

Civilian Police Oversight Agency Board

Patricia J. French, Chair *Jesse Crawford, Vice-Chair* *Greg Jackson*
Angela Luce *Eric Nixon* *Rashad Raynor*
Michael Wartell
Deirdre Ewing, Executive Director

Thursday, December 8, 2022 - 5:00 p.m.

Members Present:

Patricia J. French, Chair
Jesse Crawford, Vice Chair
Greg Jackson
Angela Luce
Eric Nixon
Rashad Raynor
Michael Wartell

Members Absent:

Others Present:

Deirdre Ewing, CPOA
Valerie Barela, CPOA
Tina Gooch, CPOA/CPOAB Legal Counsel
Cmdr. Sean Watie, APD
Acting Cmdr. Mark Landavazo, APD
Deputy Cmdr. Anthony Maez, APD
Carlos Pacheco, Sr. Managing City Atty
Chris Sylvan, City Council
Kelly Mensah, CPC
Marteessa Billy, CPC
Stephen Rickman, IMT
Aja Brooks, DOJ
Jim Larson, Complainant CPC 087-22
Joseph Estrada, Complainant CPC 128-22

Attendance: In response to the Public Health Emergency, the Civilian Police Oversight Agency (CPOA) Board meeting on Thursday, December 8, 2022, at 5:00 p.m. will be held via Zoom video conference.

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/cpoa-board-meeting-12-08-2022>. (Please note that the link for YouTube has not yet been generated, however, the link could easily be found on the link provided above prior to the start of the meeting). The GOVTV live stream can be accessed at these addresses from most smartphones, tablets, or computers.

The video recording of this and all past meetings of the CPOA Board will also remain available for viewing at any time on the CPOA's website. CPOA Staff is available to help members of the public access pre-recorded CPOA meetings online at any time during normal business hours. Please email CPOA@cabq.gov for assistance.

Public Comment: The agenda for the meeting will be posted on the CPOA website by 5:00 p.m., Monday, December 5, 2022, at www.cabq.gov/cpoa.

The CPOA Board will take general public comment and comment on the meeting's specific agenda items in written form via email through 4:00 p.m. on Thursday, December 8, 2022. Submit your public comments to: POB@cabq.gov. These comments will be distributed to all CPOA Board members for review.

Minutes

I. Welcome and call to order. Chair French called to order the regular meeting of the Civilian Police Oversight Agency Board at 5:03 p.m.

II. Roll Call

a. A roll call vote of Board members present was taken. Chair French, Vice-Chair Crawford, Members Jackson, Luce, Nixon, Raynor and Wartell were present. CPOA Administrative Assistant, Valerie Barela announced others present.

III. Approval of Consent Agenda. The CPOA Executive Director's findings in each case listed on the consent agenda have been provided to the CPOA Board for their information. The findings become part of the officer's file, if applicable. Copies of the full findings letters to the citizens are located at

<http://www.cabq.gov/cpoa/findings-letters/civilian-complaints-pob-findings>

a. Administratively Closed

173-22

b. Exonerated

063-22

043-22

112-22

157-22

162-22

171-22

c. Unfounded

144-22

166-22

180-22

183-22

d. Exonerated and Unfounded

147-22

e. Not Sustained

103-22

1. Motion. A motion by Member Wartell to approve the Consent Agenda. A roll call vote was taken. Motion passed.

For: 7 – Crawford, French, Jackson, Luce, Nixon, Raynor, Wartell

IV. Approval of the Agenda

- a. Motion.** A motion by Chair French to amend and move agenda item XV to item XIII and approve as amended. A roll call vote was taken. Motion passed.

For: 7 – Crawford, French, Jackson, Luce, Nixon, Raynor, Wartell

V. Cases pulled from Consent Agenda

- a.** None.

VI. Review and Approval of Minutes from November 10, 2022 Regular Meeting and November 14, 2022 Special Meeting

- a. Motion.** A motion by Member Jackson to approve the minutes from November 10, 2022 regular meeting and the November 14, 2022 special meeting. A roll call vote was taken. Motion passed.

For: 7 – Crawford, French, Jackson, Luce, Nixon, Raynor, Wartell

VII. Public Comment

- a.** None.

VIII. Reports from City Departments

a. APD

- 1. IA Professional Standards Division (SOP 7-1, SOP 3-41, SOP 3-46) – Acting Commander Mark Landavazo – Acting Commander Mark Landavazo** reported on the Statistical Data for the month of November 2022. A document titled *Civilian Police Oversight Board, Internal Affairs Professional Standards Division Statistical Data for the Month of November 2022* was distributed to CPOA Board members electronically. (see attached)

- 2. IA Force Division (SOP 2-52 through SOP 2-57) – Commander Scott Norris Commander Scott Norris – Deputy Commander Anthony Maez** screen-shared a PowerPoint presentation and reported on the Statistical Data for the month of November 2022. A document titled *Civilian Police Oversight Board, Internal Affairs Force Division Statistical Data for the Month of November 2022* and

a PPT titled *Internal Affairs Force Division Force Data Report November 2022* was distributed to CPOA Board members electronically. (see attached)

b. City Council – Chris Sylvan

1. City Council Representative – Chris Sylvan gave a verbal report on the following:

- City Council staff will be interviewing two more candidates for the CPOA Board on December 15, 2022
- M-22-6 (a memorial) asking the New Mexico Legislature to reinstate qualified immunity passed the City Council on a 5-4 vote
- City Council’s December 13, 2022 meeting was canceled

c. Public Safety Committee - Chris Sylvan

1. Public Safety Representative – Chris Sylvan gave a verbal report on the following:

- EC-22-161 Mayor’s recommendation of an award for DNA testing and analysis services went to the full City Council and passed
- R-22-75 establishing a tip line program for reporting of used or illegally possessed firearms was moved to the next Public Safety meeting

d. Mayor’s Office – Pastor David Walker

1. No one present from the Mayor’s Office.

e. City Attorney – Carlos Pacheco

1. Senior Managing Attorney – Carlos Pacheco was present and had nothing to report at this time.

f. CPC – Kelly Mensah

1. Community Policing Council Liaison - Kelly Mensah gave a verbal report.

g. APOA – Detective Shaun Willoughby, APOA President

1. No one was present from the APOA.

h. CPOA – Deirdre Ewing, Executive Director

1. Executive Director Deirdre Ewing gave a verbal report on the following:
 - The CPOA received 22 new complaints since the last Board meeting, 19 Driving complaints, and 2 commendations
 - Memo from City Legal related to the printing of SOPs
 - Board’s Audit responsibilities
2. The CPOA Board, Deirdre Ewing, Tina Gooch, and Carlos Pacheco had discussions related to the Board’s Audit responsibilities. And Chair French noted the topic will be further discussed during the monitor’s meeting with the Board on December 9, 2022.

IX. Appeal Hearing, Deliberations, and Action:

CPC 087-22

1. Complainant Jim Larson was provided 15 minutes to present his case.
2. No APD officer was present.
3. Commander Sean Watie on behalf of APD was provided 10 minutes to speak.
4. Ms. Ewing on behalf of the CPOA was provided 10 minutes to speak.
5. Complainant Jim Larson was provided an additional 5 minutes to speak.

- a. Closed discussion for deliberations by the CPOA Board in connection with an administrative adjudicatory proceeding pursuant to NMSA 1978, Section 10-15-1(H)(3) related to case CPC 087-22**

i. Motion. A motion by Member Jackson to move into a closed session for the limited purpose of deliberations by the CPOA Board pursuant to NMSA 1978, Section 10-15-1 (H)(3). A roll call vote was taken. Motion passed.

For: 7 – Crawford, French, Jackson, Luce, Nixon, Raynor, Wartell

*****Closed session meeting on administrative adjudicatory proceeding began at 5:55 p.m. and the meeting reconvened at 6:35 p.m.*****

ii. Motion. A second motion by member Jackson to reconvene into open session. A roll call vote was taken. Motion passed.

For: 7 – Crawford, French, Jackson, Luce, Nixon, Raynor, Wartell

iii. Chair French stated for the record that no matters were discussed in the closed session other than deliberations related to CPC 087-22.

iv. Motion. A final motion by Vice Chair Crawford that the Board upload the original findings of the CPOA. A roll call vote was taken. Motion passed.

For: 7 – Crawford, French, Jackson, Luce, Nixon, Raynor, Wartell

X. Appeal Hearing, Deliberations, and Action:

CPC 065-22

a. Closed discussion for deliberations by the CPOA Board in connection with an administrative adjudicatory proceeding pursuant to NMSA 1978, Section 10-15-1(H)(3) related to case CPC 065-22

i. Motion. A motion by Vice-Chair Crawford to move appeal hearing, deliberations and action for CPC 065-22 to the end the of the agenda. A roll call vote was taken. Motion passed.

