

CIVILIAN POLICE OVERSIGHT ADVISORY BOARD (CPOAB)

BOARD AGENDA

Thursday, September 12, 2024 at 5:00 PM
Vincent E. Griego Chambers

Aaron Calderon, Board Chair
Rowan Wymark, Board Vice-Chair
Zander Bolyanatz, Board Member
Gail Oliver, Board Member
Diane McDermott, Executive Director, CPOA
Ali Abbasi, Deputy 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-09-12-2024>. The GOVTV live stream can be accessed from most smartphones, tablets, or computers at these addresses.

The CPOAB will consider, discuss, and potentially take action on the Proposed CPOAB Policies and Procedures. [Click Here to View the Proposed CPOAB Policies and Procedures.](#)

Public Comment: The CPOAB will take public comment on the Proposed CPOAB Policies and Procedures in person and in written form via email through 3:00 p.m. on the day of the meeting. Submission for public comment can be emailed directly to the CPOAB at oab@cabq.gov. Please use the **Subject Line- Public Comment: Proposed CPOAB Policies and Procedures.** These comments will automatically be distributed to all CPOAB Members for consideration.

- I. **Welcome, Call to Order and Roll Call**– *Aaron Calderon, Chair*
- II. **Pledge of Allegiance**
- III. **Approval of the Agenda**
- IV. **Review and Approval of Minutes**
 - a. August 8, 2024
- V. **Public Comments**
[Public comment shall be limited to three minutes unless extended by the Chairperson]
- VI. **Reports from City Departments:**
 - a. **APD**
 1. **Internal Affairs Professional Standards (IAPS)**– *Acting Commander Kenneth Johnston*
 2. **Internal Affairs Force Division (IAFD)**– *Commander Scott Norris*
 - b. **ACS**– *Jefferey Bustamante, Deputy Director*
 - c. **City Attorney**– *Lindsey Rosebrough, Managing Attorney*
 - d. **City Council**– *Chris Sylvan, Council Services*

- e. **CPC- Kelly Mensah, CPC Liaison**
- f. **Mayor's Office- Doug Small, Director of Public Affairs**
- g. **CPOA– Diane McDermott, Executive Director**
 - 1. CPC 003-24 Non-concurrence memo
 - 2. CPC 083-24 Non-concurrence memo

VII. Serious Use of Force Case:

- a. APD Case #: 23-0016320 – *Zander Bolyanatz*
- b. APD Case #: 23-0022423 – *Gail Oliver*
- c. APD Case #: 23-0023684 – *Rowan Wymark*
- d. APD Case #: 23-0030725 – *Aaron Calderon*

VIII. Officer-Involved Shooting Case: [Standing Item]

IX. Appeal

a. CPC 024-24

- i. Hearing on CPC #024-24
- 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.

X. CPOA Board's Review of Garrity Materials: [Standing Item]

XI. 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.

XII. Reports from CPOAB Subcommittees:

a. Policy and Procedure Review Subcommittee – Gail Oliver

- 1. Met: September 6, 2024 at 9:30 a.m.
- 2. Update on APD Policy Meetings
- 3. The Next Meeting is October 3, 2024, at 3 p.m.

a. Ad Hoc Rules Subcommittee – Zander Bolyanatz

- 1. Update on Ad Hoc Rules Committee meeting
- 2. Next meeting TBD

XIII. Discussion and Possible Action:

a. Proposed CPOAB Policies and Procedures

- 1. Public Comment
- 2. Approval to forward to City Council

b. APD Policy

1. Recommendation(s)

- A. SOP 1-83 Real Time Crime Center (RTCC)
- B. SOP 1-95 (Formerly 6-3) Metro Traffic Division
- C. SOP 1-2 (Formerly 1-44) Social Media
- D. SOP 2-6 (Formerly 2-56) Use of Emergency Warning Equipment
- E. SOP 3-46 (Formerly 1-09) Discipline System
- F. SOP 2-16 Reports

2. No Recommendation(s)

- A. SOP 3-31 Physical Fitness Assessment
- B. SOP 1-34 (Formerly 4-5) Crime Prevention Unit

c. APD Policy (Off-cycle)

- 1. SOP 3-21 Scheduled and Unscheduled Leave
- 2. SOP 3-43 Relief of Duty
- 3. SOP 2-46 Response to Traffic Crashes

d. Officer-Involved Shooting (OIS) Materials

XIV. Other Business

- XV. Adjournment-** *The next regularly scheduled Board meeting will be held on October 10, 2024, at 5:00 p.m. in the Vincent E. Griego Chambers.*

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

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT ADVISORY BOARD

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

September 18, 2024

Via Certified Mail
7021 0950 0002 0443 6023

Re: Notice of Appeal Decision for CPC # 024-24 (Ofc. M)

APPEAL FINDINGS:

PO Box 1295

Albuquerque

Mr. M, an appeal hearing has been scheduled for September 12, 2024, at 5 pm, in response to your initial appeal received by the CPOA on August 14, 2024. To ensure thorough preparation for the hearing, all pertinent materials were made available to you by the CPOA on August 16, 2024. CPOA staff sent a certified letter requesting an email address or for you to reach out to the office to coordinate an alternate method of receiving all materials for this appeal.

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 and visitors, information can be used 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 Executives Directors' findings as outlined on page 3.

Therefore, we uphold, confirm, and stand by the findings of the CPOA Executive Director.

MATERIALS REVIEWED BY THE BOARD:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Appeared: Yes

Witness(es) Appeared: Yes

APD Employee Appeared: No

APD Employee Involved: Officer "M"

Date Hearing Completed: September 12, 2024

APPEAL FINDINGS

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: General Order 1.1.5.A.4

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:

General Order 1.1.5.A.4- Exonerated- Review of OBRD videos confirmed that Officer M spoke with Mr. M about the incident. Officer M explained her reasons for charging only Mr. M during the interview.

We uphold, confirm, and stand by the findings of the CPOA Executive 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:

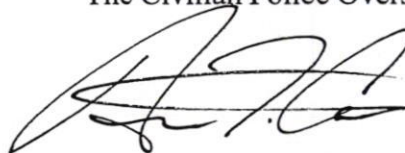
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

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