPD leadership to ensure that officer reports continue to reflect each officer's unique observations and experiences on scene. This is especially important in cases where nuanced detail or subjective interpretation may be relevant to investigative or legal outcomes. Maintaining distinct and individualized narratives is essential to preserving the integrity of police documentation.

LCPD has acknowledged this concern and affirmed its commitment to monitoring the tool's implementation. The Department reports that it is prepared to make adjustments should any unintentional problems arise. We support this approach and recommend continued oversight to ensure that the use of AI-generated reports enhances, rather than compromises, the Department's standards for accuracy and evidentiary reliability.

Next Steps

Our review of LCPD's Internal Affairs cases during the first half of 2025 indicates that the Department has made continued progress in addressing officer misconduct and strengthening its internal accountability systems. Across the 10 cases audited, LCPD leadership demonstrated a consistent willingness to thoroughly investigate allegations (often initiating cases proactively) and to impose discipline or corrective action when violations were substantiated.

The pattern we observe is that our recent recommendations typically call for fine-tuning processes rather than overhauling them, reflecting the considerable strides LCPD has already made in the past few years. This evolution towards a more self-critical and adaptable police department is a credit to LCPD's leadership and oversight structures.

We remain encouraged by the trajectory of improvement we have seen in the Las Cruces Police Department's conduct and oversight practices over these past five years. The findings of this Eighth Semi-Annual report show a department that is largely receptive to external oversight, increasingly self-critical, and committed to professional growth. Misconduct is being addressed more transparently and decisively, and many of our prior recommendations have been implemented, resulting in concrete policy and training enhancements.

As the Independent Police Auditor, OIR Group will continue to work closely with LCPD and City leadership to monitor the Department's progress, evaluate new cases and trends, and provide constructive feedback. We appreciate the trust placed in us to serve as an independent voice in this ongoing process, and we look forward to continuing our collaboration with all stakeholders to ensure that the positive momentum in Las Cruces is sustained and built upon in the years to come.

Appendix A: OIR Group Case Memos



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OIRGroup.com

TO: City of Las Cruces
FROM: OIR Group
DATE: February 7, 2025
RE: Review of Administrative Investigation #2022II-006

Introduction

In its role as the City of Las Cruces' Independent Police Auditor, OIR Group reviews internal investigations completed by the Las Cruces Police Department (LCPD) to ensure they are complete, objective, thorough, and fair and that findings and actions taken in response to the investigations were appropriate.

This is a review of the Department's response to a critical incident: an officer-involved shooting that occurred on March 4, 2022. Per protocol (see **General Order 225: Use of Force**), this incident was initially investigated by the "Officer Involved Incident Task Force" (OITF), which is made up of law enforcement employees and subject matter experts from various local agencies, including LCPD. The OITF protocols are governed by an agreement between these agencies; they were created to promote the objectivity and effectiveness of investigations into these critical events.¹ The completed investigation was submitted to the District Attorney for an assessment of the shooting's criminal legality.

¹ For a detailed description of the OITF and the critical incident review process, please see our memo related to case 2020II-005 and our 5th Semi-Annual Report.

In May of 2022, the District Attorney determined that Officer 1 – the only participant in the incident who had used deadly force – had not violated any criminal statutes.

On a separate track, the subject submitted a claim for damages to the City related to injuries sustained by a police canine bite that occurred subsequent to the use of deadly force. The claim was settled in early 2024. Per our protocol, we reviewed the claim; our review memo is attached herein.

LCPD also initiated an Internal Affairs investigation of this critical incident. OIR Group received the completed IA case file on January 8, 2025.

Case Summary

On the date of the incident, LCPD Sergeant 1 heard what he believed to be gunshots. A male and female flagged him down to advise that someone had been shot; Sergeant 1 heard an additional gunshot and observed a vehicle drive by at a fast rate of speed. Sergeant 1 broadcast this information and responded to a residence, where he located a female who had been shot in the abdomen and leg. As he called for and provided medical aid to this victim, he collected additional information about the subject and broadcast it.

Meanwhile, Officer 1, a K9 officer, and Officers 2 and 3 saw the subject's vehicle speeding by and requested permission to engage in a vehicle pursuit. Supervisors authorized them to do so.

The subject suddenly stopped his vehicle in the middle of the roadway and exited. Officer 1 stopped his vehicle and observed that the subject had a gun. The subject then fired four rounds in the direction of the pursuing officers. Officer 1 got out of his car, checked for a clear background, stood in the doorframe for cover, and fired six rounds toward the subject -- none of which struck him. The subject then re-entered his vehicle and sped away, with officers again in pursuit.

The subject ultimately crashed his vehicle in an intersection. From positions of cover behind police units and pointing lethal and less-lethal weapons, various officers issued simultaneous commands for the subject to exit his vehicle, show his hands, and crawl toward them. The subject exited on the driver's side and lay on the ground next to his vehicle. Officer 1 retrieved his police canine from his vehicle and said, "Show me your hands or we'll send this dog!"

The subject continued to lie on the ground with his hands flat and near his face, as if in a lowered push-up position. Officer 1 repositioned to better see the subject. The

subject remained in the same position. Officer 1 again warned the subject that he would send the police canine.

Moments later, Officer 1 sent the dog, commanding it to bite. He later explained that he had done so because the subject was not compliant and as a distraction technique to support the officers' apprehension efforts in case the subject had access to his gun, which he had already used to shoot the victim and at officers.

The police canine reached the subject and bit his right forearm as officers moved forward. The subject rolled onto his back and struggled with the canine. While the canine continued to hold the subject's forearm in a bite, officers commanded him to roll back onto his stomach and surrender his hands. Officers controlled his legs and left arm, placing a handcuff on the left wrist. However, because the canine continued to hold the bite, the subject could not surrender his right arm. As the subject attempted to move his arm to comply with officers, the canine bit his upper bicep area, and then the subject's t-shirt sleeve. For more than a minute after the subject was controlled by other officers, Officer 1 used various tactics and commands in an unsuccessful attempt to get the canine to release the bite. Eventually, another officer was able to swat the canine's face away and off the bite. Officer 1 then returned his canine to the rear of his police vehicle.

Officers finished handcuffing the subject and stood him up. The subject was escorted to a police unit. Observing the extent of his injuries from the canine bite, officers decided to transport him directly to the hospital in the police vehicle rather than wait for an ambulance to respond. Officer 4 transported the subject using lights and sirens to the hospital, where he received medical treatment for the canine bites to his right arm. The subject did not sustain any other injuries. Officers took photos of the subject's injuries.

LCPD also activated the Officer-Involved Incident Task Force. This team responded and began its on-scene investigation of both scenes – the location where Officer 1 fired rounds, and the location where the subject crashed. The investigation included a walk-through, briefing, evidence collection, and interviews with witnesses. The Task Force recovered a firearm from the dashboard of the subject's vehicle.

LCPD's Investigation and Analysis

Applicable General Orders, Training, or Other City Policies

As we stated in our introduction, the criminal investigation of this incident was conducted by the OITF. Upon completion of this criminal investigation and the settlement of the legal claim in early 2024, LCPD initiated its administrative investigation. We have previously recommended that these investigations occur concurrently, rather than sequentially, a recommendation that LCPD has taken under advisement since the time of this incident.

In the administrative investigation, Internal Affairs framed one allegation of **General Order 255: Use of Force**, which considered Officer 1's use of deadly force and the use of the police canine together. The investigation reviewed all available evidence, including interviews with the involved officers, and concluded that Officer 1's use of deadly force and his use of the police canine were reasonable and within policy. The investigation also noted that the prolonged canine bite was not intentional, and that Officer 1 made every effort to get his canine to release the bite.

Outcome: Discipline or Other Action

LCPD found all of Officer 1's use of force to be reasonable; as such, no disciplinary action was taken. LCPD directed that the Training Unit review the canine's sustained engagement. LCPD's lead K9 trainer retrained the canine and re-tested the canine's skills; the canine passed all testing.

LCPD also recently implemented a new tool for the K9 Unit: the break (or bite) stick. This tool is used to force the canine to release a bite by opening the jaw, rather than relying on verbal commands or using hands to forcefully release the jaw. While acquiring this tool was not a direct result of this specific case, LCPD reported that use of this tool is often more effective and "cleaner" for releasing a canine bite.

