

The logo is circular with a blue border. The top half of the border contains the text "ALBUQUERQUE POLICE" and the bottom half contains "CRISIS INTERVENTION TEAM". In the center, there is a smaller circular emblem featuring a shield with a scale of justice, a sword, and a banner. The shield is flanked by two figures. Above the shield is a banner with the word "OFFICER". Below the shield is a banner with "NEW MEXICO".

Albuquerque Police Department and ERFPO: Process and Perspective

Sgt. Matt Tinney
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APD Crisis Intervention Unit

APD Crisis Intervention Unit

Created in 1997, the Crisis Intervention Division works to safely connect people living with mental illness, developmental disabilities, or who are in crisis with services through inclusive collaboration between law enforcement and the community, specialized responses, and training.

12 detectives

4 mobile crisis teams

6 clinicians assigned to the division (including 4 from Albuquerque Community Safety)

Extreme Risk Firearm Protection Order (ERFPO)

- Passed by NM Legislature in 2020
- Provides a way for NM law enforcement to petition the courts to temporarily prevent someone who is an imminent suicide or homicide risk from possessing a firearm.
- Orders can last up to 1 year.
- APD began using this law in 2022.
- APD has filed approx. 50 ERFPO cases since that time (most of them by CIU).

How does it work?

- Reporting Party
- Affidavit
- Detective follow-up
- Detective petitions
- Not credible, ERFPO is not filed.
- Judge review
- 10-day setting

Case Study 1

- Subject's mother called APD to report he threatened to shoot multiple neighbors and then himself.
- Subject had 13 firearms, including 11 high-powered rifles and two handguns.
- Subject disclosed mental-health diagnosis of depression and had a history of suicide threats/attempts but refused to engage in services or treatment.
- ERFPO filed and approved: Subject temporarily turned over his 13 firearms.
- During follow up contact this subject stated he was not in the right mind to possess firearms. He came to court and told the judge he did not contest the ERFPO.
- This ERFPO expired approximately 6 months ago and this subject has not had additional police contact.

Case Study 2

- Student at Albuquerque school who was alleged to have threatened another student with a knife on school grounds.
- Social media photographs were located showing this student posing with what appeared to be a semiautomatic handgun with an extended magazine. The student also reportedly made mention of a specific, upcoming date in connection with another threatening post.
- Despite being banned from school grounds, the student reportedly snuck back onto school grounds on two occasions.
- The student later entered a gun shop near the school and inquired about magazines for an AK-47 assault rifle.

Using this information, CIU successfully petitioned for an ERFPO to help ensure this student did not gain access to firearms.

Vetting Process

- APD conducts a thorough investigation into the credibility of the ERFPO request, including:
 - Criminal history / police report review
 - Interview with the reporting party; other family/friends; other involved
 - Interview with the subject of concern
 - Social media check.

If information is deemed not credible, ERFPO is not filed and the detective completes a police report detailing the findings. Report filed with BCSO.

Challenges and Opportunities

- No mechanism to obtain search warrant for ERFPO firearms.
- Reporting parties – hesitation from family and friends
- No after-hours capability
- Ammunition
- Notary requirement
- Not a solution for underlying issues of mental health and domestic abuse.

How expansion effects APD CIU process

- Reporting Parties
 - Organizations view it differently, which can create conflict
- Authorization from the Court
 - Civil vs. Criminal
 - Emergency Restraining Order
- Clarification on the process for reporting ERFPO to the National Instant Criminal Background Check System (NICS)
 - This is with the courts
- Returning firearms to the respondent
 - Very few request to have them back

Contact Information

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