For: 7 – Crawford, French, Jackson, Luce, Nixon, Raynor, Wartell

- ii. The Board, Tina Gooch and Deirdre Ewing had discussions on how to proceed with the appeal hearing, deliberations and action for CPC 065-22.
- iii. **Motion.** A motion by Vice Chair Crawford to table appeal hearing, deliberations, and action for CPC 065-22 due to the late hour of 10:00 p.m. to the next regularly scheduled CPOA Board meeting. A roll call vote was taken. Motion passed.

For: 7 – Crawford, French, Jackson, Luce, Nixon, Raynor, Wartell

XI. Appeal Hearing, Deliberations, and Action:

CPC 128-22

1. Complainant Joseph Estrada was provided 15 minutes to present his case.
2. No APD officer was present.
3. Commander Sean Watie on behalf of APD was provided 10 minutes to speak.
4. Ms. Ewing on behalf of the CPOA was provided 10 minutes to speak.
5. Complainant Joseph Estrada was provided an additional 5 minutes to speak.

b. Closed discussion for deliberations by the CPOA Board in connection with an administrative adjudicatory proceeding pursuant to NMSA 1978, Section 10-15-1(H)(3) related to case CPC 128-22

- i. **Motion.** A motion by Member Raynor to move into a closed session for the limited purpose of deliberations by the CPOA Board pursuant to NMSA 1978, Section 10-15-1 (H)(3). A roll call vote was taken. Motion passed.

For: 7 – Crawford, French, Jackson, Luce, Nixon, Raynor, Wartell

*****Closed session meeting on administrative adjudicatory proceeding began at 7:19 p.m. and the meeting reconvened at 8:11 p.m.*****

- ii. **Motion.** A second motion by member Wartell to reconvene into open session. A roll call vote was taken. Motion passed.

For: 7 – Crawford, French, Jackson, Luce, Nixon, Raynor, Wartell

- iii. Chair French stated for the record that no matters were discussed in the closed session other than deliberations related to CPC 128-22.

- iv. **Motion.** A final motion by Vice Chair Crawford that the Board changes the CPOA findings in CPC 128-22 to a sustained finding violation of SOP 2-60-4 by Sgt. G. A roll call vote was taken. Motion passed.

For: 7 – Crawford, French, Jackson, Luce, Nixon, Raynor, Wartell

- v. Vice Chair Crawford elaborated on the Board’s decision and gave a brief explanation of their sustained findings for Sgt. G.

*****A fifteen-minute break began at 8:16 p.m. and**

the meeting reconvened at 8:31 p.m.***

XII. Discussion, Updates, and Possible Action:

**a. Consideration of PPRB Policies with No Recommendation: -
*Jesse Crawford***

- 1. Vice Chair Crawford screen-shared the policies that the Policy and Procedure Review Subcommittee recommended a no recommendation.
- 2. **Motion.** A motion by Vice Chair Crawford that the CPOA Board communicate to APD that the Board has no recommendations on the policies that were approved at the PPRB meetings on Nonmember 10, 2022 and November 28, 2022. A roll call vote was taken. Motion passed. (see attached)

For: 7 – Crawford, French, Jackson, Luce, Nixon, Raynor, Wartell

b. APD Policy Recommendation Draft Letter - *Jesse Crawford*

1. Vice Chair Crawford screen-shared the draft Policy Recommendation Letter for SOP 2-65 an SOP 3-6 and discussed the contents of the recommendation.
2. **Motion.** A motion by Vice Chair Crawford that the Board sends the letter to the Chief of Police and other stakeholders via CPOA staff. A roll call vote was taken. Motion passed. (see attached)

For: 7 – Crawford, French, Jackson, Luce, Nixon, Raynor, Wartell

c. IMR-16 Court Hearing Update – Tina Gooch, CPOA/CPOAB Legal Counsel

1. Tina Gooch noted that she had provided a summary of the hearing to the Board.

d. Hard Copy of SOP – Rashad Raynor

1. The Board, Deirdre Ewing, and Carlos Pacheco had discussions related to the memo received from City Legal regarding the printing of SOPs and the logistics involved. (See attached)
2. Member Crawford downloaded a full set of the SOPs from PowerDMS and will forward the SOPs in PDF format to the Board.

e. Annual Training Status Update – Tina Gooch, CPOA/CPOAB Legal Counsel, and Mike Wartell

1. Tina Gooch provided an update on the annual trainings that she will be providing to the Board and that Member Wartell and herself is working with City Legal and their portions of their training.
2. Ms. Gooch reiterated to the Board that the ride-along is now back in effect and has to occur.
3. Member Wartell inquired into a motion that was passed by the Board at the October 13, 2022 Board meeting to draft a letter notifying City Legal that the annual training is all that is required of the CASA.

4. Chair French noted that there is a new ride-along form and that Board was not notified of the required Citizen Police Academy (CPA) that begun in August.

f. Semi-Annual Audit - Patricia J. French

1. Ms. Ewing provided an update on the semi-annual audit in her Executive Director's report and the Board will further discuss at the next regularly scheduled CPOA Board meeting.

g. Recommended Changes to CASA – Tina Gooch, CPOA/CPOAB Legal Counsel, and Mike Wartell

1. Tina Gooch provided an update and read aloud an email she forwarded to City Legal related to recommended changes to the CASA and will follow-up with City Legal for a response.

h. Acceptance of Executive Director Resignation – Patricia J. French

1. **Motion.** A motion by Chair French to accept the Executive Director's Resignation. A roll call vote was taken. Motion passed. (See attached)

For: 7 – Crawford, French, Jackson, Luce, Nixon, Raynor, Wartell

XIII. Review of Cases (approval of recommended discipline). The CPOA Board has approved or modified any disciplinary recommendations. The findings become part of the officer's file, if applicable. Copies of the full findings letters to the citizens are located at <http://www.cabq.gov/cpoa/findings-letters/civilian-complaints-pob-findings>

a. Sustained Violation Not Based on Original Complaint, Exonerated and Unfounded

165-22 169-22

1. **Motion.** A motion by Member Jackson to approve the Civilian Police Oversight Agency's recommended discipline for sustained violation not based on original complaint CPC 165-22 case. A roll call vote was taken. Motion passed.

For: 7 – Crawford, French, Jackson, Luce, Nixon, Raynor, Wartell

2. **Motion.** A motion by Chair French to approve the Civilian Police Oversight Agency's recommended discipline for sustained CPC 169-22 case. A roll call vote was taken. Motion passed.

For: 7 – Crawford, French, Jackson, Luce, Nixon, Raynor, Wartell

**b. Sustained and Sustained Violation Not Based on Original Complaint
161-22 184-22**

1. **Motion.** A motion by Chair French to approve the Civilian Police Oversight Agency's recommended discipline for sustained and sustained violation not based on original complaint CPC 161-22 case. A roll call vote was taken. Motion passed.

For: 7 – Crawford, French, Jackson, Luce, Nixon, Raynor, Wartell

2. **Motion.** A motion by Chair French to approve the Civilian Police Oversight Agency's recommended discipline for sustained and sustained violation not based on original complaint CPC 184-22 case. A roll call vote was taken. Motion passed.

For: 7 – Crawford, French, Jackson, Luce, Nixon, Raynor, Wartell

XIV. Non-Concurrence Cases

- a. 100-22
- b. 116-22
- c. 135-22
- d. 154-22

1. Deirdre Ewing brought to the Boards attention two unusual non-concurrences and noted that APD made a change in how they are interpreting the 120-day review period and up until recently, APD provided the CPOA with 120-days to complete their investigations and counted the Director's reviews time as part of their (APD) review

time. And that due to a Labor Board decision, the CPOA Director's review time is now included within the 120-day review period only.

XV. Reports from Subcommittees

a. Policy and Procedure Review – *Jesse Crawford*

1. Met December 1, 2022 (video conference)
2. Chair Crawford of the Policy and Procedure Review Subcommittee reported that the Policy and Procedure Subcommittee met on December 1, 2022.
3. Next meeting is on January 5, 2023, at 5:30 p.m.

XVI. Old Business

- a. Carlos Pacheco acknowledged Deirdre Ewing's resignation and stated that he enjoyed working with her.

XVII. New Business

- a. Chair French reminded the Board that their meeting with the monitor is scheduled for 9:30 a.m. on December 9, 2022 at Plaza Del Sol. Deirdre Ewing forward the zoom invite for this meeting to all Board members.

