

CIVILIAN POLICE OVERSIGHT ADVISORY BOARD (CPOAB)

Thursday, January 9, 2025, 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

Members Present:

Aaron Calderon, Chair
Rowan Wymark, Vice Chair
Zander Bolyanatz
Eduardo Budanauro
Gail Oliver

Members Absent:

Others Present In-Person:

Diane McDermott, CPOA
Ali Abbasi, CPOA
Katrina Sigala, CPOA
Valerie Barela, CPOA
Emily Selch, CPOA
Kelly Mensah, CPOA
Robert Kidd, Independent Counsel
Chris Sylvan, City Council
Lindsey Rosebrough, City Atty.
Cmdr. Scott Norris, APD
Acting Cmdr. Kenneth Johnston, APD
Lt. Troy Nicko, APD
Jeffrey Bustamante, ACS

Others Present via Zoom:

Sharon Walton, Monitor APD Training

Minutes

- I. Welcome, Call to Order and Roll Call.** Chair Calderon called the regular meeting of the Civilian Police Oversight Advisory Board to order at approximately 5:00 p.m.
- II. Pledge of Allegiance.** Chair Calderon led the Pledge of Allegiance.
- III. Approval of the Agenda**
 - a. **Motion.** A motion was made by Chair Calderon to approve the agenda as written. Member Bolyanatz seconded the motion. The motion was carried by a unanimous vote.
For: Bolyanatz, Calderon, Budanauro, Oliver, Wymark
- IV. Review and Approval of Minutes.** For more information about minutes from prior Civilian Police Oversight Advisory Board meetings, please visit our website here:

a. December 9, 2024

1. A website link was distributed to each Board member to review the draft minutes from the Civilian Police Oversight Advisory Board's regular meeting on December 9, 2024.
2. **Motion.** A motion was made by Chair Calderon to approve the minutes as written. The motion was seconded by Member Budanauro. The motion was carried by a unanimous vote.

For: 5 – Bolyanatz, Calderon, Budanauro, Oliver, Wymark

V. Public Comment

- a. None. *(See attached Public Comment Sign-in Sheet)*

VI. Reports from City Departments:

a. **APD**

1. Internal Affairs Professional Standards (IAPS)– Acting Commander Kenneth Johnston

- i. A document titled *APD Internal Affairs Professional Standards (IAPS) Division Monthly Report November 2024* was distributed to CPOA Board members electronically. *(See attached report)*
- ii. Acting Commander Kenneth Johnston reported verbally on the number of IAPS cases currently under investigation and those closed for December 2024, mentioning an increase in cases for the month. It should be noted that the APD IAPS Division Monthly Report for December 2024 was not available for Board review before or during the Board meeting.

2. Internal Affairs Force Division (IAFD)– Commander Scott Norris

- i. A document titled *APD Monthly Use of Force Report November 2024 and APD Monthly Use of Force Report December 2024* were distributed to CPOA Board members electronically. *(See attached reports)*
- ii. Commander Scott Norris provided a verbal report on the total number of Use-of-Force cases categorized by area command. He discussed the monthly totals for use-of-force incidents, highlighting the figures for November 2024. Additionally, he covered calls for service,

demographics of the individuals involved in these incidents, types of calls received, and the various forms of force used. The report also included information on completed use-of-force reviews and outcomes related to policy changes.

b. **ACS- Jeffrey Bustamante, Deputy Director**

1. ACS Deputy Director for Policy and Administration Jeffrey Bustamante gave a verbal report on the following:

- ACS calls for service/volume
- Winter transportation requests
- ACS events
- ACS first 3-month academy
- Summer of non-violence survey results

c. **City Attorney- Lindsey Rosebrough, Managing Attorney**

1. Managing City Attorney for APD Lindsey Rosebrough gave a verbal brief on the following CASA-specific updates:

- IMR-20 reached 99% Operational Compliance

d. **City Council- Chris Sylvan, Council Services**

1. City Council representative Chris Sylvan stated that the dates for the City Council Budget meeting are still pending. He will update the CPOA on the meeting dates so the Board can determine their meeting date in February.

e. **CPC- Kelly Mensah, CPC Liaison**

1. CPC Liaison Kelly Mensah provided a verbal report on the following:

- CPC year-end dinner
- CPC University area location and frequency of meetings
- CPC Southeast meeting location changes
- CPC RTCC and Gateway Center tours
- CPC Council elections and membership
- CPC Youth Council initiative
- CPC Transit police policy recommendation and response received from APD
- CPC NE break-in meetings
- CPC budget

- CPC social media initiative

f. **Mayor's Office-** *Doug Small, Director of Public Affairs*

1. No one from the Mayor's Office was present.

g. **CPOA-** *Diane McDermott, Executive Director*

1. Executive Director Diane McDermott verbally reported on the following:

- CPOA Complaints or commendations received and Assignments for December 1, 2024, through December 31, 2024.
- CPOA Board firearms training
- IMR-21 monitoring period
- CPOA positions
- CPOA Board background check for RTCC tour

2. Independent Counsel provides a verbal update on the MOU between APD.

- a. CPC 211-24 Non-concurrence memo. For more information about non-concurrence memos received by APD's Office of Police Reform, please visit our website here: <https://www.cabq.gov/cpoa/case-outcomes/chief-of-police-non-concurrence-letters>

- i. Ms. McDermott provided her assessment for CPC 211-24 non-concurrence.

