

CIVILIAN POLICE OVERSIGHT ADVISORY BOARD (CPOAB)

BOARD AGENDA

Thursday, November 14, 2024 at 5:00 PM
Vincent E. Griego Chambers

Aaron Calderon, Board Chair
Rowan Wymark, Board Vice-Chair
Zander Bolyanatz, Board Member
Eduardo Budanauro, 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-11-14-2024>. The GOVTV live stream can be accessed from most smartphones, tablets, or computers at these addresses.

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.

- 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. October 10, 2024
- V. Public Comment** [Public comment is 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. **2025 CPOA Board Meeting Schedule**

- VII. Presentations from APD - RTCC Director Anthony Montano and Deputy Commander Andrew Rodriguez**
 - a. APD ShotSpotter Informational Presentation
 - b. APD Call Response Time Brief

- VIII. Serious Use of Force Case:**
 - a. APD Case #23-0004184 – *Rowan Wymark*
 - b. APD Case #23-0015832 – *Aaron Calderon*

- IX. Officer-Involved Shooting Case:**
 - a. APD Case #24-0026315 – *Gail Oliver*

- X. In-Custody Death Case:**
 - a. APD Case #24-0014087 – *Zander Bolyanatz*

- XI. Appeal**
 - a. **CPC 043-24**
 - i. Hearing on CPC #043-24
 - 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.

- 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. Reports from CPOAB Subcommittees:**
 - a. **Policy and Procedure Review Subcommittee – Gail Oliver**
 - 1. The November 7, 2024 at 3 p.m. meeting was canceled
 - 2. Update on APD Policy Meetings
 - 3. The next meeting is December 5, 2024, at 3 p.m.

 - a. **Ad Hoc Rules Subcommittee – Zander Bolyanatz**
 - 1. Final update on Board Policies and Procedures

- XV. Discussion and Possible Action:**
 - a. **APD Policy**
 - 1. SOP 1-60 (Formerly 5-3) Interagency Task Force Operations
 - 2. SOP 2-39 (Formerly 4-21) Field Services Bureau Response to Demonstrations Incidents and Events

3. SOP 2-68 (Formerly 2-23) Interviews and Interrogations
4. SOP 1-37 (Formerly 2-13 and 2-19) Crisis Intervention Division and Program
5. SOP 1-64 (Formerly 4-12 and 6-9) K-9 Unit
6. SOP 1-62 (Formerly 7-1) Internal Affairs Professional Standards Division
7. SOP 2-79 Law Enforcement Assisted Diversion (LEAD) Program
8. SOP 1-28 (Formerly 4-3) Downtown Unit
9. SOP 1-97 Data Analysis Division
10. SOP 2-96 (Formerly 2-36) Clandestine Drug Laboratory and Indoor Marijuana Grow Site Investigations
11. SOP 2-105 (Formerly 4-26) Destruction or Capture of Animals
12. SOP 2-106 (Formerly 4-27) Lost and Found ID Cards and Driver's License
13. SOP 2-109 Investigative Services Division (ISD) Tracker Program
14. SOP 3-17 (Formerly 3-55) Duty Assignments and Transfers

b. IMR-20 Notice Letter to the Court – Diane McDermott

c. Dissolution of Ad Hoc Rules Committee – Aaron Calderon

XVI. Other Business

XVII. Adjournment- *The next regularly scheduled Board meeting will be held on Monday, December 9, 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
Shama Newton, Board, Member
Gail Oliver, Board Member
Diane McDermott, Executive Director, CPOA

November 25, 2024

Via Email

Re: Notice of Appeal Decision for CPC # 043-24

PO Box 1293 **APPEAL FINDINGS:**

Ms. M, an appeal hearing was scheduled for November 14, 2024, at 5 pm, in response to your appeal request submitted on February 15, 2024. To ensure thorough preparation for the hearing, you were notified on October 3, 2024 @ 11:20 am that your hearing was scheduled for the November 14 board meeting.

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, 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.

Regrettably, you were not in attendance for the scheduled appeal hearing, neither virtually nor in-person. It is important to note that no formal request for a postponement or rescheduling of the appeal hearing was received prior to the designated time. In accordance with our procedures, any reconsideration of findings requires satisfying at least one of the three specified criteria outlined in your original finding's documentation. Unfortunately, due to the absence of any additional information provided by your written request for an appeal, we are unable to proceed with any consideration of adjustments to the CPOA Executive Directors' findings.

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: No

Witness(es) Appeared: No

APD Employee Appeared: No

APD Employee Involved: Officer L

Date Hearing Completed: November 14, 2024

APPEAL FINDINGS

Policy Upheld: 1.1.6.A.6.a (Report Truthfulness)

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: 2.104.4.A.4 (Civil Disputes)

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:

The CPOA investigation determined that officer "L" documented the interaction in accordance with APD SOP.

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:

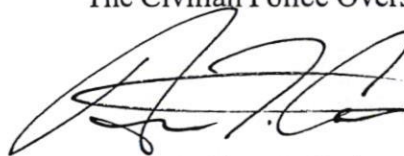
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

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