XVIII. Adjournment

- a. The meeting adjourned at 10:04 p.m.

A special meeting will be held on December 12, 2022, at 5:00 p.m., and the next regularly scheduled CPOA Board meeting will be on January 12, 2023, at 5:00 p.m.

APPROVED:



Patricia J. French, Chair
Civilian Police Oversight Agency Board

January 9, 2023
Date

CC: Julian Moya, City Council Staff
Ethan Watson, City Clerk
Pat Davis, City Council President (via email)

Minutes drafted and submitted by:
Valerie Barela, Administrative Assistant

Attachments

CIVILIAN POLICE OVERSIGHT BOARD

INTERNAL AFFAIRS PROFESSIONAL STANDARDS DIVISION
STATISTICAL DATA FOR THE MONTH OF **November 2022**

INTERNAL CASES FOR THE MONTH OF NOVEMBER 2022

Total Internal Cases Completed in the month of **November 2022**- 46

38 completed cases (sent out to the area command)

1. Internal Affairs Cases opened in the month of **November 2022**: 28
 2. Area Command IA cases opened for the month of **November 2022**: 28
 3. Pending IA Cases for the month of **November 2022**: 55
 4. Internal Cases Mediated: **0**
-

DISCIPLINE IMPOSED FOR INTERNAL CLOSED CASES IN NOVEMBER 2022

I-241-22

1-1-6-C-1 Obey All Department and Supervisory Orders

Sustained

Written Reprimand

2-60-4-A-5-b Preliminary Investigations

Sustained

Verbal Reprimand

2-52-6-A-5 Use of Force Procedures

Unfounded

None

1-46-4-C-6-c Responsibilities

Sustained

NDCA

1-1-6-C-1 Obey All Department and Supervisory Orders

Exonerated

None

2-52-6-A-5 Use of Force Procedures
Sustained
NDCA

2-60-4-A-5-b Preliminary Investigations
Sustained
NDCA

1-1-6-A-6-a Honesty, Integrity, and Accountability
Sustained
Suspension

1-1-6-A-1 Honesty, Integrity, and Accountability
Sustained
Suspension

2-71-4-A-1 Authority to Make an Arrest, Search, or Seizure
Sustained
Suspension

2-52-6-A-5 General Procedures
Sustained
Suspension

2-55-4-D-1 De-Escalation Techniques and Guidelines
Sustained
Suspension

2-56-5-A-1-c Duty to Provide Medical Attention and Transportation
Sustained
Suspension

2-82-4-B-1-b Restraints and Protective Devices
Sustained
Written Reprimand

2-60-4-A-1 Preliminary Investigations
Sustained
Verbal Reprimand

I-331-22

2-16-5-C-1 Timeliness of Reports

Sustained

Suspension

2-54-3-A-3 Requirements to Carry and Qualify

Sustained

Suspension

1-1-6-C-3 Insubordination

Sustained

Suspension

I-333-22

1-1-4-A-2-b Authority of Federal, State, and Local Laws and Regulations

Exonerated

None

I-340-22

2-8-5-A Mandatory Recording

Exonerated

None

2-6-4-A-1-a-i Authority for Code Response

Not Sustained

None

2-5-4-A-2

General Procedures for Department-Issued Vehicles

Exonerated

None

I-345-22

2-5-4-G-1 General Procedures for Department-Issued Vehicles

Not Sustained

None

1-1-6-A-1 Honesty, Integrity, and Accountability

Unfounded

None

1-1-6-F-1 Substance Use and Abuse
Not Sustained
None

1-1-8-A Reporting Violations
Sustained
Suspension

2-5-4-G-1 General Procedures for Department-Issued Vehicles
Sustained
Dismissal

1-1-6-A-1 Honesty, Integrity, and Accountability
Sustained
Suspension

1-1-6-F-4 Substance Use and Abuse
Unfounded
None

1-1-4-A-2-a Authority of Federal, State, and Local Laws and Regulations
Not Sustained
None

1-1-6-F-1 Substance Use and Abuse
Sustained
Suspension

I-347-22

3-21-2-B-8 Scheduled and Unscheduled Leave
Sustained
NDCA

1-1-5-D-1 Reporting for Duty
Not Sustained
None

1-1-6-A-1 Honesty, Integrity, and Accountability
Exonerated
None

1-1-6-C-3 Professional Conduct While On- and Off-Duty
Unfounded
None

I-370-22

1-1-8-B Reporting Violations
Sustained
NDCA

1-1-6-C-3 Obey All Department and Supervisory Orders
Sustained
Suspension

1-1-5-C-3 Misconduct
Unfounded
None

1-1-6-A-1 Honesty, Integrity, and Accountability
Unfounded
None

1-5-4-A Rules and Responsibilities
Admin Closed
None

I-371-22

2-76-4-F-1 Court, Pretrials, MVD Hearing Attendance, and Missed Court
Sustained
Suspension

I-387-22

1-1-4-A-1-a Authority of Federal, State, and Local Laws and Regulations
Not Sustained
None

1-1-6-A-1 Honesty, Integrity, and Accountability
Sustained
Suspension

1-1-6-A-4 Honesty, Integrity, and Accountability

I-397-22

2-57-3-D-3-c Supervisor Documentation of Level 1 Use of Force

Sustained

Verbal Reprimand

I-398-22

2-57-3-C-1-e On-Scene Responsibilities of Supervisors Reviewing Use of Force

Sustained

Written Reprimand

1-35-6-A-2-b Call Responsibility

Sustained

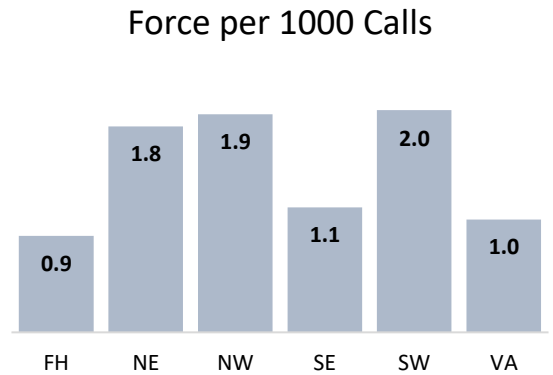
Verbal Reprimand

Civilian Police Oversight Agency Board

INTERNAL AFFAIRS FORCE DIVISION

STATISTICAL DATA FOR THE MONTH OF NOVEMBER 2022

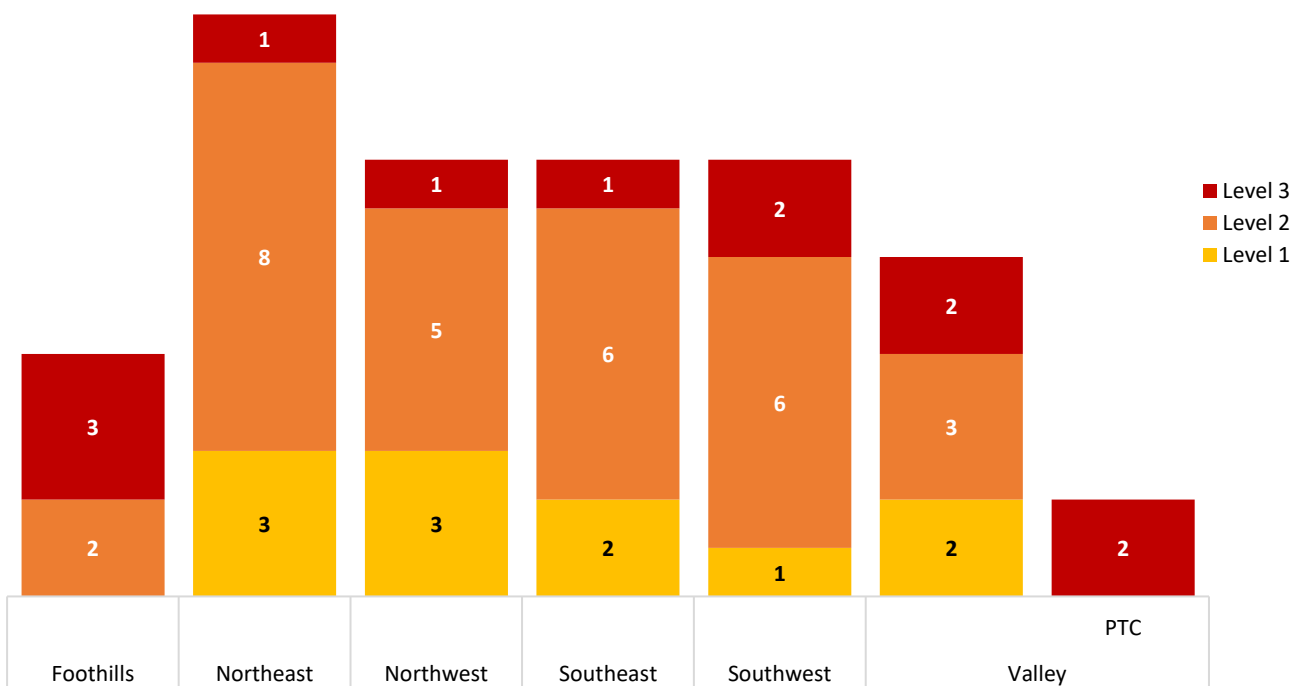
| | Level 1 | Level 2 | Level 3 | CADs | Total Force |
|--------------|-----------|-----------|-----------|--------------|-------------|
| Foothills | | 2 | 3 | 5881 | 5 |
| Northeast | 3 | 8 | 1 | 6611 | 12 |
| Northwest | 3 | 5 | 1 | 4681 | 9 |
| Southeast | 2 | 6 | 1 | 8164 | 9 |
| Southwest | 1 | 6 | 2 | 4594 | 9 |
| Valley | 2 | 3 | 2 | 7042 | 7 |
| PTC | | | 2 | | 2 |
| Total | 11 | 30 | 12 | 36973 | 53 |



