

CIVILIAN POLICE OVERSIGHT ADVISORY BOARD (CPOAB)

BOARD AGENDA

Thursday, April 11, 2024 at 5:00 PM
Vincent E. Griego Chambers

Aaron Calderon, Board Chair
Rowan Wymark, Board Vice-Chair
Zander Bolyanatz, Board Member
Shama Newton, Board Member
Gail Oliver, Board Member
Diane McDermott, Executive Director, CPOA

Viewing: Members of the public will have the ability to view the meeting through GOVTV on Comcast Channel 16, or to stream live on the GOVTV website at: <https://www.cabq.gov/culturalservices/govtv>, or on YouTube at: <https://www.cabq.gov/cpoa/events/civilian-police-oversight-advisory-board-meeting-04-11-2024>. The GOVTV live stream can be accessed from most smartphones, tablets, or computers at these addresses.

- I. **Welcome, Call to Order and Roll Call**– *Aaron Calderon, Chair*
- II. **Pledge of Allegiance**– *Rowan Wymark, Vice-Chair*
- III. **Approval of the Agenda**
- IV. **Public Comments**
[Public comment shall be limited to three minutes unless extended by the Chairperson]
- V. **Review and Approval of Minutes**
 - a. **March 14, 2024**
- VI. **Appeals**
 - a. **CPC # 250-21**
 - i. **Hearing on CPC #250-21**
 - ii. **CLOSED SESSION** pursuant to Section 10-15-1(H)(3) NMSA 1978, excluding deliberations by the CPOAB in connection with an administrative adjudicatory proceeding from the requirements of the NM Open Meetings Act.
 - b. **CPC # 210-22**
 - i. **Hearing on CPC #210-22**
 - ii. **CLOSED SESSION** pursuant to Section 10-15-1(H)(3) NMSA 1978, excluding deliberations by the CPOAB in connection with an administrative adjudicatory proceeding from the requirements of the NM Open Meetings Act.

VII. Reports from City Departments:

- a. **APD**
 - 1. **Internal Affairs Professional Standards (IAPS)**
 - 2. **Internal Affairs Force Division (IAFD)**
- b. **ACS- Jodie Esquibel, Deputy Director**
- c. **City Attorney- Lindsey Rosebrough, Managing Attorney**
- d. **City Council- Chris Sylvan, Council Services**
- e. **Public Safety Committee – Chris Sylvan, Council Services**
- f. **CPC- Kelly Mensah, CPC Liaison**
- g. **Mayor’s Office- Doug Small, Director of Public Affairs**
- h. **CPOA– Diane McDermott, Executive Director**

VIII. Reports from CPOAB Subcommittees:

- a. **Policy and Procedure Review Subcommittee – Gail Oliver**
 - 1. **There was no meeting in April 2024**
 - 2. **Next Meeting: TBD**
 - 3. **Update on APD Policy Meetings**
- b. **Ad Hoc Rules Subcommittee – Aaron Calderon**
 - 1. **Met: March 20, 2024 & April 3, 2024 at 4 p.m.**
 - 2. **Next meeting: April 17, 2024 at 4 p.m.**

IX. Discussion and Possible Action:

- a. **Designation of two delegates from the Board to attend the annual National Association of Civilian Oversight of Law Enforcement (NACOLE) Conference October 13, 2024 to October 17, 2024**
- b. **CPOAB Policy and Procedure Review Subcommittee Meeting-Time Confirmation**
- c. **July 2022 - December 2022 CPOA Semi-Annual Report**

X. Serious Use of Force Case:

- a. **APD Case #: 23-0040301; Date of Incident: May 21, 2023**

XI. Officer-Involved Shooting Case:

- a. **APD Case #: 23-0037214; Date of Incident: May 10, 2023**

XII. CPOA Board’s Review of Garrity Materials: [Standing Item]

XIII. Meeting with Counsel re: Pending Litigation or Personnel Issues: [Standing Item]

a. Discussion and Possible Action re:

- 1. **CLOSED SESSION pursuant to Section 10-15-1(H)(7), NMSA 1978, excluding meetings subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant from the requirements of the NM Open Meetings Act.**

XIV. Other Business

- XV. Adjournment-** *The next regularly scheduled Board meeting will be held on Tuesday, May 7, 2024, at 5:00 p.m. in the Vincent E. Griego Chambers.*

ATTENTION: Unless the board decides otherwise, a dinner break will occur during the meeting at a natural breaking point.

CITY OF ALBUQUERQUE



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Shama Newton, Board, Member
Gail Oliver, Board Member
Diane McDermott, Executive Director, CPOA

April 29, 2024

Via Email

[REDACTED]

Re: Notice of Appeal Decision for CPC # 250-21

PO Box 1293 **APPEAL FINDINGS:**

Albuquerque Mr. [REDACTED], an appeal hearing has been scheduled for April 11, 2024, at 5 pm, in response to your initial appeal submitted on July 20, 2023. We sincerely appreciate your patience during the time it took to convene the new board. To ensure thorough preparation for the hearing, all pertinent materials were sent to you on March 18, 2024.

NM 87103 We appreciate your diligence in bringing your concerns to the attention of the CPOA and CPOAB. Through investigations and appeals initiated by Albuquerque citizens, valuable information is gathered to potentially inform policy recommendations to the chief of police, the mayor's office, and the city council when deemed appropriate.

www.cabq.gov

In line with our procedures, any revision of findings must meet at least one of the three specified criteria detailed in the original documentation of your findings. Upon careful consideration, the information presented during your hearing did not meet the threshold for us to proceed with any adjustments to the CPOA directors' findings as outlined on page 3. Therefore, we uphold, confirm, and stand by the findings of the CPOA director.

MATERIALS REVIEWED BY THE BOARD:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Appeared: Yes

Witness(es) Appeared: No

APD Employee Appeared: No

APD Employee Involved: Officer D

Date Hearing Completed: April 11, 2024

APPEAL FINDINGS

Policy Upheld: 2.52.4.F.1e & 1.1.7E.1

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



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



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



Policy Upheld: 4.24.2G.1; & 2.68.4.A.8.b; & 2.8.5.A

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



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



6. **Administratively Closed.** Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.



Additional Comments:

We uphold, confirm, and stand by the findings of the CPOA director.

You have exercised your right to appeal this decision as specified in the Oversight Ordinance 9-4-1-10. As was explained in the hearing proceedings in order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:

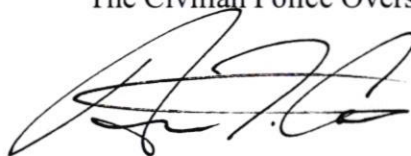
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

The Advisory Board has considered the statements provided by you, the complainant, any witnesses you may have provided, any evidence if deemed admissible, the Agency's position, the Albuquerque Police Department's position and the officer's position if the officer chose to appear.

The Advisory Board may only modify or change the findings and/or recommendations and make further recommendations if one of the above listed conditions was met. The details of the findings are on the second page of this communication.

Thank you for participating in the process of the Civilian Oversight of the Police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,
The Civilian Police Oversight Advisory Board by



Aaron Calderon, Chair
(505) 924-3770

cc: Civilian Police Oversight Agency
Office of Police Reform

CITY OF ALBUQUERQUE



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April 29, 2024

Via Email

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MATERIALS REVIEWED BY THE BOARD:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Appeared: Yes

Witness(es) Appeared: No

APD Employee Appeared: No

APD Employee Involved: Officer R

Date Hearing Completed: April 11, 2024

APPEAL FINDINGS

Policy Upheld: 1.1.7.A

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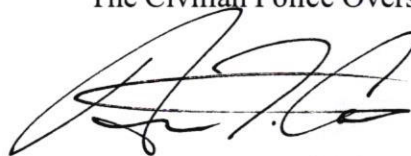
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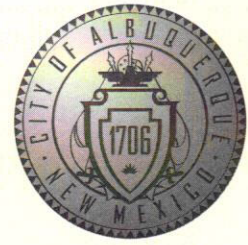
Sincerely,
The Civilian Police Oversight Advisory Board by

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Aaron Calderon, Chair
(505) 924-3770

cc: Civilian Police Oversight Agency
Office of Police Reform

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Diane McDermott, Executive Director, CPOA

April 29, 2024

Via Email



Re: Notice of Appeal Decision for CPC # 210-22

PO Box 1293

APPEAL FINDINGS:

Albuquerque

Ms. G i , an appeal hearing has been scheduled for April 11, 2024, at 5 pm, in response to your initial appeal submitted on May 12, 2023. We sincerely appreciate your patience during the time it took to convene the new board. To ensure thorough preparation for the hearing, all pertinent materials were sent to you on March 18, 2024.

NM 87103

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APD Report(s): Yes

CAD Report(s): Yes

Complainant Appeared: Yes

Witness(es) Appeared: No

APD Employee Appeared: No

APD Employee Involved: Officer D-M

Date Hearing Completed: April 11, 2024

APPEAL FINDINGS

Policy Upheld: 2.52.4F.1.d

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Policy Upheld: 2.71.4.A.1

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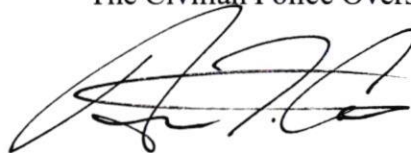
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April 29, 2024

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APD Employee Involved: Officer O

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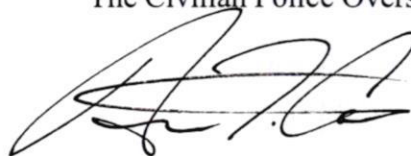
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Aaron Calderon, Chair
(505) 924-3770

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