

## **CIVILIAN POLICE OVERSIGHT ADVISORY BOARD**

*Aaron Calderon, Chair*

*Rowan Wymark, Vice Chair*

*Zander Bolyanatz*

*Shama Newton*

*Gail Oliver*

Diane McDermott, Executive Director

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-03-14-2024>. The GOVTV live stream can be accessed from most smartphones, tablets, or computers at these addresses.

## **BOARD AGENDA**

**Thursday, March 14, 2024 – 5:00 PM**

**Vincent E. Griego Chambers**

- I. Welcome, call to order and roll call** – *Aaron Calderon, Chair*
- II. Pledge of Allegiance** – *Aaron Calderon, 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. February 8, 2024**
- VI. Appeals**
  - a. CPC #227-22**
    - i. Hearing on CPC #227-22**
    - 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.**
  - b. CPC #297-22**
    - i. Hearing on CPC #297-22**
    - 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. Discussion and Possible Action**
  - a. Establishment of Reports from City Staff**
  - b. Subcommittee meeting date and time**
    - 1. Policy and Procedure Review**
    - 2. Ad-Hoc Rules Committee**
- VIII. Serious Use of Force/Officer-Involved Shooting Cases**
- IX. CPOA Board's Review of Garrity Materials:**
- X. Meeting with Counsel re: Pending Litigation or Personnel Issues:**
  - Discussion and Possible Action re: Pending Litigation or Personnel Issues**
    - i. 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.**
- XI. Other Business**
- XII. Adjournment- *The next regularly scheduled Board meeting will be held on April 11, 2024, at 5:00 p.m. in the Vincent E. Griego Chambers***

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT ADVISORY BOARD

*Aaron Calderon, Chair*

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*Zander Bolyanatz*

*Gail Oliver*

*Shama Newton*

*Diane McDermott, Executive Director*

March 18, 2024

Via Email

**Re: Notice of Decision CPC # 297-22**

### **COMPLAINT:**

PO Box 1293

Ms. S an appeal hearing was scheduled for March 14, 2024, at 5 pm, following your initial appeal submitted on June 21, 2023. In preparation for the hearing, all relevant materials were sent on February 22, 2024.

Albuquerque

Regrettably, you were not in attendance for the scheduled appeal hearing, neither virtually nor in-person. It's 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 directors' findings based on the criteria outlined below on page 3.

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **EVIDENCE CONSIDERED:**

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: Detective "B"

New Evidence Reviewed: None

Date Hearing Completed: March 14, 2024



**APPEAL FINDINGS**

Policy upheld:            General Order 1.1.4.A

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.C.3

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 findings of the director are upheld, reinforcing the integrity and thoroughness of the investigation.

**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:**

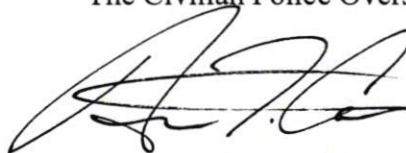
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

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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*Diane McDermott, Executive Director*

March 18, 2024

Via Email

**Re: Notice of Decision CPC # 227-22**

### **COMPLAINT:**

PO Box 1293

Mrs. R an appeal hearing was scheduled for March 14, 2024, at 5 pm, following your initial appeal submitted on March 27, 2023. In preparation for the hearing, all relevant materials were sent on February 22, 2024.

Albuquerque

Regrettably, you were not in attendance for the scheduled appeal hearing, neither virtually nor in-person. It's 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 directors' findings based on the criteria outlined below on page 3.

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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 "S"

New Evidence Reviewed: None

Date Hearing Completed: March 14, 2024



## APPEAL FINDINGS

Policy upheld: 1.1.5.A.2

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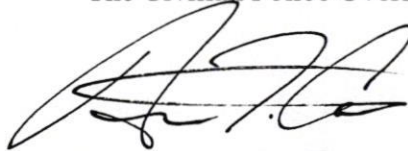
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