Force cases are now categorized by three levels. If a case involves multiple applications of force, it is categorized as the most serious at the case level. These counts are not considered final as investigations are continuously updated.

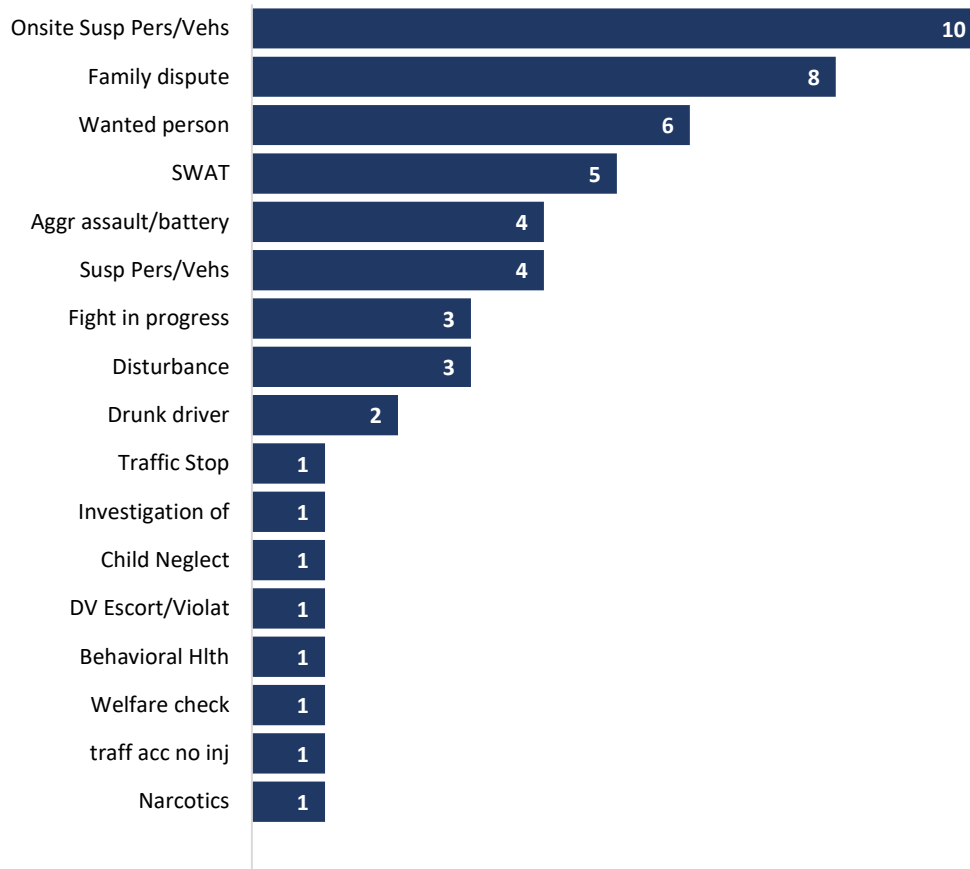
- Level 1 is force that is likely to cause only transitory pain, disorientation, or discomfort during its application as a means of gaining compliance. This includes techniques which are not reasonably expected to cause injury, do not result in actual injury, and are not likely to result in a complaint of injury (i.e., pain compliance techniques and resisted handcuffing). Pointing a firearm, beanbag shotgun, or 40 millimeter launcher at a subject, or using an ECW to “paint” a subject with the laser sight, as a show of force are reportable as Level 1 force. Level 1 force does not include interaction meant to guide, assist, or control a subject who is offering minimal resistance.
- Level 2 is force that causes injury, could reasonably be expected to cause injury, or results in a complaint of injury. Level 2 force includes use of an ECW, including where an ECW is fired at a subject but misses; use of a beanbag shotgun or 40 millimeter launcher, including where it is fired at a subject but misses; OC Spray application; empty hand techniques (i.e., strikes, kicks, takedowns, distraction techniques, or leg sweeps); and strikes with impact weapons, except strikes to the head, neck, or throat, which would be considered a Level 3 use of force.
- Level 3 is force that results in, or could reasonably result in, serious physical injury, hospitalization, or death. Level 3 force includes all lethal force; critical firearms discharges; all head, neck, and throat strikes with an object; neck holds; canine bites; three or more uses of an ECW on an individual during a single interaction regardless of mode or duration or an ECW application for longer than 15 seconds, whether continuous or consecutive; four or more strikes with a baton; any strike, blow, kick, ECW application, or similar use of force against a handcuffed subject; and uses of force resulting in a loss of consciousness.

November 2022 Force Events



Civilian Police Oversight Agency Board
INTERNAL AFFAIRS FORCE DIVISION
STATISTICAL DATA FOR THE MONTH OF NOVEMBER 2022