OIR Group Review

We reviewed the reports and documents from the underlying criminal case, watched all body-worn camera footage, listened to recorded interviews, and reviewed the claim submitted by the subject. While acknowledging the challenging context that officers faced in this incident and that it occurred nearly three years ago, we found that the administrative review could have been more precise and rigorous in its analysis.

First, we note that this incident occurred in 2022, prior to the implementation of the Department's more recent and comprehensive review practices. These updated

protocols, developed in response to our recommendations and under the direction of the current Chief, include the involvement of a "Force Review Cadre" of subject matter experts, and a more comprehensive analysis of incidents beyond the use of force (to include tactics, equipment, supervision, and other relevant influences on the event).

While recognizing that this more thorough approach post-dated the incident in question, we were disappointed that these review practices did not seem to be applied retroactively to a case that warranted the Department's best efforts at self-scrutiny. Specifically, the administrative investigation was not only slow to unfold but also lacked a comprehensive formal evaluation of the incident's individual tactical components. We have seen – and complimented – LCPD's capabilities in this arena, which can lead to valuable tactical insights and future training improvements. For whatever reason, those insights did not emerge here.

The limitations to the force review components to the incident are clearest in the Department's choice to frame the shooting and the canine bite under the same bottom-line analysis of whether the officer's collective use of force was in policy. We concur that the officer's use of deadly force was justified. But the deployment of the dog, while obviously influenced by the totality of the subject's behavior, happened separately and under significantly different circumstances. It accordingly seemed to warrant a stand-alone assessment rather than the combined outcome that happened here.

Our review of the videos of the event indicated that the officers' tactical choices and the subject's actions at the time of canine deployment afforded an opportunity to slow things down and reassess before deploying the canine. Officers had engaged in sound tactics by initiating a high-risk vehicle stop, which included positioning themselves behind cover and deploying both less-lethal and lethal weapons to address the threat presented. The subject was prone with arms outstretched and palms down as officers issued conflicting commands such as "show us your hands" and "crawl toward us." Officer 1 described the subject as non-compliant, but it was unclear which command the subject was expected to follow, as it was impossible to comply with both simultaneously.² The canine deployment occurred shortly thereafter.

We discussed these observations with the Department, who reported that the officers responded quickly to the immediate threat posed by a subject who had shot his female partner and at officers. The Department noted that the presence of bystanders on a busy roadway/intersection exacerbated the urgency to resolve the situation for public

² In situations like this, a single officer should assume the role of communicator to avoid confusion. A more thorough review may have provided opportunity to remind officers of this and other "command and control" tactics.

safety, and that the deployment of the canine was reasonable to support the rapid apprehension of the subject.

Given the varied points of view discussed, there was clearly grist for a more thorough consideration of the canine deployment and tactical decisions – and potential for remediation. While we do not definitively disagree with the Department's conclusion that the bite was reasonable, we found that additional review was warranted.

That is not to say that any assessment did not occur: we learned that the Department's K9 Unit *did* conduct detailed debrief of the incident as is the Unit's usual practice after any deployment, which resulted in retraining and evaluation of the canine as we noted above. This is a step in the right direction, but the session was not formally documented in the way that we have come to expect from LCPD's more formal processes, such as the Force Review Cadre or administrative investigation.

We also learned that LCPD's canine program and canine deployments were recently evaluated by subject matter experts from the National Police K9 Association and Utah POST. This indicates the Department's commitment to self-evaluation and improvement, which is especially timely today: debate about effectiveness and risk and concerns about serious injury (such as the ones that resulted here from the dog's failure to disengage) have brought scrutiny to the use of police canines and growing calls for reform in police canine programs. We encourage the Department to continually assess training, policy and procedures around its canine program generally to ensure it is aligned with best practices and expectations for use of this force option.

LCPD Management Response

The Las Cruces Police Department appreciates the thorough review of this case by the OIR Group. We agree with their recommendation that continuous re-evaluation of training and policy is critical to a high-performing police department.



6510 Spring Street #613
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TO: City of Las Cruces
FROM: OIR Group
DATE: January 14, 2025
RE: Review of Administrative Investigation #2023II-017 and Closed
Litigation (23-cv-00952)

Introduction

In its role as the City of Las Cruces' Independent Police Auditor, OIR Group reviews internal investigations completed by the Las Cruces Police Department (LCPD) to ensure they are complete, objective, thorough, and fair and that findings and actions taken in response to the investigations were appropriate.

This is a review of an LCPD critical incident: an officer-involved shooting that occurred on October 3, 2023. Per protocol (see **General Order 225: Use of Force**), this incident was investigated by the "Officer Involved Incident Task Force" (OITF), which is made up of law enforcement employees and subject matter experts from various local agencies, including LCPD. The OITF protocols are directed by an agreement between these agencies; they were created to promote the objectivity and effectiveness of investigations into these critical events.

Traditionally, the OITF's completed criminal case is then submitted to the District Attorney's Office for a criminal review. However, in this case, LCPD did not wait for the D.A.'s review, and sought charges against the officer. On January 9, 2024, Officer 1 was charged with 2nd degree murder with a firearms enhancement. Officer 1 turned himself in and pled not guilty. His trial is scheduled for summer of 2025.

At that point, and as part of its updated administrative review process, LCPD initiated an Internal Affairs internal investigation of this critical incident. OIR Group received the completed IA case file on July 8, 2024. However, per our protocol with the City, we postponed our review during the pendency of related civil litigation into the incident. That litigation has now been resolved.

Case Summary

On October 3, 2023, LCPD Officer 1 was conducting bicycle patrol in a public housing complex when he observed a parked vehicle occupied by an adult female driver – the subject – and a passenger. After observing what he believed to be a firearm in the vehicle and another in the passenger's waistband, Officer 1 instructed the subject to open the door and step outside. The occupants both stated that the items were paintball guns. Officer 1 commanded the subject to step out several more times, but the subject refused, stating that she had done nothing wrong. When the subject continued to refuse, Officer 1 unholstered his Taser device and stated, "you are going to get Tased." The subject asked for a supervisor and eventually agreed to exit. She walked to the rear of the vehicle, leaving the driver's side door open.

Officer 1 turned his attention to the passenger, speaking to him through the open driver's door. The passenger continued to handle the paintball guns. Officer 1 identified the passenger as an individual who had previously been "trespassed" – meaning that he could not enter the public housing property -- and began using profanity in communicating with the passenger.

Officer 1 attempted to identify the subject, who reported that they were visiting a resident and that she was looking for her keys. She did not initially provide her name or date of birth, and Officer 1 argued that he would tow her car, that she was trespassing, and that she was ignoring his commands, all while using profane language. He threatened to make her life, "a living hell." The subject apologized and stated that she had found her keys and would leave. Officer 1 then stated that he would seek an arrest warrant for the passenger for trespassing.

Approximately seven minutes into the encounter, Officer 1 broadcast his location and that he was with two "Code 24" individuals (indicating that he was with two "suspicious persons"). The subject asked if she could re-enter her vehicle, and Officer 1 said that she could as he continued to collect identifying information. Officer 1 was holding his pen and notebook and was standing between the open driver's door and the vehicle.

The subject started the vehicle and looked at Officer 1. She placed the car in reverse and backed out of the parking space. Officer 1 commanded her to stop as he moved back with the vehicle several feet; he reported that he was momentarily pinned. Nearly simultaneously, the subject stopped, and Officer 1 moved away at a diagonal angle. Officer 1 unholstered his firearm, pointed it at the driver and again yelled, "Stop!"

Officer 1 fired three rounds into the driver's side of the vehicle as it then drove forward. The subject yelled out.

Officer 1 broadcast that shots were fired. The vehicle slowly came to a stop as Officer 1 holstered his firearm and ran toward the driver's side door. He yelled at the passenger to "get out" and put the car in "park." As the passenger argued, Officer 1 yelled, "you almost hit me with the car!" and requested medical assistance from dispatch. Officer 1 continued to argue with the passenger that he had trespassed. He then stated, "stay with me," several times (presumably at the subject) while standing at the driver's door.

Additional officers responded to the scene. Officer 1 then ran back to the original location of the encounter and retrieved his flashlight, notebook, and his patrol bicycle.¹ He moved the bicycle closer to the scene.