- b. CPC 212-24 Non-concurrence memo. For more information about non-concurrence memos received by APD's Office of Police Reform, please visit our website here: <https://www.cabq.gov/cpoa/case-outcomes/chief-of-police-non-concurrence-letters>

- i. Ms. McDermott verbally provided her assessment for CPC 212-24 non-concurrence, noting that her recommendation would be for APD to put out a special order addressing SOP 2-8-5 on body recording devices.

VII. Serious Use of Force Case:

a. APD Case #23-0014030 – *Aaron Calderon*

1. Chair Calderon gave a verbal summary of Serious Use of Force (SUOF) APD Case #23-0014030, noting the findings from the Internal Affairs Force Division.

2. Executive Director McDermott provided her assessment of SUOF APD Case #23-014030.
3. APD Academy Lieutenant Troy Nicko provided additional information about the handcuffed belt restraint system, noting that it is currently being used in the field.
4. Chair Calderon facilitated Board member feedback on the SUOF Case #23-0014030.
5. **Motion.** A motion was made by Chair Calderon that the Civilian Police Oversight Advisory Board affirms and upholds the findings of APD Internal Force Division Investigation for APD Case #23-0014030. The motion was seconded by Member Wymark. The motion was carried by a unanimous vote.

For: 5 – Budanauro, Bolyanatz, Calderon, Oliver, Wymark

b. APD Case #23-0018545 – *Eduardo Budanauro*

1. Member Budanauro proved a verbal summary of Serious Use of Force (SUOF) APD Case #23-0018545, noting the findings from the Internal Affairs Force Division
2. Executive Director McDermott provided her assessment of SUOF APD Case #23-0018545.
3. Commander Norris provided a verbal review of the handcuffing techniques used in SUOF Case #23-0018545.
4. Chair Calderon requested that the CPOA provide further details regarding UOF cases in which an officer is found to have violated policies, including whether the officer was sanctioned or received additional training.
5. Chair Calderon facilitated Board member feedback on the SUOF Case #23-0018545.
6. **Motion.** A motion was made by Chair Calderon that the Civilian Police Oversight Advisory Board affirms and upholds the findings of APD Internal Force Division Investigation for APD Case #23-0018545. The motion was seconded by Member Bolyanatz. The motion was carried by a unanimous vote.

For: 5 – Budanauro, Bolyanatz, Calderon, Oliver, Wymark

VIII. Officer-Involved Shooting Case:

a. APD Case #23-0050102 - *Gail Oliver*

1. Member Oliver gave a verbal summary of Officer-Involved Shooting (OIS) Case #23-0050102, noting the Internal Affairs findings.
2. Executive Director McDermott verbally provided her assessment and observation for OIS Case #23-0050102.
3. Commander Norris verbally presented his assessment and review for OIS Case #23-0050102.
4. Chair Calderon facilitated Board member feedback on the OIS Case #23-0050102.
5. **Motion.** A motion was made by Chair Calderon that the Civilian Police Oversight Advisory Board affirms and upholds the findings of APD IAPS Investigation for APD Case #23-0050102. The motion was seconded by Member Bolyanatz. The motion was carried by a unanimous vote.

For: 5 – Budanauro, Bolyanatz, Calderon, Oliver, Wymark

b. APD Case #23-0051644 - *Zander Bolyanatz*

1. Member Bolyanatz gave a verbal summary of Officer-Involved Shooting (OIS) Case #23-0051644, noting the Internal Affairs findings.
2. Executive Director McDermott verbally provided her assessment for OIS Case #23-0051644.
3. Commander Norris verbally presented his assessment for OIS Case #23-0051644.
4. Managing Attorney Lindsey Rosebrough provided a legal update on OIS Case #23-051644, noting that the disciplined officers have appealed their discipline and the hearing officer's findings and facts of law were to overturn their termination. Ms. Rosebrough also mentioned that the case is pending and will heard before the personnel board.
5. Chair Calderon facilitated Board member feedback on the OIS Case #23-0051644.
6. **Motion.** A motion was made by Chair Calderon that the Civilian Police Oversight Advisory Board affirms and upholds the findings of APD IAPS

Investigation for APD Case #23-0051644. The motion was seconded by Member Bolyanatz. The motion was carried by a unanimous vote.

For: 5 – Budanauro, Bolyanatz, Calderon, Oliver, Wymark

c. APD Case #23-0057640 - *Rowan Wymark*

1. Vice Chair Wymark gave a verbal summary of Officer-Involved Shooting (OIS) Case #23-0057640, noting the Internal Affairs findings.
2. Executive Director McDermott verbally provided her assessment for OIS Case #23-0057640.
3. Chair Calderon facilitated Board member feedback on the OIS Case #23-0057640.
4. **Motion.** A motion was made by Chair Calderon that the Civilian Police Oversight Advisory Board affirms and upholds the findings of APD IAPS Investigation for APD Case #23-0057640. The motion was seconded by Member Budanauro. The motion was carried by a unanimous vote.

For: 5 – Budanauro, Bolyanatz, Calderon, Oliver, Wymark

IX. Appeal [Standing Item]

- i. 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.
 - a. None.

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

- a. None.

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.
 - i. None.

XII. Report from CPOAB Subcommittee:

- a. **Policy and Procedure Review Subcommittee – *Gail Oliver***

1. The meeting was held on January 2, 2025, at 3 p.m.
2. Update on APD Policy Meetings
3. The next meeting is on February 6, 2025, at 3 p.m.
 - i. The chair of the Policy and Procedure Review subcommittee reported that a meeting was held on January 2, 2025, and the next meeting will be on February 6, 2025, at 3 p.m.
 - ii. The Executive Director noted that the next Policy and Procedure Review Subcommittee meeting, scheduled for February 6, 2025, may change.

XIII. Discussion and Possible Action:

a. APD First Aid Training Request – Zander Bolyanatz

1. Member Bolyanatz asked about the training APD officers receive for trauma-induced injuries and requested that the Board be provided with the written training materials related to this training.
2. Lieutenant Troy Nicko from the APD Academy will provide the Board with the requested training materials.

b. APD Policy

1. Recommendation(s):

A. SOP 2-2 (Formerly 3-75) Department Property

- i. CPOA Policy Analyst Emily Selch verbally presented policy recommendations for SOP 2-2.
- ii. **Motion.** A motion was made by Member Oliver to recommend to accept SOP 2-2 Department Property. The motion was seconded by Vice-Chair Wymark. The motion was carried by a unanimous vote.

For: 5 – Budanauro, Bolyanatz, Calderon, Oliver, Wymark

B. SOP 2-114 Foot Pursuit

- i. CPOA Policy Analyst Emily Selch verbally presented policy recommendations for SOP 2-114. (*See attached*)
- ii. Executive Director McDermott noted that the recommendation will also include the factor for consideration of “*knowing that they are armed.*”

- iii. **Motion.** A motion was made by Chair Calderon to approve the recommendations presented before the Board for SOP 2-114 Food Pursuit. The motion was seconded by Vice Chair Wymark. The motion was carried by a unanimous vote.

For: 5 – Budanauro, Bolyanatz, Calderon, Oliver, Wymark

2. No Recommendation(s):

- A. SOP 1-4 (Formerly 1-03) Bias-Based Policing and or Profiling
 - i. There were no policy recommendations for SOP 1-4.
- B. SOP 1-13 (Formerly 5-3) Armed Robbery Unit
 - i. There were no policy recommendations for SOP 1-13.
- C. SOP 1-16 (Formerly 5-11) Auto Theft Unit
 - i. There were no policy recommendations for SOP 1-16
- D. SOP 1-96 (Formerly 1-92) Crisis Negotiation Team (CNT)
 - i. There were no policy recommendations for SOP 1-96.
- E. SOP 2-44 (Formerly 2-49) Traffic and Roadway Services
 - i. There were no policy recommendations for SOP2-44.
- F. SOP 2-62 (Formerly 1-06) Criminal Background Investigation
 - i. There were no policy recommendations for SOP 2-62.
- G. SOP 3-20 Timesheets, Overtime, Compensatory Time, and Work Shift Designation
 - i. There were no policy recommendations for SOP 3-20.
- H. SOP 3-32 Performance Evaluations
 - i. There were no policy recommendations for SOP 3-32.

XIV. Other Business

- a. APD Call Response Time Presentation Update
 - 1. Executive Director McDermott stated that APD is available to present information on call response times at the Board meeting in February 2025.
- b. Member Bolyanatz inquired about the officer's well-being protocols. The CPOA will compile a list of services and training available for Officers and Cadets.

XV. Adjournment- *The next regularly scheduled Board meeting is to be determined.*

- a. Chair Calderon announced that the next Board meeting will be held in February 2025, but the date and location have yet to be determined.

b. **Motion.** A motion was made by Chair Calderon to adjourn the meeting. The motion was seconded by Member Budanauro. The motion was carried by a unanimous vote.

For: 5 – Budanauro, Bolyanatz, Calderon, Oliver, Wymark

c. The meeting was adjourned at 7:47 p.m.

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ATTACHMENTS

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