Call Types Associated with November 2022 Force Events

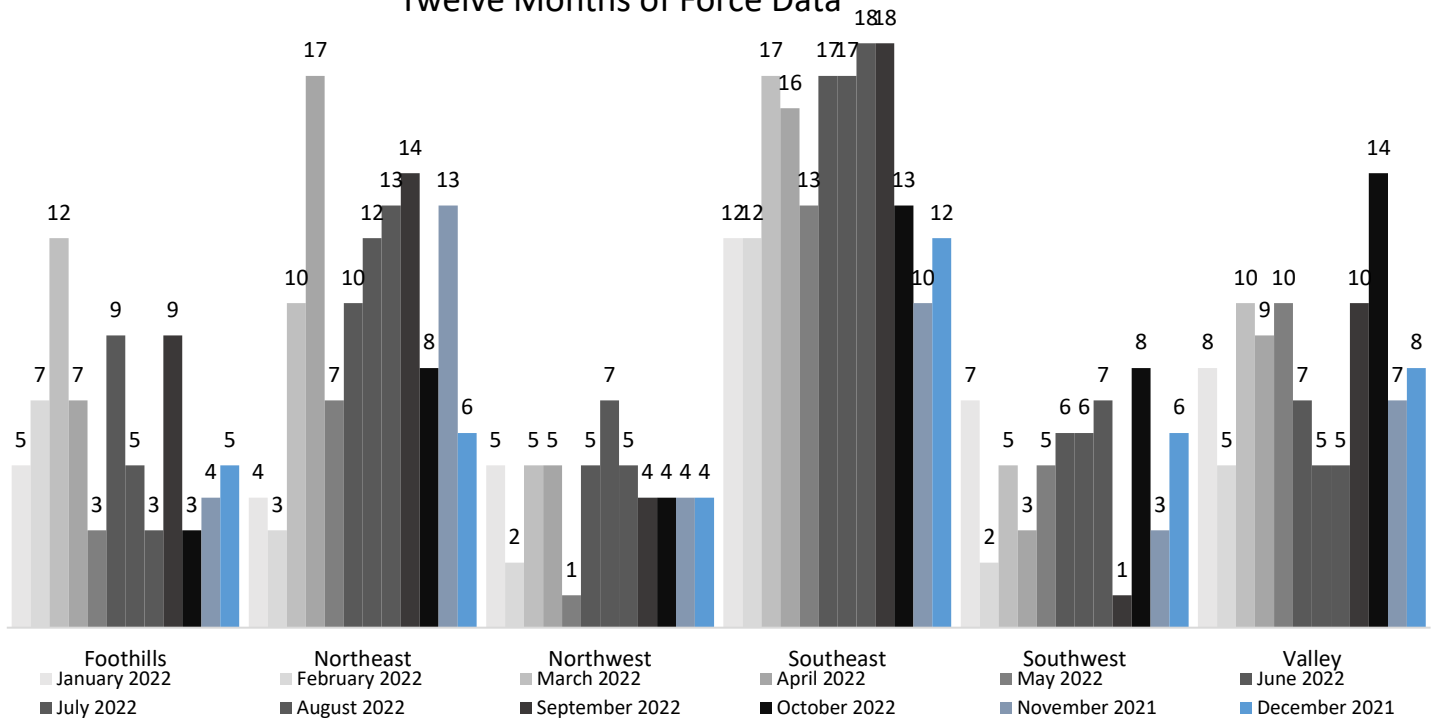


Civilian Police Oversight Agency Board

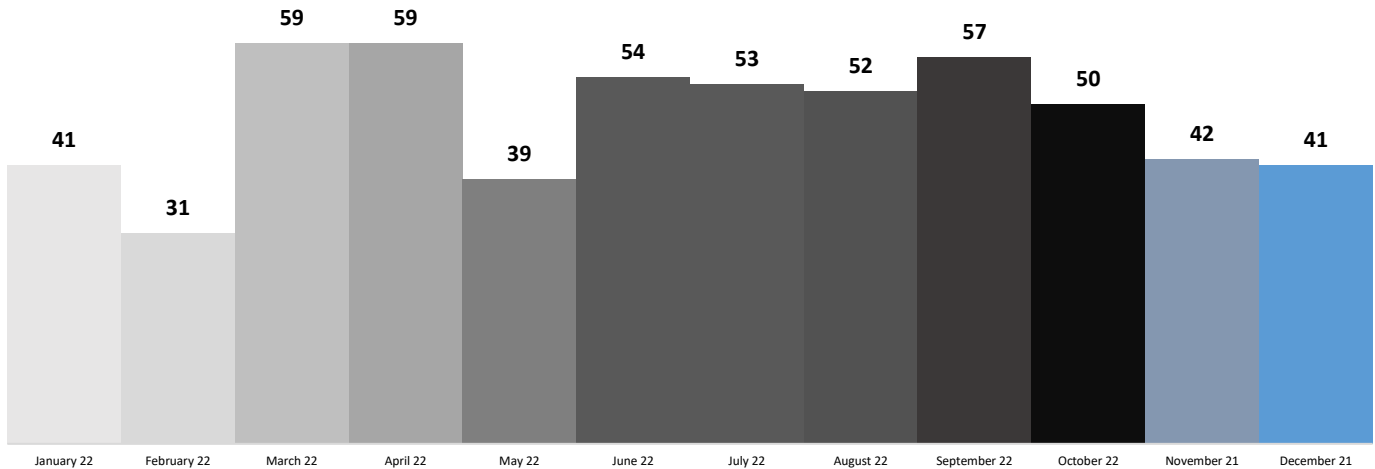
INTERNAL AFFAIRS FORCE DIVISION

STATISTICAL DATA FOR THE MONTH OF NOVEMBER 2022

Twelve Months of Force Data



Twelve Months of Force Data
(Includes Out of Area)





Internal Affairs Force Division

Force Data Report November 2022



Force Categorized Levels

- Level 1 is force that is likely to cause only transitory pain, disorientation, or discomfort during its application as a means of gaining compliance.
- Level 2 is force that causes injury, could reasonably be expected to cause injury, or results in a complaint of injury.
- Level 3 is force that results in, or could reasonably result in, serious physical injury, hospitalization, or death.

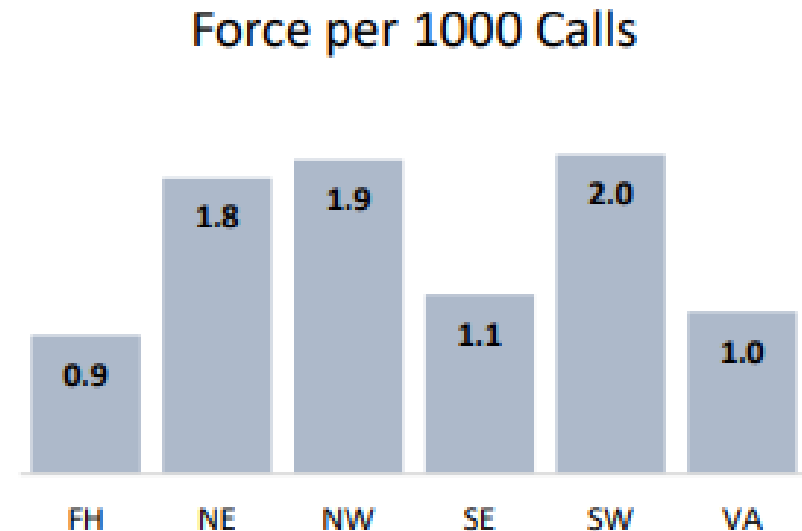
Statistical Data for the Month of November 2022

Civilian Police Oversight Agency Board

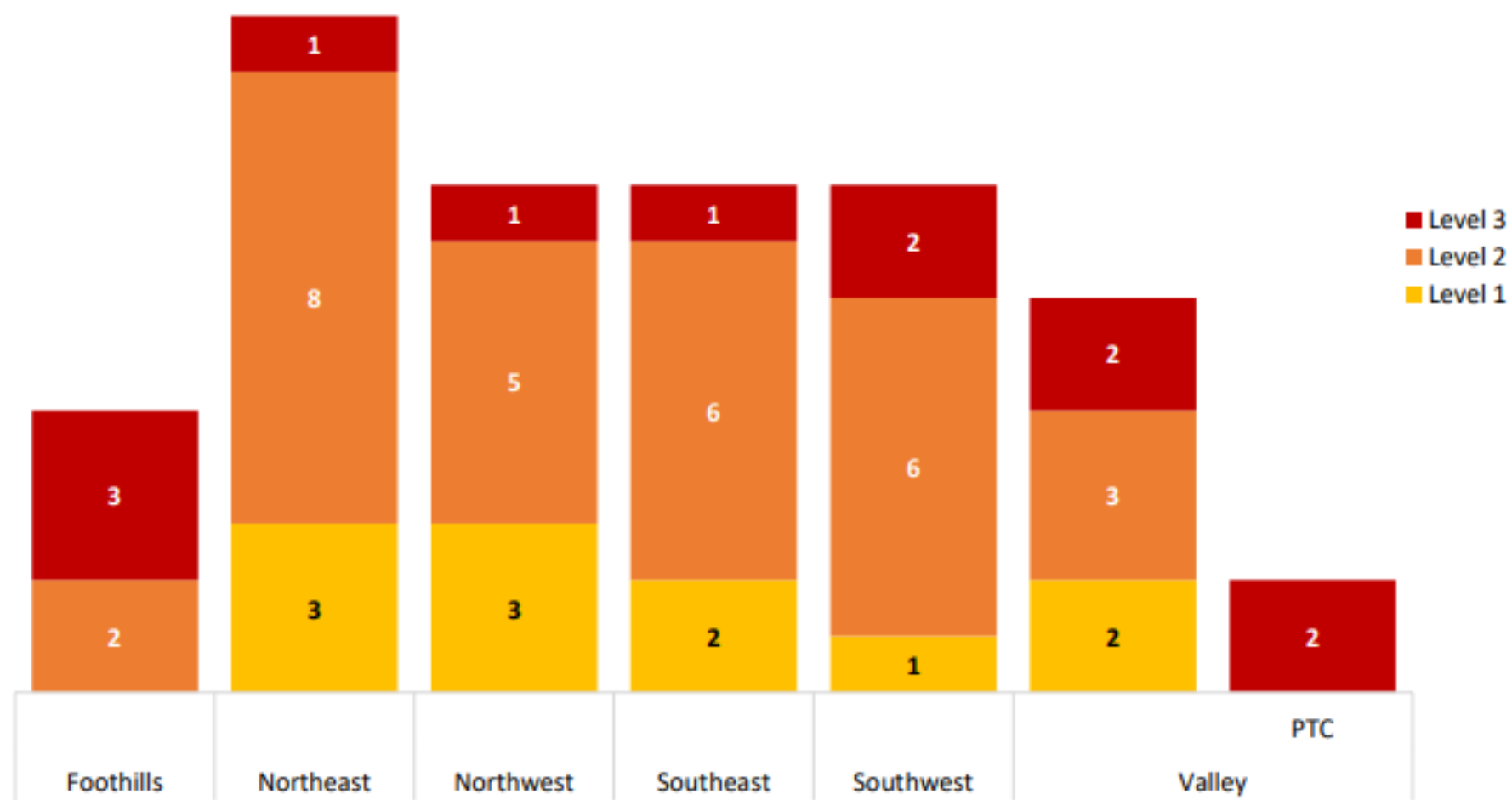
INTERNAL AFFAIRS FORCE DIVISION

STATISTICAL DATA FOR THE MONTH OF NOVEMBER 2022

| | Level 1 | Level 2 | Level 3 | CADs | Total Force |
|------------|---------|---------|---------|-------|-------------|
| Foothills | | 2 | 3 | 5881 | 5 |
| Northeast | 3 | 8 | 1 | 6611 | 12 |
| Northwest | 3 | 5 | 1 | 4681 | 9 |
| Southeast | 2 | 6 | 1 | 8164 | 9 |
| Southwest | 1 | 6 | 2 | 4594 | 9 |
| Valley | 2 | 3 | 2 | 7042 | 7 |
| <i>PTC</i> | | | 2 | | 2 |
| Total | 11 | 30 | 12 | 36973 | 53 |