Other officers removed the subject from the driver's seat and began to render medical aid. The subject was transported to the hospital, but her gunshot wounds were fatal. The passenger was arrested for several outstanding warrants

Meanwhile, another responding officer pulled Officer 1 away from the immediate scene. Officer 1 informed a supervisor that he had moved items. He was transported to the police station. He was placed on Administrative Leave and relieved of duty.

LCPD notified its on-call Criminal Investigation Section detective, who activated the Officer-Involved Incident Task Force. This team responded and began its on-scene investigation, which included a walk-through and briefing.

On January 23, 2024, (some 3 ½ months after the shooting) Officer 1 participated in an administrative interview² regarding this case and another matter.

¹ While on scene, Officer 1 stated that he moved these items because he did not want them to "get stolen."

² According to LCPD, Officer 1 did not agree to a voluntary interview by the OITF. We discuss this process later in this report.

LCPD's Investigation and Analysis

Applicable General Orders, Training, or Other City Policies

As we noted in our introduction, the initial criminal investigation of this incident was conducted by the OITF. LCPD command staff also directed its Force Review Cadre to evaluate the incident; the Cadre found the use of deadly force to be unreasonable.

The Cadre then forwarded their findings to the Chief and Internal Affairs; the Chief directed IA to complete an internal investigation, which focused on identifying any potential violations of policy or procedure and recommended formal findings.

Internal Affairs framed several allegations regarding the following General Orders:

1. **General Order 103: Conduct Toward the Public.** The Department determined that Officer 1 was unprofessional and argumentative, and that his dialogue, which included profanity, only escalated the encounter and failed to consider de-escalation. Further, the Department found that Officer 1 conducted himself in a way unbecoming of an LCPD officer.
2. **General Order 255: Use of Force.** The Department determined that Officer 1's uses of force, including display of the Taser and use of deadly force, were unreasonable. The Department also noted here that Officer 1 failed to provide immediate emergency medical assistance to the subject as required by the Use of Force policy despite having been trained to do so.
3. **General Order 215: Preliminary Investigations.** The Department determined that Officer 1 had not established reasonable suspicion that a crime was being committed by the subject, nor did he do so during the course of the encounter.
4. **General Order 170: Radio Procedures.** The Department determined that Officer 1 did not follow the procedures for notifying dispatch of his location and other key factors in a timely manner.

LCPD sustained the above allegations.

LCPD also framed an allegation related to **General Order 141: Required Reporting**. The Department determined that Officer 1 did not provide a statement

to the criminal investigative team; LCPD noted that providing such a statement is customary. However, the Department also acknowledged that officers are entitled to the same legal protections as any member of the public and have the right to decline providing a criminal statement per the Fifth Amendment of the Constitution. LCPD therefore found this allegation to be not sustained.

Outcome: Discipline or Other Action

As we noted in our introduction, LCPD initially placed the officer on Administrative Leave and later sought criminal charges against the officer. LCPD eventually terminated the officer for his actions in this incident and for other incidents of sustained misconduct.³

Litigation Outcome and Demographics

As mentioned above, the victim's family filed a claim, which was recently settled.

The demographic summary of this case is:

- The Plaintiffs are Hispanic.
- The named employee was Officer 1. As discussed above, he was terminated. He is Hispanic.

The zip code where the alleged conduct occurred was 88005.

OIR Group Review

We received the reports and other documents from the underlying criminal case, reviewed the administrative interview that the Department conducted with the subject officer, and reviewed documentation related to the claim filed by the victim's family. The matter was taken seriously and addressed appropriately.

We also noted the more expansive nature of the Department's evaluation. This was in contrast to a critical incident (see our memo related to 2020II-005), in which we found

³ OIR Group reviewed two other cases involving this subject officer; see our memos related to case 2024II-001 – a matter involving sustained unbecoming and unprofessional conduct -- and 2024II-008 – a matter involving the officer defaming LCPD on social media and selling merchandise with the LCPD logo without approval.

that the Department's review was too narrowly focused on the use of deadly force. At that time, the Department committed to a more holistic review of such events, and this case reflected that new approach in positive ways.

Here, the Department framed numerous allegations considering a range of identified shortcomings. These included the officer's approach to communication, his display of the Taser device, and his failures to establish reasonable suspicion, use de-escalation, broadcast in a timely manner, and render medical aid. These matters (as well as tactics and decision-making more broadly) are not only part of LCPD policy but can individually influence the outcome of encounters in which deadly force is involved. The Department's framing of formal, individual allegations was an effective way of capturing this dynamic as it applied to the facts here.

We identified additional areas for consideration.

First, and most notable, were challenges in obtaining the subject officer's statement, both immediately following the incident and in subsequent months.

Obtaining a statement immediately following a critical incident is a best practice.⁴ For obvious reasons, the perspective of involved and witness officers is critical evidence as to what occurred and the reasons for it. And obtaining that testimony as promptly as possible is essential because of the inherent value of a "pure" statement that is contemporaneous and untainted by subsequent input.

As noted above, the officer declined to provide a statement to the criminal investigative team; this is his right, like any civilian. However, he was compelled (as a condition of his employment) to provide a statement for the administrative team. This did not occur until January of 2024, nearly four months later; this may have been, in part, due to the officer's continued resistance and refusal to participate.

In our review of case 2020II-005, we recommended that LCPD initiate its administrative investigation immediately upon notification of the incident.⁵ Doing so would allow for IA investigators assigned to the administrative side to respond to the scene and initiate their review process – including compelled administrative interviews – in a timely way. If

⁴ Accordingly, and throughout the jurisdictions where we work, we have consistently advocated a "same shift" protocol for obtaining such statements.

⁵ See 2020II-005 "Recommendation 1: LCPD should include assigned IA investigators to its post-incident review process as the first phase of its larger, formal administrative review process."

an officer declines to provide a voluntary statement to criminal detectives on the date of the incident, an administrative team can and should immediately compel and conduct an administrative interview prior to releasing the officer from duty.

In that case, and in this one, LCPD advised that its on-call criminal detective responded to the scene, a practice has occurred for at least the past fifteen years. While this is good practice, it does not replace the role of an *administrative* investigator. Indeed, in this case, it was the on-call detective who eventually sought criminal charges, suggesting that this role is focused on the criminal (not administrative) side of the case.

We reiterate our recommendation here:

RECOMMENDATION 1

LCPD should include assigned IA investigators to its initial post-incident review process as the first phase of its larger, formal administrative review process, which should include a compelled administrative interview if an officer declines to provide a voluntary statement.

We also noted that when he was eventually interviewed, the officer (citing advice from his lawyers) first read a lengthy prepared statement in which he detailed his rationale for using deadly force. To their credit, the IA investigators still asked a series of probing questions when the statement was complete. However, beginning the interview with the statement was at best unorthodox, and had the potential to influence the subsequent questioning and undermine the effectiveness of the exercise. Should this unusual request come up again in the future, we recommend that LCPD conduct its questioning interview first, before allowing the prepared statement into the record.⁶

RECOMMENDATION 2

LCPD should conduct an interview before allowing officers to introduce a written, prepared statement into evidence.

Second, the Department did not comment on the officer's decision to compromise the crime scene by moving his bicycle and picking up his flashlight and notebook. To the credit of the supervisors on scene, they prevented Officer 1 from any further alterations

⁶ As we reported in our two other memos related to this same subject officer, the officer showed extreme resistance (and even hostility) to cooperating in administrative investigations.

after he communicated that he had moved items, advising him to leave his bicycle when he attempted to retrieve it again. However, this is a good opportunity to remind officers themselves of the importance of crime scene management and preserving scene integrity. We have advised other agencies to issue relevant Department-wide training when these issues arise and do so here.

RECOMMENDATION 3

LCPD should issue a Department-wide training bulletin related to principles of crime scene management and integrity in the aftermath of critical incidents.

LCPD Management Response

The Las Cruces Police Department appreciates the thorough review completed by the OIR Group. IA investigators are notified and generally go to the scene of an officer-involved incident. This case was a unique situation for several reasons. Should another officer not provide a statement in a criminal investigation, we will consider compelling the statement earlier in the administrative investigation. We will also consider not allowing a written statement to be introduced before the employee gives a verbal statement. Although we have not had widespread issues with crime scene management, this issue cannot be refreshed often enough. We will issue a training bulletin on this topic.

4



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TO: City of Las Cruces
FROM: OIR Group
DATE: January 6, 2024
RE: Review of Administrative Investigation – #2024II-012

Introduction

In its role as the City of Las Cruces' Independent Police Auditor, OIR Group reviews internal investigations completed by the Las Cruces Police Department (LCPD) to ensure they are complete, objective, thorough, and fair and that findings and actions taken in response to the investigations were appropriate. This case was initiated by a Department supervisor during his review of a call for service. We received it on December 13, 2024.

Case Summary

Officers responded to a residential burglary call. When they initially looked inside the residence, officers observed a subject move through the residence, enter a side room, and close the door. Additional units, including a K9 and drone, were requested and arrived. Meanwhile, other officers contacted the owner, who stated that he wished to press charges for breaking and entering, a fourth-degree felony crime.

Officers established a perimeter and broadcast commands in English and Spanish instructing the subject to exit the property. After waiting over 30 minutes with no response, the team established an entry plan. LCPD officers issued additional commands at the front door, including warnings that a dog might be deployed to search the house. After several additional minutes without a response, Detective 1, officers

with protective ballistic shields, and a K9 officer with his dog on a leash entered and cleared the front room. The dog barked at the entrance to an adjoining room, indicating that someone might be in that room. Detective 1 issued commands into the adjoining room for any subject(s) to exit with their hands up.

Moments later, a female voice responded, “okay, sir, okay!” and a female stepped out with her hands up and empty. With his firearm pointed at her and his shield up, Detective 1 used profanity as he commanded her to keep walking forward, which she did. As she stepped forward slowly, Detective 1 used his right forearm and elbow to shove the female’s upper body. The force of the shove caused the female to fall forward toward a kitchen table, where she caught her fall. Other officers handcuffed her and escorted her outside.

A male subject exited the room, also with his hands up. Detective 1 used profanity and threatened to shoot this subject. Detective 1 instructed him to get down, “flat on the ground.” Instead, the man got to his knees with his hands up behind his head. Detective 1 instructed him to “crawl!” and the man moved forward on his knees. As he passed Detective 1, Detective 1 used his leg to sweep the man’s leg, causing him to fall forward onto all fours. One officer used minimal control holds to handcuff him and escorted him outside.

The remainder of the residence was cleared without incident.

Officers submitted Incident Reports. However, Detective 1 did not mention any use of force in his documentation of the event. Per protocol, a supervisor reviewed this incident, including body-worn camera footage. This supervisor issued a “Deficiencies Noted” memo regarding Detective 1’s comportment during the incident; specifically, Detective 1’s use of profanity. The supervisor wrote that he would conduct a full debrief of the incident and review of the Code of Conduct with Detective 1. In that same memo, the supervisor reviewed the use of force but found it to be reasonable. The supervisor also directed Detective 1 to submit a Supplemental Report detailing the use of force. Detective 1 did so days later.

Command staff reviewed these documents, including the Deficiencies Noted memo. Command staff determined that the force warranted additional scrutiny and directed the Force Review Cadre to conduct a formal evaluation of the incident.

LCPD's Investigation and Analysis

Applicable General Orders, Training, or Other City Policies

As noted above, this incident was reviewed at various levels, ultimately landing with the Force Review Cadre for formal evaluation. Unlike the initial supervisor, the Cadre found the use of force on the female to be *unreasonable* because body-worn camera footage showed that the female subject was compliant and not resisting at the time that Detective 1 used force.

The Cadre then forwarded their findings to the Chief and Internal Affairs; the Chief directed IA to complete an internal investigation, which focused on identifying any potential violations of policy or procedure and recommended formal findings. IA conducted an extensive investigation that included interviews of all involved employees.

Internal Affairs framed several allegations against Detective 1 as follows:

- 1. General Order 103: Conduct Toward the Public.** The Department determined that Detective 1 was unprofessional when he used profane language during the incident. LCPD also noted that during his administrative interview, Detective 1 stated that his use of profanity was a “de-escalation type attack,” but that LCPD does not train such a tactic.
- 2. General Order 255: Use of Force.** The Department determined that Detective 1's uses of force during this incident were unreasonable and sustained this allegation.
- 3. General Order 141: Police Reports.** The Department determined that Detective 1 did not report the use of force in his original police report, and only submitted a Supplemental Report at the direction of his supervisor several days later. The Department sustained this allegation.
- 4. General Order 255: Use of Force: Medical Aid.** The Department noted that Detective 1 did not provide medical aid to the female subject after using force. Though Detective 1 reported that she appeared to have no injuries, he nonetheless should have followed the policy requirements to request medical aid or submit a “Refusal of Medical Attention” form. The Department sustained this allegation.

Internal Affairs also framed various allegations against other involved employees:

- One allegation each against the six officers who might have witnessed the use of force for potential violation of **General Order 103: Code of Conduct, Compliance with Laws, Rules and Regulations**. LCPD exonerated these officers, concluding that the evidence suggested that they did not observe the use of force because they were focused on clearing other areas of the residence.¹
- One allegation each against the two supervisors who were involved in reviewing this incident for **General Order 255.04: Duty to Intercede**. LCPD sustained these allegations, stating that both supervisors had reviewed body-worn camera footage of the incident and observed the use of force, but neither took any action to intervene, report it up the chain of command, or otherwise correct it beyond directing Detective 1 to submit a Supplemental Report.
- One allegation regarding **General Order 255: Use of Force: Medical Aid** against one officer who used a control hold to handcuff the second subject but also did not offer medical aid until much later in the incident. The Department sustained this allegation.

Outcome: Discipline or Other Action

LCPD sustained allegations against four employees.

As to Detective 1, LCPD issued discipline, suspended him from a special assignment, and directed him to training. In determining the appropriate discipline, LCPD considered that this employee had no prior excessive use of force complaints and that the use of profanity was an anomaly to his usual comportment, but that he did have recent sustained misconduct.²

¹ IA also noted that they considered but chose not to frame allegations for **General Order 255.04: Duty to Intercede** for these officers because the use of force occurred too quickly to reasonably expect other officers to intervene.

² See our memo related to case 2023II-016, involving this employee's missteps in managing an investigation.

LCPD issued discipline to the remaining three employees – the two supervisors and the officer who used a control hold but did not provide immediate medical aid.

OIR Group Review

We received all available evidence in this case, including the original and supplemental police reports.

While we found the Cadre's review to be thorough with respect to the force used against the female subject – the push/strike – it did not expressly consider Detective 1's use of a leg sweep to the male subject's leg as he crawled past as the Detective had instructed. The Cadre's "Background" narrative identified that this occurred, stating, "Detective 1 kick[ed] or slid his right leg out, knocking [the male subject] to the ground," but this use of force is not mentioned again. We found this to be curious given the Cadre's otherwise detailed scrutiny of the incident.³

We recommend that, in the interest of completeness, the Cadre issue recommended findings on all the uses of force identified in their review.

RECOMMENDATION 1

LCPD's Force Cadre Review should evaluate and provide recommended findings for every use of force identified during their evaluation of an incident.

Given this, we were pleased, then, to note that IA *did* address this use of force: in the administrative interview, IA asked Detective 1 about the leg sweep. Detective 1 responded that he used that as a "masking tactic" to get behind the man and protect his fellow officers in case other subjects were in the adjoining room. In its findings, IA concluded that use of the "masking tactic" would be appropriate, but that it did not necessitate using any force. As such, the use of the leg sweep – like the push -- was also found to be unreasonable.

The LCPD directed Detective 1 to a debrief and re-training on use of force and de-escalation, which he completed. It is our understanding that the directed re-training was a "use of force refresher"-style course that covered all force options discussed in the

³ In our evaluation, the Cadre's findings regarding the push also applied to Detective 1's use of the leg sweep. At the time that Detective 1 delivered the leg sweep, the man was surrendering to officers and not posing any resistance. The leg sweep, like Detective 1's push of the female, was unnecessary to gain the man's compliance as he was crawling toward the officers at the time that Detective 1 delivered it.

Cadre review *and* IA investigative memo, the factors required for use of force, and de-escalation.

We noted two additional commendable items in this investigation that show Internal Affairs' thoughtful consideration of the entire incident beyond the use of force itself. First, IA framed allegations against the involved supervisors and other responding officers for their respective potential performance failings; based on available evidence, the IA investigator recommended that several of these be sustained, and LCPD issued corrective action. Second, IA wrote case notes regarding allegations that they considered but did not ultimately frame, and the rationale for this choice. These serve to thoroughly memorialize IA's decision-making in the investigative memo.

LCPD Management Response

The Las Cruces Police Department appreciates the thorough review completed by the OIR Group. We agree with recommendation #1 for this case. However, there were inconsistencies on whether a second use of force ever occurred.



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TO: City of Las Cruces
FROM: OIR Group
DATE: June 9, 2025
RE: Review of Administrative Investigation – #2024II-013

Introduction

In its role as the City of Las Cruces' Independent Police Auditor, OIR Group reviews internal investigations completed by the Las Cruces Police Department (LCPD) to ensure they are complete, objective, thorough, and fair and that findings and actions taken in response to the investigations were appropriate. The Department initiated this Internal Affairs case after learning of a civil claim that had been filed by a recent arrestee who asserted her innocence and accused LCPD of mishandling the underlying criminal matter. The litigation, which recently settled, also fell within the IPA scope of review and is discussed below.

OIR Group received the case file on May 7, 2025.

Case Summary

The employee of a coffee shop called LCPD to report that her purse had been stolen by a customer as her attention was diverted. She claimed to have lost car keys, a few hundred dollars in cash, identification, credit cards, and other belongings. Officers 1 and 2 responded. Officer 2 had gone to high school with the woman. They took a report, but the case was eventually deactivated before even being assigned to a detective.

In the following several weeks, two separate incidents surfaced in which someone using the woman's identity cashed checks that were fraudulent in different ways. The investigating detective came to believe that the woman and other identified individuals were working together on a criminal enterprise involving stolen checks. This was based in part on the representations of an employee at the bank that had been victimized.

A few months after reporting her own purse stolen, the woman was at her workplace when she was arrested by LCPD officers – including her high school acquaintance, who asked her some initial questions under Miranda as she insistently denied involvement. In spite of her assertions, the woman was charged with felonies related to the check-cashing scheme. However, approximately three weeks later, the prosecutor temporarily dismissed the charges against her.¹

This was the precursor to her civil claim. That, in turn, prompted LCPD to conduct an administrative investigation into the performance of the officers who responded to her original theft report and the detective responsible for her arrest.

LCPD's Investigation and Analysis

Applicable General Orders, Training, or Other City Policies

The Department's investigation encompassed a number of potential policy violations.

The adequacy of the patrol officers' response to the stolen purse incident was covered under **General Order 215.01(A): Investigations – Preliminary Investigation**, which sets out the expected activities of officers who respond to "incidents requiring police intervention." The investigation identified several deficiencies in the evidence-gathering and pursuit of potentially available information about the reported crime. Accordingly, this charge was "Sustained" for both Officer 1 and Officer 2.

A related allegation was framed against Officer 2 for failing to maintain and book into evidence a receipt from the coffee shop that he had been given, and that had potential value to the investigation. A violation of **General Order 215.02: Evidence/Property Possessed by Employees** was "Sustained."

¹ A few months later, additional investigation by another law enforcement agency definitively eliminated the complainant as a suspect in the fraud case.

A third allegation against Officer 2 related to his failure to document his actions at the scene in a police report. This "ancillary issue," (identified by the Department as opposed to raised by the complainant) was addressed with a reference to **General Order 141.01(A): Police Reports – Required Reporting**, and was "Sustained."

Officer 2 was "Exonerated" of a fourth and final allegation – that he had failed to provide management with appropriate notification about the circumstance of his prior familiarity with the complainant, whom he was involved in arresting.² **General Order 103.07(A): Code of Conduct – Notices to Department of Certain Activities Required** imposes an obligation on agency personnel to notify management about any "potential cause for concern." Here, the investigation established that nothing about Officer 2's past connection to the complainant rose to the level of implicating this policy

The detective's investigative work, which resulted in the seemingly flawed arrest of the complainant, was a major focal point of the administrative review. The different shortcomings in his handling of the case formed the basis for an alleged violation of **General Order 215.02 (A): Investigations – Follow-Up Investigation**. The allegation was "Sustained."

Outcome: Discipline or Other Action

Officer 1 had three prior cases involving sustained policy violations, but none involved relevant behavior. He received a disciplinary consequence along with a review of relevant policy expectations.

Officer 2 had three prior "sustained" cases, which related at least indirectly to the conduct at issue here. While recognizing this, the Department decided that the passage of time since the incident and overall improvements in the officer's performance meant that the level of discipline issued was adequate.³

² The body-worn camera recording showed him demurring from transporting her after the arrest, which raised questions about the extent of any relationship.

³ The philosophy of "progressive discipline" is based on the idea that repeated instances of the same misconduct merit higher penalties in an effort to bring about the desired correction of behavior. LCPD took the concept into consideration, but determined that its applicability here was not warranted for the reasons stated above.

The detective had one prior violation; it was related to driving. He also received a disciplinary consequence and was given directed training on relevant investigative principles.

Litigation Outcome and Demographics

As mentioned above, the complainant's filing of a claim for damages came soon after the criminal charges against her had been dropped. The parties recently settled the claim.

The demographic summary of this case is:

- The Plaintiff is Hispanic.
- The involved employees from the Department were also Hispanic.
- The zip code where the alleged conduct occurred was 88001.

Apart from providing transparency about these matters of public interest, another goal of this exercise is to evaluate the connections between civil liability on the one hand and internal accountability and corrective action on the other. Here, LCPD quickly responded to news of the claim by initiating an administrative review that resulted in discipline for the involved personnel.

OIR Group Review

LCPD provided OIR Group with the case file for review of the available evidence, which included body-worn camera recordings of the officers' separate encounters with the complainant and the investigative contacts by the detective. The City Attorney's Office provided the files related to the claim.

We were impressed with the quality of the investigation and the resulting memorandum. This was particularly true insofar as the report was able to explain with relative clarity the somewhat convoluted sequence of events that were involved in the crimes, the resulting criminal investigation, and the ultimate mischaracterization of the complainant as a perpetrator. The administrative review gathered and presented evidence that convincingly supported the different "sustained" findings.

That said, we did have the impression that firmer consequences were warranted. We rarely disagree with Department decision-making in this regard, and our differences are more a matter of degree than a fundamental clash. Nor did we have the sense that there was anything malicious about the identified lapses in performance. But, in our view, two of the three involved subjects merited a stronger sanction.⁴

For Officer 2, this was because of a past history of violations that overlapped with the problems that emerged in this case. And for the detective, it was because of the impact of the investigative shortcomings in his handling of the criminal case, including liability for the City and – more importantly – an apparently undeserved and painful experience for the complainant.

As we have said before, the goals of the discipline process are various. We trust the Department's judgment as to what level of "correction" was needed for these employees as individuals. But, at the same time, discipline systems also exist to maintain standards and to send clear messages about the weight given by leadership to significant lapses.

We first discussed this issue in our memo related to case 2021II-013. In that case, we observed a similar disciplinary result, and recommended that the Department consider its philosophy of discipline to ensure that the discipline served a meaningful and corrective purpose.⁵ We know there has been thoughtful attention given to this area and will continue to offer our perspective as a contribution to that process.

⁴ We also appreciate that the Department ordered relevant re-training for two of the officers as a component of the remediation. We have encouraged this in the past and seen LCPD make it a regular feature of its managerial responses.

⁵ We recommended this in three other cases over our tenure. In response, the Department began to develop a Disciplinary Matrix, a structured framework that outlines standardized disciplinary actions for various types of officer misconduct or policy violations. While this can provide a consistent and transparent approach to accountability by categorizing offenses based on severity and prescribing corresponding consequences, LCPD found it challenging to create and implement due to the myriads of possible policy violations and the lack of operational flexibility.

In the interim, the Department provided us a detailed list of all discipline issued since the start of our engagement – a resource we continue to find useful.

LCPD Management Response

The Las Cruces Police Department appreciates the thorough review completed by the OIR Group. The recommendation for firmer consequences is fair and would have been reasonable in this case. The department tries to balance all relevant factors when making discipline decisions. Oftentimes, that results in a range of consequences that would be appropriate for a given investigation.



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TO: City of Las Cruces
FROM: OIR Group
DATE: May 16, 2025
RE: Review of Administrative Investigation – #2024II-017

Introduction

In its role as the City of Las Cruces' Independent Police Auditor, OIR Group reviews internal investigations completed by the Las Cruces Police Department (LCPD) to ensure they are complete, objective, thorough, and fair and that findings and actions taken in response to the investigations were appropriate. This case began with an anonymous complaint to the City's Ethics Hotline website, and was addressed by civilian employees of the Department.

OIR Group received the case file on May 7, 2025.

Case Summary

A woman contacted the Department after having what she alleged was a troubling experience with an LCPD civilian officer who was off duty. She was interviewed by an investigator, and described the situation in some detail. She said she had spent the day at an area football game with a small group of friends that included the subject, a male who was in a relationship with a female friend of the complainant.

The woman alleged that the man had been drinking throughout the day. She said at one point during the game, they were left alone together, and he began to flirt with her aggressively and with some persistence. She rebuffed his different verbal advances,

citing her loyalty to the man's girlfriend among other things, but he nonetheless made additional surreptitious overtures as the afternoon wore on.

The woman also claimed in her statement that when the game was over, and she was driving herself home, she noticed that she was being followed. It turned out to be the LCPD employee (who had driven to the game separately from his girlfriend and was alone). When she parked at her residence, he drove up alongside her and handed her a paper with his telephone number. As it happened, her husband had come outside to greet her, and his presence prompted the man to drive away.

The woman was upset by the experience. She subsequently contacted her female friend to tell her about the man's behavior, and also reached out to LCPD.

LCPD's Investigation and Analysis

Applicable General Orders, Training, or Other City Policies

The Department addressed the alleged behaviors against the backdrop of its wide-ranging **General Order 103: Code of Conduct**. Specifically, subsections relating to "Conduct Unbecoming" were cited. These included a prohibition against acting in a way that brings discredit to the organization, and against driving under the influence of drugs or alcohol.

The allegations were "Sustained."

Outcome: Discipline or Other Action

The employee had no prior history of misconduct during his time with LCPD. Nonetheless, in light of the severity of the issues in this case, the Department decided to discharge him from the agency.

OIR Group Review

LCPD provided OIR Group with the case file for review of the available evidence, which included recordings of interviews with witnesses and the subject employee. The complainant also provided text messages and other evidence that supported her version of events.

As it happened, the allegations were largely substantiated by the subject employee himself. He spoke candidly about his behavior on that day and corroborated the fact that he had made a number of attempts to initiate a physical relationship with the woman – and had followed her home as she alleged in a last-ditch effort to persuade her by providing his phone number. He also admitted to having a number of drinks throughout the day that had probably made it inadvisable for him to be driving.¹

The subject employee's candor made this a relatively straightforward investigation, but the Department was nonetheless efficient and thorough about gathering the available evidence and making a determination.

LCPD Management Response

The Las Cruces Police Department appreciates the thorough review conducted by the OIR group. The type of behavior involved in this investigation will never be tolerated at LCPD.

¹ The subject was conscientious about not wanting to blame his conduct with the woman on alcohol, and instead took full responsibility for behavior he said was out of character. The investigators, though, seemed more focused on the possibility that he was driving while intoxicated, an aspect of the day that became a second basis for discipline.

4



6510 Spring Street #613
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TO: City of Las Cruces
FROM: OIR Group
DATE: April 10, 2025
RE: Review of Administrative Investigation – #2025II-001

Introduction

In its role as the City of Las Cruces' Independent Police Auditor, OIR Group reviews internal investigations completed by the Las Cruces Police Department (LCPD) to ensure they are complete, objective, thorough, and fair and that findings and actions taken in response to the investigations were appropriate.

This case was initiated when a neighboring law enforcement agency reported that they had responded to a call for service involving an off-duty LCPD officer. We received the case file on March 18, 2025.

Case Summary

Officers from a neighboring police department responded to a call for service regarding domestic violence. The female victim reported that her partner of several years, an LCPD officer, had (among other acts) physical assaulted her.¹ The neighboring agency reported this to LCPD.

¹ The female later recanted her statement and submitted a Non-Prosecution Affidavit stating that she was not desirous of prosecution. Due to this and issues over jurisdiction, no criminal charges were filed by any agency.

LCPD contacted the officer, who was not aware that his partner had called the police,² and placed the officer on administrative leave. LCPD initiated an internal investigation of the officer's off-duty conduct. LCPD requested and received all evidence collected by the neighboring agency, including photographs of the victim's injuries, police reports, and body-worn camera footage.

LCPD interviewed the victim and several witnesses who corroborated the account. LCPD also interviewed the subject officer, who provided an account that was significantly different than the victim and witness accounts. The following day, the officer contacted the investigator to correct some of his statements. LCPD then called the officer back in for a polygraph examination, which showed that the officer continued to be "deceptive" in his responses. That same day, the officer submitted his resignation from the Department.

LCPD's Investigation and Analysis

Applicable General Orders, Training, or Other City Policies

As noted above, LCPD initiated an internal investigation upon notification from the neighboring jurisdiction. The investigation focused on identifying any potential violations of policy or procedure. Internal Affairs framed allegations against the subject officer as follows:

- 1. General Order 103: Code of Conduct – Criminal Conduct.** The Department determined that the officer had engaged in criminal conduct while off-duty based on the results of the polygraph examination and the photographic evidence of the victim's injuries, one of which was consistent with a baton thrust to the chest. The Department sustained this allegation.
- 2. General Order 103: Code of Conduct – Conduct Unbecoming.** The Department determined that the officer's conduct reflected poorly on the Department, in part because it required the response of a neighboring police department. The Department sustained this allegation.
- 3. General Order 103: Code of Conduct – Truthfulness.** The Department determined that the officer had not been truthful and intentionally misled

² This meant that the normal obligation to notify the Department of off-duty police contacts was not applicable.

investigators during his administrative interviews, and this was confirmed by the results of the polygraph examination. The Department sustained this allegation.

Outcome: Discipline or Other Action

As noted above, the officer resigned prior to completion of the investigation. Despite this, LCPD completed its investigation and made findings.

LCPD also reported this incident to the New Mexico Law Enforcement Academy (NMLEA) for further investigation and possible revocation of the officer's certification per the New Mexico Law Enforcement Training Act. As of publication of this report, the NMLEA's review is pending.

OIR Group Review

We received all available evidence in this case, including the evidence provided by the neighboring law enforcement agency.³ Our review focused on LCPD's administrative response, which we found to be timely, fair, and complete.

We commend LCPD for its detailed investigation into member-involved domestic violence, an area of misconduct that has been historically underreported and difficult to investigate. We note that LCPD continued its investigation even after learning that the victim had recanted and that no criminal charges would be pursued, collected sufficient additional evidence to sustain the allegations of criminal conduct, and administered a polygraph exam in response to statements from the officer that raised concerns about honesty.

We also noted that the officer acknowledged in his interview that he had been experiencing a number of personal struggles that were relevant to the incident in question. While not exculpatory, this background information reinforced the reality that the career of law enforcement can take a toll on officer's off-duty lives (and vice versa).

LCPD has previously expressed its recognition of this dynamic. Commendably, it has responded by prioritizing a commitment to officer wellness. Relevant steps have included providing a Wellness Coordinator, peer support groups, and professional

³ While responses to domestic violence incidents have been a central focus of our reviews since the start of our engagement, we did not review the neighboring agency's response to this incident as it is not within our scope of work.

counseling for officers struggling with mental or emotional health. It recently held an “officer wellness and resiliency” training program. We encourage LCPD officers to take advantage of these resources and their Department’s dedication to their safety, health and well-being.

LCPD Management Response

The Las Cruces Police Department appreciates the thorough review of this case by the OIR Group. As an agency, we will continue prioritizing officer wellness while ensuring accountability.



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TO: City of Las Cruces
FROM: OIR Group
DATE: June 9, 2025
RE: Review of Administrative Investigation #2025II-011

Introduction

In its role as the City of Las Cruces' Independent Police Auditor, OIR Group reviews internal investigations completed by the Las Cruces Police Department (LCPD) to ensure they are complete, objective, thorough, and fair and that findings and actions taken in response to the investigations were appropriate.

This case was received from the City of Las Cruces' Ethics Hotline. LCPD initiated a preliminary investigation. OIR Group received the completed IA case file on June 9, 2025.

Case Summary

LCPD received an anonymous complaint from the City of Las Cruces' Ethics Hotline. The complaint stated that LCPD non-sworn employees who respond to Inspection of Public Records Act (IPRA) requests, who are assigned to the Records Unit and classified as "Records Technicians," are not paid sufficiently for the type and amount of specialized work assigned to them. Further, the complaint stated that employees who respond to IPRA requests should be their own unit, rather than be assigned to the Records Unit.

The complaint requested a detailed investigation into this concern.

LCPD's Investigation and Analysis

Because matters related to compensation, classification and pay grade are managed by the City's Human Resources Department (HR), LCPD contacted a compensation expert in HR. LCPD learned that the pay grade for LCPD Record's employees who respond to IPRA requests is the same as the pay grade for the City's "IPRA Clerk" position, the specialized position that responds to IPRA requests on behalf of the City. LCPD also determined that issues related to pay grades and compensation should be addressed by the City's Human Resources Department.

LCPD then closed the investigation. LCPD did not send a close-out letter because the complaint was made anonymously,

Outcome: Discipline or Other Action

No specific employee(s) were named in this complaint, nor was any policy violation identified. As such, no disciplinary or other action was taken.

OIR Group Review

The OIR Group reviewed the evidence collected for this preliminary inquiry. We found that LCPD investigated this concern and resolved it appropriately.

LCPD Management Response

The Las Cruces Police Department appreciates the thorough review of this investigation by the OIR Group.



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TO: City of Las Cruces
FROM: OIR Group
DATE: March 19, 2025
RE: Review of Administrative Investigation – #2025 SM-0002

Introduction

In its role as the City of Las Cruces' Independent Police Auditor, OIR Group reviews internal investigations completed by the Las Cruces Police Department (LCPD) to ensure they are complete, objective, thorough, and fair and that findings and actions taken in response to the investigations were appropriate. This case began with an anonymous complaint to the City's Ethics Hotline website, and was addressed by civilian employees of the Department.

OIR Group received the case file on March 12, 2025.

Case Summary

The City received an anonymous written submission regarding alleged employee misconduct and forwarded it to LCPD for handling. According to the complaint, a specific civilian employee in the Records section of the agency was engaged in "theft of time and misuse of company resources." The submission claimed personal observation of the named individual engaging in non-related work activities and leaving her desk repeatedly throughout the day, over a several-week period.

LCPD's Investigation and Analysis

After receiving the complaint, the Department decided it could best be addressed by civilian managers in the named employee's section. Her supervisor monitored her behavior for about a week, confirmed some of the observations that had been documented in the original complaint submission, and then "interviewed" the employee in what was characterized as a "supervisor employee counseling session."

During this discussion, the employee acknowledged engaging in the activity that was under scrutiny. She said she had outside employment that she attended to periodically by phone,¹ and also cited personal issues she was addressing.

The employee and supervisor then met with a higher-ranking civilian manager at the employee's request, during which the employee asked several questions of her own and again acknowledged engaging in the behavior that was at issue.

Outcome: Discipline or Other Action

LCPD's civilian leadership determined that the appropriate response was documentation and the imposition of a 30-day "Performance Improvement Plan" (or "PIP"). The plan featured several specific and relevant expectations that would be actively monitored on a daily basis; the plan stipulated that failure to meet those expectations could result in further responsive action, up to and including termination.

OIR Group Review

We received this case as a function of its origins in the City's Ethics Hotline system, which is included as an element within our scope of work. That said, the specifics here were outside our usual "lane," since the focal point did not involve the usual law enforcement concerns or responsibilities. Additionally, it was addressed as a supervisory matter as opposed to a formal investigation.

¹ She also claimed to have notified a prior supervisor of this fact. It was not clear from the materials we reviewed whether this was ever verified or otherwise addressed.

Agenda Item #3.2.

The materials we received were concise. This left us with occasional questions at the margins of our assessment, but the fundamentals of the Department's response appeared to reflect a reasonable exercise of discretion. The supervisors took the concerns seriously, made an effective effort to confirm them, and presumably impressed upon the employee that adjustments were needed. As importantly, the PIP provided a foundation both for establishing better work habits and justifying more severe consequences should they be needed in the future.

LCPD Management Response

The Las Cruces Police Department appreciates the thorough review of this case by the OIR Group.



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TO: City of Las Cruces
FROM: OIR Group
DATE: March 12, 2025
RE: Review of Administrative Investigation – #2024EIC1-002

Introduction

In its role as the City of Las Cruces' Independent Police Auditor, OIR Group reviews internal investigations completed by the Las Cruces Police Department (LCPD) to ensure they are complete, objective, thorough, and fair and that findings and actions taken in response to the investigations were appropriate. This case began with a complaint from a member of the public and was investigated by Internal Affairs.

OIR Group received the case file on February 27, 2025.

Case Summary

LCPD was called by a female who was concerned that her two younger siblings were being abused by their mother. After speaking with the parties involved, the LCPD officers who responded did not identify any overt signs of abuse. Regardless, they coordinated with the mother to allow another family member – the children's aunt - to take the children. The officers stood by as the children collected belongings and left with the aunt. The officers cleared the call but did not submit a police report or contact the State of New Mexico Children Youth and Family's Department (CYFD) to report the

alleged abuse. The officers did add a note to the Computer Aided Dispatch system indicating that a family member had contacted CYFD.¹

Two days later, a CYFD case worker conducted a welfare check on the children. When he arrived, the case worker heard loud yelling and crying inside the home and called for LCPD; the mother eventually let the case worker inside, and he took the children outside where they waited for LCPD.

The same officers responded, contacted the case worker and the children, learned that one of the children had injuries and called for medical aid. The aunt also responded to the residence and waited with the children; they were all eventually transported to the hospital with one of the officers. That officer documented and photographed the child's injuries.

Meanwhile, the other officer spoke with the mother, who acknowledged that she had "lost [her] cool" with the children. The officer contacted his supervisor, who authorized that he call out a detective to formally investigate the child abuse case.

When the detective responded, he initiated a conversation with the mother that involved detailed questions about the incidents on that day and previously. Eventually, the detective read the mother her Miranda Rights. The mother pled for support. The detective then spoke with the aunt, and asked what she thought would be best for the family. The detective ultimately determined that it was in the family's best interest to provide the mother with mental health support and not cite or arrest her. He reported that he would do so if the mother failed to seek treatment.² He did not take any further action on that day or the following days.

When the mother failed to seek treatment, the aunt attempted to obtain emergency custody for the children's safety. Learning that she could not because the mother had not been arrested or charged, among other legal system complications, the aunt contacted the detective at the police station. During that conversation, she alleged that the detective was misleading, became agitated and directed her back to the court system.

While the detective spoke several times with the case worker and the aunt, he did not record any of these conversations, conduct any other investigative steps or start a

¹ At some point that evening, per CYFD records, one of the children contacted CYFD to report the incident.

² LCPD reported that it is a practice to use the threat of arrest as "leverage" to prompt specific actions by subjects; however, the more common practice is to cite or arrest the person first, and offer the subject assistance with the District Attorney in dismissing them when the subject completed the agreed-upon actions, such as receiving mental health treatment.

formal investigative file. He eventually requested that the unit's supervisor assign the case to a different detective. The case was transferred and then thoroughly investigated.

The children's aunt filed a complaint expressing her dissatisfaction with how the entire incident had been handled, including the detective's unprofessional response when she went to the police department to speak with him, the failure to file charges, and the lack of follow-up and investigation.

LCPD's Investigation and Analysis

Applicable General Orders, Training, or Other City Policies

Internal Affairs framed several allegations against the detective as follows:

- 1. General Order 103: Code of Conduct.** The Department determined that the detective performed well below the Department's expectations with this case, that his (in)action reflected poorly on the Department, and that he did not conform to professional standards. The Department sustained this allegation.
- 2. General Order 215: Investigations.** The Department determined that the detective's investigation had many shortcomings. While the detective implied that the shortcomings were because he had not received specific training on this type of case, the Department found that the detective had many years of experience, received annual and biennium training provided to all officers and detectives on these topics, and showed awareness of the necessary investigative steps when asked during his administrative interview. The Department sustained this allegation.
- 3. General Order 141: Police Reports.** The Department alleged that the detective had not completed the required supplemental reports required to document investigative work. The detective asserted that he did not do any additional formal investigative work on this case, and, as such, did not complete a supplemental. Despite noting that the detective engaged in various conversations with the aunt, mother, and CYFD, the Department did not find sufficient evidence to sustain or exonerate this allegation and found it to be "Not Sustained."

4. **General Order 295: Non-Custodial Interviews - Miranda.** The Department determined that, during their initial interaction in her home, the detective failed to read the mother her Miranda Rights in a timely manner and sustained this allegation.
5. **General Order 151: Recording Devices.** The Department determined that the detective did not record interviews with various parties involved as required by this General Order. The Department found this allegation to be sustained.

The Department framed allegations against the initial responding officers for their failures to complete the required reporting to CYFD (**General Order 243: Investigating Abused Children**) and against one officer for his failure to complete the required supplemental police report (**General Order 141**). The investigation found sufficient evidence to sustain these three additional allegations.

Outcome: Discipline or Other Action

LCPD management evaluated the employees' disciplinary histories. The Department issued discipline to and reviewed relevant policies with the three employees. To its credit, the Department directed the detective to specific re-training for career development.

The investigator also recommended that the Department review the training related to handling child abuse and/or neglect cases – both Department-wide and specific to detectives – to determine if there was a need for additional training in this topic area and/or the investigative protocol.

OIR Group Review

LCPD provided OIR Group with the case file for review of the available evidence, which included body-worn camera recordings from both LCPD responses, administrative interviews of the subject and witness employees, and documentation from CYFD. We found the investigation to be thorough and complete.

We also found the outcomes to be appropriate. Ultimately, unless an officer's conduct is so egregious as to warrant termination, the discipline process is meant to be corrective rather than punitive in nature. We defer to the Department's sense that the

counseling and training received by the officers and the more significant consequence received by the detective were sufficient to accomplish that goal, while noting our disappointment over a tenured detective's poor decision-making in a particularly impactful arena.

The Department also investigated the incident holistically, as we have recommended in past memos: IA interviewed the detective's supervisor for this investigation to determine if there were any systemic, unit-wide deficiencies to be addressed and corrected. We found the inclusion of the supervisor as a witness to be an appropriate measure of internal scrutiny. His responses during the administrative interview indicated confidence in the detective that seemed valid, given the detective's experience and regular case check-ins; our evaluation found no evidence to support allegations regarding his supervision of the unit. And the investigation did not identify any systemic, unit-wide deficiencies.

As noted in our 7th Semi-Annual Report, we have tracked cases involving domestic matters since the beginning of our engagement. In this case, the responding officers initially attempted to resolve the situation based on the available evidence by conducting a civil standby and ensuring the children's safety with another adult. Unfortunately, this did not fully address the issue. Their failure to report the alleged child abuse to CYFD — though later corrected — was a regrettable oversight. Additionally, the detective's investigative shortcomings further complicated the family's experience as they navigated an already complex legal system.

Fortunately, the reassignment of the case to a different detective helped bring resolution, demonstrating the effectiveness of a well-trained, committed employee who adhered to protocol. LCPD has continued to provide regular training on this issue and utilizes its disciplinary system to address individual deficiencies. We commend this commitment while also encouraging the Department to continually assess and improve its responses to these critical calls for service.

LCPD Management Response

The Las Cruces Police Department appreciates the thorough review of this case by the OIR Group. Child Abuse investigations are an area of critical importance for the Las Cruces Police Department and the community as a whole. A department can never do too much child abuse investigations training, but this is one of the few topics required

Agenda Item #3.2.

annually by state law. This investigation allowed us to look for other ways to improve the proficiency of all personnel in this area.



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TO: City of Las Cruces
FROM: OIR Group
DATE: June 4, 2025
RE: Review of Administrative Investigation #2025EIC1-001

Introduction

In its role as the City of Las Cruces' Independent Police Auditor, OIR Group reviews internal investigations completed by the Las Cruces Police Department (LCPD) to ensure they are complete, objective, thorough, and fair and that findings and actions taken in response to the investigations were appropriate. This case began with a complaint from a member of the public and was investigated by Internal Affairs.

OIR Group received the case file on May 16, 2025.

Case Summary

In February of 2025, a member of the public – the complainant -- contacted LCPD's non-emergency number requesting that an officer call her back to file a harassment report. A short time later, she contacted 9-1-1 two times to report that on her Ring camera she observed that the person harassing her was now at her residence. Though she was not home, she requested a police response to remove him from her property.

In the interim, an LCPD officer self-dispatched to the call. Based on his limited review of the initial call notes, the officer thought the complainant only wanted to file a report. He later stated that he did not see the updated call notes requesting an in-person

response. Instead, he had called the complainant in alignment with the initial notes. However, after letting the phone ring twice and without leaving a voicemail, the officer hung up, assuming that the complainant would not pick up. He reported that he was then distracted by a personal matter. Twenty minutes later and with no further action, he closed the call. He did not at any time activate his body-worn camera, nor did he submit any police reports.

The complainant contacted LCPD and spoke to a supervisor to express her dissatisfaction with the lack of response to her call. During that conversation, and against the supervisor's advice, the complainant stated that she did not want to file a report or take further action regarding the harassment incident.¹ The supervisor asked to refer the complainant to the Victim's Assistance Unit to identify resources available to her, which she accepted. The supervisor also advised that he would speak with the officer to learn why he had not responded and offered to file a formal complaint at that time. The complainant stated that she would wait for the supervisor to learn more before filing a complaint.

The supervisor then spoke with the officer and directed the officer to contact the complainant to follow up. The officer called, apologized for failing to respond and said it was his mistake. The complainant was unsatisfied with this response, said she did not want him to take any further action, and requested a supervisor call back. She then filed a formal complaint with the supervisor.

LCPD's Investigation and Analysis

Applicable General Orders, Training, or Other City Policies

LCPD opened a formal investigation into the complaint. Internal Affairs framed the following allegations:

- 1. General Order 103: Unsatisfactory Performance.** The Department determined that the officer did not meet the Department's or public's expectations regarding responding to calls for service, including completing police reports. The Department sustained this allegation.

¹ The incident she originally called about had fortunately resolved without the woman's being endangered and in spite of the lack of police response.

2. **General Order 151: Recording Devices.** The Department determined that the officer had not activated his body-worn camera prior to calling the complainant, a violation of its body-worn camera policy. The Department sustained this allegation.

Outcome: Discipline or Other Action

LCPD management evaluated the officer's disciplinary history. The Department issued discipline according to its practice of progressive discipline based on the officer's past performance issues and the nature of this violation.²

OIR Group Review

We received the investigative file and relevant recordings, including the administrative interviews of the officer. The matter was taken seriously and investigated thoroughly.

While the progressive disciplinary system was appropriately applied in this instance, the Department should further consider integrating targeted remedial training or a performance improvement plan to address the officer's recurring deficiencies. While progressive discipline ensures accountability, pairing corrective action with structured training fosters professional development and reinforces policy adherence with the goal of reducing the likelihood of repeated violations. A balanced approach that combines disciplinary measures with education and close supervision enhances both individual performance and overall operational effectiveness.

We first discussed this practice in our memo related to case 2021EIC1-007, in which we recommended:

"Where applicable in cases of sustained policy violations, LCPD should consider supplementing its disciplinary consequence with a training or counseling component that addresses the specific performance lapse at issue."

² Progressive discipline is a structured approach to addressing policy violations and performance deficiencies through escalating corrective measures. It often begins with informal interventions such as verbal counseling and, if issues persist, progresses to formal actions including written reprimands, suspension, and termination when warranted. This method ensures accountability while allowing officers the opportunity to correct behaviors in accordance with departmental policies and professional standards.

Since that recommendation, the Department has regularly incorporated informal counseling and directed training into its corrective action framework. This case presents an opportunity to reaffirm the importance of this practice and encourage its continued implementation.

Finally, we noted that this case involved a domestic disturbance, a category of calls for service that we have actively tracked since the start of our tenure. While the officer's initial failure to respond was very concerning, the Department appropriately addressed the issue. Notably, the supervisor demonstrated thoughtful engagement when speaking with the complainant, encouraging her to file a report to document the pattern of conduct and ultimately referring her to the Victim's Assistance Unit when she declined. This response aligns with best practices in survivor advocacy, ensuring resources are made available even when formal reporting does not occur.

LCPD Management Response

The Las Cruces Police Department appreciates the thorough review completed by the OIR Group.