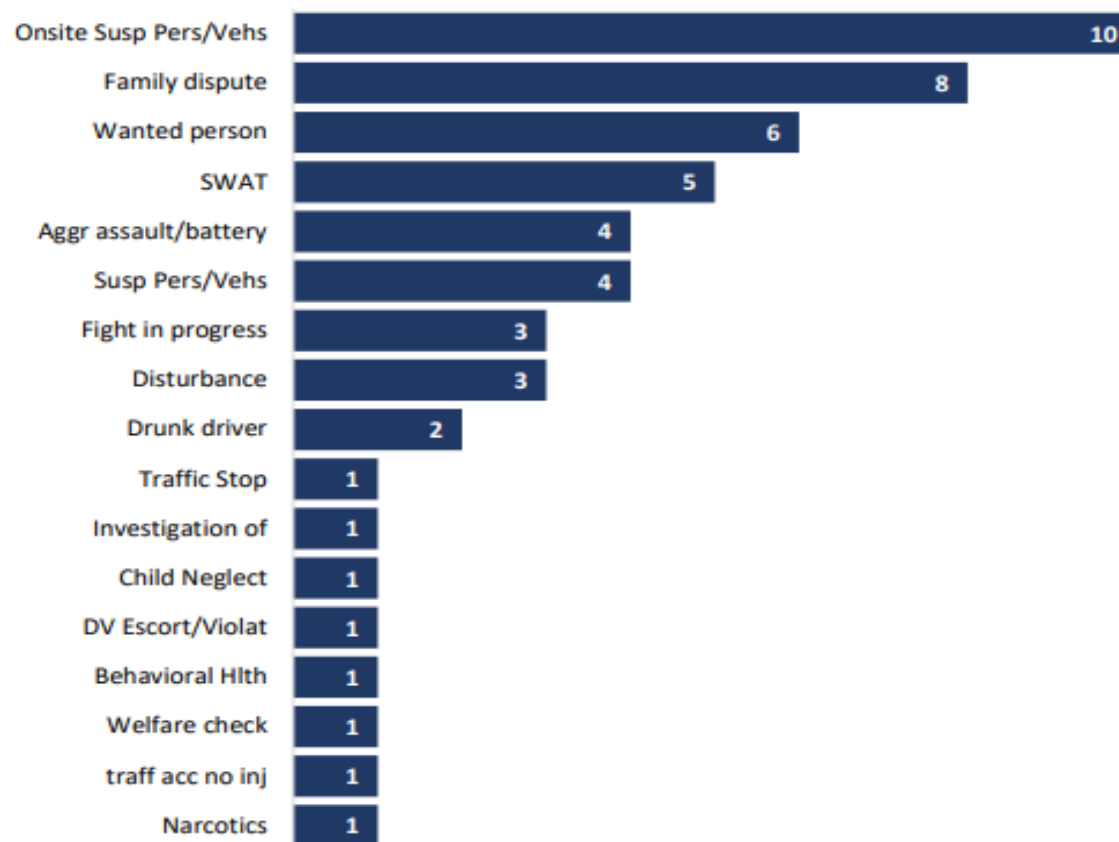


November 2022 Force Events



Civilian Police Oversight Agency Board
INTERNAL AFFAIRS FORCE DIVISION
STATISTICAL DATA FOR THE MONTH OF NOVEMBER 2022

Call Types Associated with November 2022 Force Events

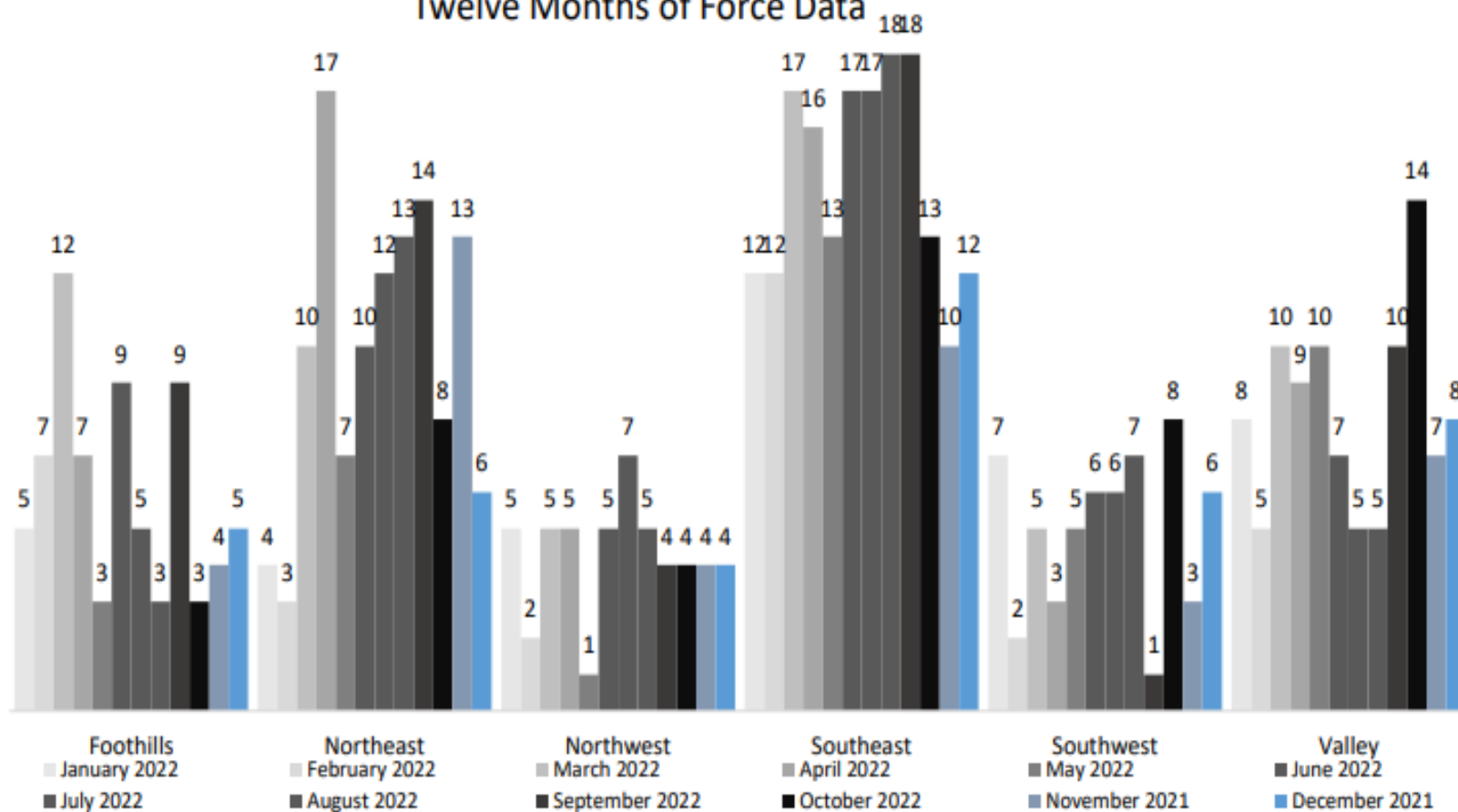


Civilian Police Oversight Agency Board

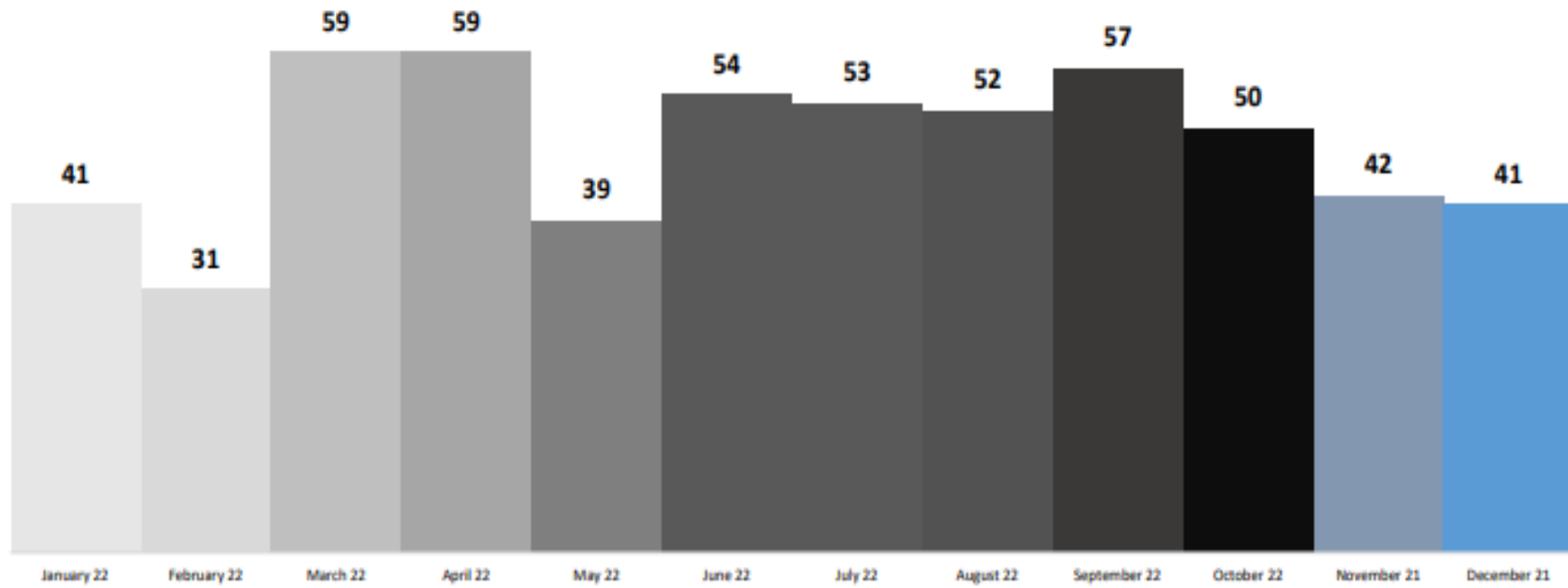
INTERNAL AFFAIRS FORCE DIVISION

STATISTICAL DATA FOR THE MONTH OF NOVEMBER 2022

Twelve Months of Force Data



Twelve Months of Force Data (Includes Out of Area)





Anthony Maez, MA
Deputy Commander
Albuquerque Police Department
Internal Affairs Force Division

PPRB Policies for Review – December 2022

P&P Meetings

- 2022-11-30
 - 1-31 Court Services Unit
 - 1-35 Crime Scene Specialists Unit
 - 1-75 Planning Division
 - 2-10 Use of Emergency Communications
 - 2-65 Lineups and Field Identifications
 - 2-68 Interviews and Interrogations
 - 2-72 Procedures for Serious Crimes Call-Outs
 - 2-86 Auto Theft and Motor Vehicle Theft Related Investigations
 - 2-113 Custom Notification Gun Buy-Back
 - 3-23 Retirement Observance
- 2022-12-14
 - 1-2 Social Media
 - 1-3 Grooming Standards
 - 1-5 Harassment/Sexual Harassment in the Workplace
 - 1-21 Bicycle Patrol
 - 1-22 Automated License Plate Reader Program
 - 2-5 Department Vehicles
 - 2-9 Use of Computer Systems
 - 2-84 Body Cavity Searches
 - 2-98 Gunshot Detection Procedure

PPRB Meetings

- 2022-11-23
 - 1-19 Shield Unit
 - 1-27 Cold Case Unit
 - 1-36 Officer Wellness Program
 - 1-54 Honor Guard Team
 - 2-1 Uniforms
 - 2-18 Contact with Individuals with Hearing, Speech, and/or Vision Impairments/Disabilities
 - 2-37 Meal Breaks

CPOA Review for Dec. 10

1-17 Aviation Division

- Minor language changes
- Additional measure for K9 protection

2-7 Damage to Civilian Property

- Clarifies broad definition of civilian property (commercial buildings, doors, gates, fences, etc).
- Clarification language
- Requirement to post a watch on damaged buildings clarified to apply only when the building cannot be secured first

2-66 Victim and Witness Assistance

- Language changes and expanded definitions of 7 critical factors
- Removes requirement that the Department provide transportation to victims/witnesses attending police requests when practical

2-69 Informants

- Minor administrative changes to approval process due to reorganization
- Requirement to reevaluate informants biannually
- Prohibition on use of OBRD to record interactions with informants

2-85 Certificates for Evaluation

- Minor language changes
- Increased flexibility on scheduling subsequent visits in attempt to detain a person

2-95 Under Cover High-Risk Vehicle Containment Procedures

- Single minor language change

2-112 Violence Intervention Program Call-In

- New definition of “gang” that requires a common name or symbol
- Administrative changes to involved units based on reorganization

CPOA Review for Dec. 28

1-19 Shield Unit

- Language changes
- Remove scope to review and approve reports
- Prohibits case preparation specialist contacting witnesses or other civilians directly
- Adds procedure for discovery on non-arrest cases when requested by sworn personnel

1-27 Cold Case Unit

- Longer policy statement
- Adds definition for Clearance

1-36 Department Personnel Wellness Program

- Minor language changes
- Policy that city health center abnormal mental health screening reports are sent to the behavioral sciences medical director only upon release by the employee

1-54 Honor Guard Team

- Honor guard team members can be removed for failure to appear at events or respond to requests
- Allows Honor Guard lieutenant to authorize a different uniform

2-1 Uniforms

- Clarified existing definitions
- Specifically requires field services bureau patch
- Procedure that new patches must be approved by the PPRB
- Requirement that personnel wear chevrons and collar devices
- Prohibitions on pins or insignia on department hats (previously, they had been permitted with chain of command approval)
- Changes to rank insignia descriptions
- Undercover officers must be prepared to wear a uniform when directed

- PRT personnel may wear a more relaxed uniform (polo shirt) with command authorization
- Expanded policy on external body armor carriers
- Expanded/clarified policy that firearm should be carried on strong side and ECW on weak side, even when using an external armor carrier

2-18 Contact with Individuals with Hearing, Speech, and/or Vision Impairments or Disabilities

- Language changes
- Expanded definitions
- Language changes and general revision of guidance for interacting with individuals

2-37 Meal Breaks

- General language revisions
- Clearer policy on multiple officers taking meal breaks at the same location



Civilian Police Oversight Agency Board

Civilian Police Oversight Agency Board

Patricia J. French, Chair *Jesse Crawford, Vice-Chair* *Greg Jackson*
Angela Luce *Eric Nixon* *Rashad Raynor*
Michael Wartell
Deirdre Ewing, Executive Director

December 8, 2022

Harold Medina, Chief of Police
Albuquerque Police Department
400 Roma NW
Albuquerque, NM 87102

Re: Recommendation SOP 2-65 Language Access Procedure and SOP 3-6 Language Access Policy

Dear Chief Medina:

Based on its review of policies approved by the Policies and Procedures Review Board in its November 13th, 2022 meeting, the Civilian Police Oversight Board recommends changes to policies 2-65, Language Access Procedure, and 3-6, Language Access Policy.

Clarifying Restrictions on Use of Non-Professional or Alternative Interpreters

2-65-5-A-1-b-i states:

Consistent with this SOP, if an LEP victim demands that person act as their interpreter, or if an LEP person demands that a victim act as their interpreter, Department personnel shall refuse the request and use Department provided interpretation.

www.cabq.gov Two pages later, 2-65-5-C states:

1. Department personnel may encounter non-emergency situations where an LEP person demands to use a language interpreter of their own choice and at their own cost, including professional interpreters, children, family, and friends.
 - a. Such demand shall require mandatory recording by Department personnel through their OBRD, consistent with SOP Use of On-Body Recording Devices (refer to SOP Use of On-Body Recording Devices for sanction classifications and additional duties).

2. Department personnel may comply with such a demand for child, family, friend, or other non-professional language interpretation only after:
 - a. Department personnel have clearly and affirmatively offered free, Department provided interpretation services to the LEP person via the telephonic language interpretation service or a Department QBI officer;
 - b. Department personnel have clearly and affirmatively explained the risks of using a child, family member, friend, or other non-professional interpreters to the LEP person; and
 - c. The LEP person still voluntarily and affirmatively chooses to use the language interpreter of their choice, even with the knowledge that their choice of a child, family member, friend, or other non-professional interpreters may impact the contact of the interpretation and any subsequent legal proceedings.

These two sections appear to contradict each other: 2-65-5-A-1-b-i is a complete prohibition of the activity that 2-65-5-C allows under certain circumstances. This is problematic, as it may lead officers making a sincere effort to comply with policy to refuse to allow the use of non-APD interpreters, a right that individuals are granted later in the SOP. 2-65-5-A-1-b-i should either be removed or revised to reference 2-65-5-C instead of stating a prohibition.

To be clear, while 2-65-5-A-1-b-i is written as applying specifically to a case where a victim makes such a demand, 2-65-5-C-3 discusses that same situation, so victims are apparently not an exception to the 2-65-5-C procedure.

Further, 2-65-5-C-1 includes the phrase "Including professional interpreters." The next paragraph, 2-65-5-C-2, says "such a demand for child, family, friend, or other non-professional language interpretation only after...". The case of a professional interpreter, at the individual's expense, is not accounted for in 2-65-5-C-2. This creates confusion as to whether or not the restrictions in 2-65-5-C-2 and following apply to the case of a professional interpreter or only to the case of a non-professional interpreter.

The problem with these sections is compounded by an apparent drafting error in 2-65-5-A-1-b-i, which reads "...if an LEP victim demands that person act as their...". One or more words appear to be missing between "that" and "person," making it unclear if this applies to the victim requesting *any* person as an interpreter, a suspect in the crime (as discussed in 2-65-5-C-3), a non-professional interpreter, or any other set of possibilities. This is an additional reason that 2-65-5-A-1-b-i should be rewritten.

Covered Languages and Safe Harbor Languages

3-6, Language Access Policy, defines the term "safe harbor language" as a language spoken by the lesser of 5% of the city population or 1,000 residents. Appendix I of that policy lists the safe harbor languages, based on the 2020 census, as Spanish, Vietnamese, and Chinese.

Curiously, the new revision of the policy adds a similar section 3-6-6-E titled "Findings as of May of 2022." As a general principle it seems unwise to put "point in time" findings into an administrative order and it may be wiser to move this content to an appendix. More problematically, though, 3-6-6-E is written in a way that makes it difficult to interpret what it means or how it applies to the rest of the policy.

For example, consider 3-6-6-E-1:

The Department has identified that LEP persons residing in the City of Albuquerque require the majority of translation and interpretation services into Spanish from Mexico.

The wording of this sentence is confusing – taken as literally as possible, it seems to be saying that of translation and interpretation services into "Spanish from Mexico," the majority are required by LEP persons (persons with limited English proficiency). This is tautological and it's hard to imagine why it would be stated in policy. "Spanish from Mexico" should probably be "Mexican Spanish," otherwise it reads as if interpretation is being provided from Mexico, to Spanish.

The following paragraphs of 3-6-6-E are mostly exact duplicates of 3-6-6-E-1 with the language name changed, and have the same grammatical problem.

Moreover, no other part of the policy refers to this section, so it's difficult to understand what it means. Diné is listed in 3-6-6-E-3 ("the Department has identified that LEP persons residing in the City of Albuquerque require the majority of translation and interpretation services into Native American Navajo Diné") but not in Appendix I as a safe harbor language. Does this mean that APD is required to offer language access services in Diné? Diné is mentioned nowhere else in the policy, but unlike Keres (3-6-6-E-4), 3-6-6-E does not state that services will be provided in Diné (or Spanish, for that matter).

3-6-6-E should either be removed entirely and its significant contents integrated into other sections of the policy, or should be replaced by a section that is clearly prescriptive (e.g. "Covered Languages") that clearly states that language access services will be provided in the listed languages.

The Civilian Police Oversight Board appreciates your attention to this important topic. Language access is critical to constitutional policing, and improving the clarity and specificity of this policy will protect the rights of the public while avoiding possible citizen complaints and policy violations stemming from the difficulty in interpreting this policy.

Sincerely,
The Civilian Police Oversight Agency Board by



Patricia J. French, Chair
(505) 924-3770

cc: Civilian Police Oversight Agency
City Council President, Isaac Benton
Mayor, Tim Keller
City Attorney, Lauren Keefe
James Ginger Ph.D.
Executive Assistant US Attorney, Aja Brooks
City Clerk, Ethan Watson
APD, Lieutenant Jason Sanchez



*Office of the City Attorney
Lauren Keefe
P.O. Box 2248
Albuquerque, New Mexico 87103
Phone (505) 768-4500 ~ Fax (505) 768-4505*

December 2, 2022

VIA ELECTRONIC MAIL ONLY

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Rashad Raynor rraynor.pob@cabq.gov
Michael Wartell mwartell.pob@cabq.gov

Re: *CPOAB Request for Printed APD SOPs*

Honorable CPOA Board Members,

This letter is in response to the Board request for printed copies of APD's SOPs. The issue came to light at the November 10, 2022 CPOA Board Meeting. Unfortunately, APD must respectfully decline your request because it is unduly burdensome. In making this decision, APD considered the amount of resources required to accommodate the request, the resources available, as well as reasonable alternatives and came to the conclusion that providing the SOPs electronically provides the SOPs in the most resource-efficient way. The electronic manner that has been chosen is through PowerDMS, and access to PowerDMS itself is not in controversy.

As a preliminary matter, it should be noted that providing the SOPs electronically meets the legal obligations imposed on APD. Pursuant to City of Albuquerque Ordinance 9-4-1-4(C)(3)(b):

“APD shall provide Board members, the Director, and CPOA staff with **reasonable access** to APD premises, files, documents, reports, and other materials that are reasonably necessary for the agency to perform thorough, independent investigations...” (*Emphasis added*).

Paragraph 282 of the CASA indicates that:

“The City shall ensure that the agency, including its investigative staff and the Executive Director, **have access to all APD documents**, reports, and other materials that are reasonably necessary for the agency to perform thorough,

independent investigations of civilian complaints and reviews of serious uses of force and officer-involved shootings. At a minimum, the City shall provide the agency, its investigative staff, and the Executive Director access to: ... e) all APD policies and training...” (*Emphasis added*).

It is notable that neither the City of Albuquerque Ordinance nor the CASA specify the format or manner in which the materials are provided. It is only legally required that the SOPs be “reasonably accessible”. Power DMS allows a person to look up all current SOPs, as well as historic SOPs in an electronic format and therefore meets this legal burden.

As a practical matter, providing printed copies is not feasible. A rough count within PowerDMS indicates that there are currently 264 SOPs and approximately 526 Special Orders. This would take a *minimum* of 790 pages if we are to assume that each SOP and Special Order is only one page each. Most SOPs are multiple pages long, so the reality is that it would take over 1,000 pages of print to produce each set of SOPs. With a nine-member Board, this translates to at least 9,000 pages of printed SOPs. We must take into account not only the paper, but the time, and resources that it would take to accommodate this request. The other practical consideration is that SOPs are revised and updated constantly. A printed format does not easily track these changes. As soon as these printed SOPs are provided, they run the risk of being outdated. We would be required to frequently print and distribute new updates. SOPs in PowerDMS are instantaneously updated and distributed. It is clearly more effective and efficient to provide the SOPs electronically through PowerDMS so that the Board has the most current versions at their disposal. PowerDMS is the chosen method of publication of SOPs for APD as a whole, and there is no compelling reason to revert to printed SOPs.

Thank you for your careful consideration of this matter.

Respectfully,

/s/ Carlos F. Pacheco

Carlos F. Pacheco

Senior Managing City Attorney

cpacheco@cabq.gov

Cc: Deirdre Ewing, CPOA Executive Director cpoa@cabq.gov
Tina Gooch, Counsel for CPOA/CPOAB tmg@sutinfirm.com
APD Commander Jason Sanchez jmsanchez@cabq.gov

CITY OF ALBUQUERQUE



Civilian Police Oversight Agency Board

Civilian Police Oversight Agency Board

Patricia J. French, Chair

Jesse Crawford, Vice-Chair

Greg Jackson

Angela Luce

Eric Nixon

Rashad Raynor

Michael Wartell

Deirdre Ewing, Executive Director

December 9, 2022

Ms. Deirdre Ewing,

This letter shall serve as acknowledgment indicating that the CPOA Board has accepted your resignation and any request to rescind or modify your resignation must be done according to City Personnel Rules and Regulations Section 801.

Sincerely,

Patricia J. French
CPOA Board Chair

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov