

Civilian Police Oversight Agency Board

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

BOARD AGENDA

Thursday, November 10, 2022 - 5:00 p.m.

Members Present:

Patricia J. French, Chair
Crawford, Vice-Chair
Greg Jackson
Rashad Raynor
Eric Nixon
Michael Wartell (Zoom and telephonically)

Members Absent:

Others Present:

Deirdre Ewing, CPOA
Valerie Barela, CPOA
Tina Gooch, CPOA/CPOAB Legal Counsel
Harold Medina, Chief of Police
Carlos Pacheco, City Legal
Trevor Rigler, City Legal
Chris Sylvan, City Council
Kelly Mensah, CPC
Angela Luce, Board Member Appointee

Attendance: In response to the Public Health Emergency, the Civilian Police Oversight Agency (CPOA) Board meeting on Thursday, November 10, 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-11-10-2022>. (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, November 7, 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, November 10, 2022. Submit your public comments to: POB@cabq.gov. These comments will be distributed to all CPOA Board members for review.

I. Welcome and call to order. Chair French called to order the regular meeting of the Civilian Police Oversight Agency Board at 5:13 p.m.

II. Roll Call

- a. A roll call vote of Board members present was taken. Chair French, Vice-Chair Crawford, Members Jackson, Nixon, Raynor and Wartell were present. CPOA Administrative Assistant, Valerie Barela recognized that newly appointed Board Member Angela Luce was in attendance observing the meeting and announced all others present.

III. Approval of the Agenda

- a. **Motion.** A motion by Member Nixon to approve the agenda as drafted. A Roll call vote was taken. Motion passed.

For: 6 – Crawford, French, Jackson, Nixon, Raynor, Wartell

IV. 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

102-22	108-22	142-22
148-22	178-22	181-22

b. Exonerated

072-22	088-22	115-22	126-22	129-22
133-22	134-22	136-22	152-22	193-22

c. Unfounded

098-22	123-22	124-22	143-22
---------------	---------------	---------------	---------------

d. Exonerated and Unfounded

054-22	109-22	153-22
---------------	---------------	---------------

1. **Motion.** A motion by Member Nixon to approve the consent agenda. A roll call vote was taken. Motion passed.

For: 6 – Crawford, French, Jackson, Nixon, Raynor, Wartell

V. Cases pulled from Consent Agenda

- a. None.

VI. Review and Approval of Minutes from October 13, 2022, Regular Meeting and October 20, 2022, Special Meeting

- a. Draft minutes from the Civilian Police Oversight Board regular meeting on October 13, 2022, and special meeting on October 20, 2022, were distributed to each Board Member electronically via a web link.
- b. **Motion.** A motion by Member Nixon to approve the minutes from the October 13, 2022, regular meeting and October 20, 2022, special meeting. A roll call vote was taken. Motion passed.

For: 6 – Crawford, French, Jackson, Nixon, Raynor, Wartell

VII. Public Comments

- a. None.

VIII. APD Chief Medina on Crime and Oversight

a. 10 Minutes Q&A from CPOA Board

- 1. APD Chief Harold Medina gave an update on the following events:
 - i. Officer Involved Shootings (OIS) and the APD press conference related to OIS
 - ii. Homicide Rates
 - iii. Traffic Fatalities and Traffic Citations
 - iv. Criminal Trespassing by Unhoused Individuals
 - v. IMR-16 and APD Compliance Percentages
 - vi. Officer Recruiting, Retention, and Incentives
- 2. The Board and Chief Medina had discussions related to Repeat Offenders, Substance Abuse & Mental Health, Community Policing, and Metro Crime Initiatives (MCI).

IX. 249-21 Appeal Findings and Possible Action on each Response

- a. **Response 1** (*see attached*)
- b. **Response 2** (*see attached*)
- c. **Response 3** (*see attached*)
- d. **Response 4** (*see attached*)
- e. **Response 5** (*see attached*)

f. Response 6 *(see attached)*

g. Response 7 *(see attached)*

i. 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 249-21

1. Motion. A motion by Chair French to move into a closed session for a discussion on appeal case CPC 249-21 pursuant to NMSA 1978, Section 10-15-1(H)(3). A roll call vote was taken. Motion passed.

For: 6 – Crawford, French, Jackson, Nixon, Raynor, Wartell

*****Closed session meeting on administrative adjudicatory proceeding began at 5:18 p.m. and the meeting reconvened at 5:24 p.m.*****

2. Motion. A second motion by Member Nixon to reconvene into an open session. A roll vote was taken. Motion passed.

For: 5 – Crawford, French, Jackson, Nixon, Raynor

****Member Wartell lost connection and was not present for the roll vote****

3. Chair French stated for the record that no matters were discussed in the closed session due to the Board coming out of the closed session so soon.

****Member Wartell is in attendance telephonically and not a voting member at this time****

1. Motion. A motion by Member Nixon to move back into closed session on appeal case CPC 249-21 pursuant to NMSA

1978, Section 10-15-1(H)(3). A roll call vote was taken.

Motion passed.

For: 5 – Crawford, French, Jackson, Nixon, Raynor

*****Closed session meeting on administrative adjudicatory proceeding began at 5:50 p.m. and the meeting reconvened at 6:53 p.m.*****

2. **Motion.** A second motion by Member Nixon to come out of closed session.

For: 5 – Crawford, French, Jackson, Nixon, Raynor

*****Member Wartell was not present for the roll vote*****

3. Chair French stated for the record that no matters were discussed in closed session other than appeal case CPC 249-21.

4. **Motion.** A third motion by Vice-Chair Crawford that the Board modify the findings of the public record letter on the basis the findings and recommendations were not consistent with the record evidence, specifically the responding officer in violation of SOP 2-60-4-A Preliminary Investigations on the basis that the police report shows inattentive driving on the part of one driver and no driver error on the part of the other driver while the evidence shows that both drivers were in the bicycle lane, when they shouldn't have been. A roll call vote was taken. Motion passed.

For: 5 – Crawford, French, Jackson, Nixon, Raynor

*****Member Wartell is in attendance telephonically and not a voting member at this time*****

Civilian Police Oversight Agency Board

Minutes – November 10, 2022

Page 5

II. Discussion, Updates, and Possible Action:

a. Consideration of PPRB Policies with No Recommendation: -

Jesse Crawford

1. Vice Chair Crawford screen-shared the APD SOPs for CPOAB's 30-day review period.
2. **Motion.** A motion by Vice Chair Crawford to delegate himself to communicate to APD that the CPOA Board has no recommendations for SOP 1-9, SOP 1-80, SOP 1-91, SOP 2-15, SOP 2-33, SOP 2-47, SOP 2-60, SOP 2-38, SOP 3.-53 and SOP 4-22. A roll call vote was taken. Motion passed. (*see attached*)

For: 5 – Crawford, French, Jackson, Nixon, Raynor

b. APD SOP 2-65 and SOP 3-6 Policy Recommendation – Jesse

Crawford

1. Vice Chair Crawford screen-shared the draft policy for SOP 2-65 and SOP 3-6 that are related to how APD interacts with persons with limited English proficiency and noted oddities with the policies.
2. **Motion.** A motion by Vice-Chair Crawford to delegate himself to draft the policy recommendation letter for submission to APD Chief. A roll call vote was taken. Motion passed.

For: 5 – Crawford, French, Jackson, Nixon, Raynor

c. CPOAB IMR-16 Notice Letter – Jesse Crawford

1. Vice Chair Crawford highlighted the points that should be included in the Board response letter to IMR-16. Tina Gooch pointed out additional areas the Board should include in the draft letter.
2. **Motion.** A motion by Vice-Chair Crawford that the Board directs himself to draft the IMR-16 notice letter to the court and to include at least four bullet points, that include the importance of filling board seats, having an efficient training

process, the importance of filling the staff positions for the CPOA, and the unfilled policy analyst position and that Board members provide their input to Vice Chair Crawford no later than Saturday night, (November 12, 2022). A roll call vote was taken. Motion passed.

For: 5 – Crawford, French, Jackson, Nixon, Raynor

3. The Board had discussions related to the draft IMR-16 related to criticism of the Board.

d. SUOF/OIS Streamline Data Process – *Eric Nixon*

1. Member Nixon reported that the streamlined process is working and the cases are being populated.

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

1. Tina Gooch provided an update on the annual training. Chair French reminded Board members to reach out to Ms. Gooch to schedule their training and requested the updated training spreadsheet from Executive Director Deirdre Ewing. Chair French also noted the Board's monitor is no longer Dan Giaquinto.

f. Approval of 2022 January – June Semi-Annual Report - *Deirdre Ewing, Executive Director*

1. Deirdre Ewing screen-shared the draft 2022 January – June Semi-Annual Report.
2. **Motion.** A motion by Member Nixon to approve the 2022 January – June Semi-Annual Report. A roll call vote was taken. Motion passed.

For: 5 – Crawford, French, Jackson, Nixon, Raynor

g. Semi-Annual Audit - Patricia J. French

1. Chair French noted that a Semi-annual is now required per the Civilian Police Oversight Ordinance and Board's Policies and Procedures and inquired into the available funding to hire a professional auditor to perform the audit in January 2023.
2. Executive Director reported that the funding was not allocated for the current fiscal year and will discuss the funding with the City's Fiscal Manager and report back to Chair French.

h. CPOA Board Job Description - Patricia J. French

1. Chair French acknowledges that Member Nixon and Raynor have worked on the CPOA Board Job Description and that the New CPOA Board monitor will also reach out to other Oversight Board agencies he monitors to review Board Job Descriptions if they have them.

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

1. Tina Gooch reported that she and Member Wartell have continued to work with the City on the Recommended changes and that she had a meeting with the City and is working on the CPA requirement reduction for the Board.

j. Update requests-Chair/Board Members - Patricia J. French

1. The Board and Dierdre Ewing had a discussion related to Board accessibility to a hard copy of the SOPs and Ms. Ewing noted that APD reported that it was logistically possible and was willing to provide the Board with PowerDMS training. Chair French requested that the CPOA provide a copy of the SOPs with sustained cases until the issue is resolved.

III. 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

154-22

1. **Motion.** A motion by Member Nixon to approve the Civilian Police Oversight Agency's recommended discipline for sustained CPC 154-22 case. A roll call vote was taken. Motion passed.

For: 3 – Crawford, French, Jackson,

Against: 2 - Nixon, Raynor

2. The Board and Deirdre Ewing had a discussion related to the CPOA's recommended discipline and identified a possible policy recommendation to prohibit the use of department equipment to intimidate a family member. Member Raynor will work with Deirdre Ewing on the policy recommendation.

b. Sustained and Unfounded

140-22

1. **Motion.** A motion by Member Nixon to approve the CPOA's recommended discipline for sustained CPC 140-22 case. A roll call vote was taken. Motion passed.

For: 5 – Crawford, French, Jackson, Nixon, Raynor

c. Sustained and Sustained Violation Not Based on Original Complaint

135-22

1. **Motion.** A motion by Member Nixon to approve the CPOA's recommended discipline for Sustained and Sustained Violation Not Based on Original Complaint.

2. The Board had a discussion related to CPC 135-22 and the PSA's response. The Board identified a possible policy recommendation that addresses what type of accidents PSA's could be dispatched to.

**d. Sustained, Exonerated, Not Sustained and Unfounded
128-22**

1. **Motion.** A motion by Member Crawford to amend CPOA's recommended discipline and recommend the maximum of 8 hours suspension. A roll call vote was taken. Motion passed.

For: 5 – Crawford, French, Jackson, Nixon, Raynor

2. The Board and Deirdre Ewing had a discussion related to the CPOA's recommended discipline and chart of sanctions.

**e. Sustained, Exonerated and Unfounded
141-22**

IV. Non-Concurrence Cases

- a. None.

V. Reports from Subcommittees

a. Policy and Procedure Review – *Jesse Crawford*

1. Met November 3, 2022 (video conference)
2. Chair Crawford of the Policy and Procedure Review Subcommittee reported that the Policy and Procedure Subcommittee meeting time was changed to 5:30 p.m.
3. Next meeting is December 1, 2022, at 5:30 p.m.

VI. Reports from City Departments

a. APD

1. **IA Professional Standards Division (SOP 7-1, SOP 3-41, SOP 3-46) – *Acting Commander Mark Landavazo***
Civilian Police Oversight Agency Board
Minutes – November 10, 2022

- i. There was no one present from IA Professional Standards Division. A document titled Civilian Police Oversight Board, Internal Affairs Professional Standards Division Statistical Data for the Month of October 2022 was distributed to CPOA Board members (see attached)

2. IA Force Division (SOP 2-52 through SOP 2-57) –

Commander Scott Norris

- i. There was no one present from IA Force Division. A document titled Civilian Police Oversight Board, Internal Affairs Force Division Statistical Data for the Month of October 2022 was distributed to CPOA Board members (see attached)

b. City Council – *Chris Sylvan*

c. Public Safety Committee - *Chris Sylvan*

d. Mayor’s Office – *Pastor David Walker*

- 1. There was no one present from the Mayor’s Office.

e. City Attorney – *Carlos Pacheco*

1. Update on Notification of APD Officer Discipline

- a. **Managing City Attorney** - Carols Pacheco presented his report and will reach out to the monitoring team on the date and time they will meet the Board. Mr. Pacheco also provided an update on the dissemination of officer discipline outcomes but cautioned the disclosure of compelled statements, matters, or opinions.

f. CPC – *Kelly Mensah*

- 1. **Community Policing Council Liaison** – Kelly Mensah gave a verbal report. Chair French will work with Deirdre Ewing on working with the CPCs to get the role of the CPOA and CPOA Board out of the community.

g. APOA – *Detective Shaun Willoughby, APOA President*

- 1. No one was present from the APOA.

h. CPOA – *Deirdre Ewing, Executive Director*

1. Executive Director Ewing provided a verbal report and submitted a written report. (*See attached*).
2. Chair French inquired into the number of cases that were assigned to investigators and that were also reported in IMR-16

VII. Old Business

- a. Member Nixon expressed potentially moving City Reports back to the beginning of the agenda.

VIII. New Business

- a. None.

IX. Adjournment.

- a. The meeting adjourned at 8:42 p.m.

A special meeting will be held on November 14, 2022, at 5:00 p.m., and the next regularly scheduled CPOA Board meeting will be on December 8, 2022, at 5:00 p.m.

Attachments

APPROVED:



Patricia J. French, Chair
Civilian Police Oversight Agency Board

December 8, 2022

Date

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

Minutes drafted and submitted by:
Valerie Barela, Administrative Assistant

1. Why is there no diagram in the uniform traffic incident report (see 2-46-4-A-2)? It could be that the diagram is missing or was redacted from our copy only, in which case it'd be useful to see it. If there actually wasn't a diagram prepared we would like to know why. (note: I vaguely remember the Board having been told in the past that it is not typical to complete a diagram for "minor" incidents, but the SOP doesn't seem to allow that exception and given the circumstances I would question calling this "minor." If this is a situation where field division is following orders different from the adopted SOP we really need to get that sorted out)

1a. There IS an accident diagram (obtained). On 12/1/2021, Per Traffic Sgt. Christopher Rody: As far as diagrams not showing up on the report, there is a glitch on the Record Department's end and said sometimes when records are requested, diagrams will not always show up.

2. How exactly did the responding officers make the decision to close the investigation of a possible battery (2-60)? Why was no further investigation or follow-up performed? Given the matrix in 2-60-3-E, should the matter have been assigned to a detective? (note: Jayawardana obtained surveillance video that helps to clarify events, did APD try to find footage that might show any assault/battery that occurred?)

2a. This was documented in the investigation study: As far as an effect for an arrest regarding the alleged physical assault, Officer Lopez said it was a misdemeanor battery outside of their presence so they don't usually arrest. She also said there were conflicting stories so they don't know if it was true or not. Officer Lopez said there were a lot of witnesses that said it didn't happen (granted they were with Pacheco). There was nothing to indicate that it did happen. And even if it did, they wouldn't have arrested on scene and would have either summonsed or made a report because they don't always arrest for battery outside of their presence. Lt. Weidner was then asked about the alleged assault and why Pacheco wasn't arrested; he said if it did happen, then it's considered a misdemeanor outside an officer's presence, which is not an arrestable offense. Lt. Weidner said Pacheco could have been summonsed if the officers felt that they had established probable cause.

3. While APD does not formally determine fault in traffic accidents, the uniform traffic incident report in this case *strongly* suggests the complainant was at fault by noting "inattentive driving" on his part and "no driver error" on the part of the motorcyclist. How did the responding officers reach these conclusions? Is it typical to put as strong of language as "no driver error" in a traffic incident report? (2-46)

3a. Officer Lopez said the report is accurate and that nothing should be changed as it is based on facts and observations. At no time did Jayawardana's car appear to be turning right as Jayawardana adamantly reported; video and still shots show Jayawardana was going straight while driving in the bike lane. Jayawardana was unable to tell the difference between turning right and going straight, as evidenced by

his own video he provided during the investigation. Jayawardana was not forthcoming when it came to the direction he was driving and argued that the report was a lie. Officer Lopez said both parties could have been cited for being in the bike lane. Officer Lopez said when it comes to writing up the report, they don't indicate or determine who's at fault and just list the facts; she said ultimately, it is up to the insurance companies to make those determinations.

4. Did someone on scene admit to having punched the complainant to Lt. W? Was this investigated further? (note: this came up as a question during our deliberation, but reviewing the investigator's report this morning it seems like Lt. W's OBRD was reviewed a couple of times to check for such an admission and it wasn't there. Still, to comply with the motion an investigator should address this, and I think it would be productive to look into how this relates to #6)

4a. This was documented on the report and was investigated as Lt. Weidner agreed that Officer Lopez and Officer Morrow came to him so they could review his lapel to see if Pacheco actually admitted to assaulting the complainant; per Lt. Weidner, they were unable to find any evidence of such a direct admission. Officer Morrow also said they did not have probable cause to issue a summons or effect an arrest on Pacheco because Jayawardana was unsure of who hit him. At that point, they only had reasonable suspicion and she supported that by observing the small cut on his nose. And even with unsure testimony from the complainant, the officers did their due diligence as they went to their lieutenant to review the lapel to see if Pacheco himself admitted to punching Jayawardana.

5. A bystander apparently called 911 to report the situation. Did APD attempt to interview this witness? why/why not? (note: I think this is Amber Coolidge who the Agency did speak to, but the way the investigator's report is written it's not clear to me if the citizen 911 caller and Amber Coolidge are the same person).

5a. As the accident was unfolding, the officers on scene would not have been aware of the anonymous witness unless an operator/dispatch told them to reach out. After lapel review, dispatch/operators never made that call to the responding officers. The CPOA Investigator did interview the witness as documented in the report, albeit, brief. She was asked if she saw the complainant get physically assaulted by Pacheco or anyone else and she said she did not see anything.

On her recording with 911, the citizen was asked if she witnessed anything transpire before the yelling and she said no. She said she didn't believe there were injuries and did not mention any punches thrown. Also, there was no mention of racial slurs on the recording. And as captured on the audio recording, the operator asked the citizen if she wanted to meet with the officers and she said no and did not want to be identified by the gang.

6. From the information the Board received it appears that APD officers spoke to the motorcyclists "en masse," including when asking questions about the alleged battery. Why didn't officers separate the motorcyclists to get independent information? (2-60)

6a. Yes, they could have been interviewed individually, however, what is clear is the motorcyclists are a collective group of friends, (therefore there's an assumption they're going to be biased). However, even if they were interviewed individually and provided varying testimony, that is just part of the investigative process. And the other parts of the investigative process include, but are not limited to, reviewing camera, lapels, listening to audio, photos, emails, documents, etc., all of which contribute to the totality of the investigative decision. A preponderance of the evidence is what our investigations are based upon.

7. The officers on scene seemed very friendly/genial towards the motorcyclists but not towards the complainant. This was described as an effort to build rapport. Why wasn't this same effort made towards the complainant? This greatly contributes to the feeling of racial or other bias (1-1-5-A-2).

7a. This was not reported by Jayawardana, however, Officer Lopez mentioned all the witnesses, were collectively biased based on friendship/motorcycles. According to Officer Lopez, the motorcyclists said they did not witness Pacheco punch Jayawardana.

The reason why it "appeared the officers were very friendly/genial towards the motorcyclists but not towards the complainant" was because it was observed that Jayawardana had his lady friend constantly intervening and trying to disrupt the officers' investigation. The lady friend was warned at least 2-3 occasions to stop trying to intervene in the investigation and questioning process as it appeared she may have been trying to coach the complainant and/or give him answers. "She was interfering with our investigation. We had to stop her; she wasn't there for the crash and she did not witness it." Again, this was documented on the investigative study.

The focus should not be on "being friendly as an effort to build rapport". The focus is impartiality and on obtaining facts based on evidences and testimonies.

PPRB Policies for Review – August 2022

P&P Meetings

- 2022-11-02
 - 1-12 Volunteer and Internship Programs
 - 2-84 Body Cavity and Strip Searches
 - 3-7 Remote Work
 - 3-15 Sworn Personnel Positions and Seniority
 - 3-31 Physical Fitness Assessment
 - 3-40 Civil Litigation Process
- 2022-11-16
 - 1-57 Identification Disposition
 - 1-64 K9 Unit
 - 1-81 Proactive Response Team
 - 2-4 Use of Respirators
 - 2-23 Use of K9 Unit
 - 2-101 Department Vehicle Grappler Device
 - 3-29 Issuance and Use of Area Command Equipment

PPRB Meetings

- 2022-11-09
 - 1-17 Aviation Division
 - 1-27 Cold Case Unit
 - 2-7 Damage to Civilian Property
 - 2-21 Apparent Natural Death/Suicide of an Adult
 - 2-66 Victim and Witness Assistance
 - 2-69 Informants
 - 2-85 Certificates for Evaluation
 - 2-95 Undercover High-Risk Vehicle Containment Procedures
 - 2-112 Violence Intervention Program Call-In

CPOAB Review for Nov. 13

1-30 Community Ambassador Program

- Removes “give voice to community members” wording and replaces with “work closely with.”
- Removes explicit list of communities included in program.
- Partially removes emphasis on neighborhood or location-based communities.
 - This change may be incomplete, there is one reference to “neighborhood” that is potentially confusing.

1-53 Homicide Unit

- Requires PIO involvement in major crimes
- Specifies post-incident meetings at 2 and 60 days with certain information covered.

2-14 Use of Cell-Site Simulator Technology

- Extremely minor changes only

2-65 Language Access Procedure

- Minor language changes
- Clarifies prohibition on using friends and family members as interpreters

- Potential confusion between 2-65-5-A-1-b-i and 2-65-5-C-2

3-6 Language Access Policy

- Additional emphasis on the availability of interpretive services for free
- Longer language access coordinator responsibilities which include developing a method to accept complaints in other languages, coordinating translation of documents, developing procedures for field personnel, etc.
- Adds results of data collection on languages used in the APD service area
 - Why is this in an administrative order?

CPOA Review for Nov. 27

1-9 Compliance and Oversight Division

- Removes most policy related to audits
 - What motivated this decision?

1-80 Prisoner Transport Unit

- Removes authorization of PTU personnel to accept individuals w/o arrest paperwork in certain circumstances

1-91 Tactical Emergency Medical Support

- Significant simplification of policy
- Removes most explicit requirements/responsibilities for TEMS unit

2-15 Small Unmanned Aircraft Systems Operations

- Removes requirement for approval by Electronic Support Unit supervisor
- Adds more clear requirement that aircraft operators have both department training and Part 107 certificates.
- Facilitates ESU assigning SUAS to area commands and then monitoring use, rather than directly deploying SUAS. Based on log sheets.
- 2-15-4-D-3 needs clarification of “and” or “or”, and if “or” 2-15-4-D-3-a is so broad as to make 2-15-4-D-3 far less useful.

2-33 Rights and Safety of Onlookers

- 2-33-4-A-1-d wording is confusing and seems to imply that OBRD is not required when bystanders may observe an interaction.

2-47 Crashes Involving Department-Owned Vehicles

- Changes “police vehicles” to “department-issued vehicles”

2-60 Preliminary and Follow-Up Investigations

- Complete rewrite
- Removes prescriptive process for determining whether or not a follow-up investigation will occur
 - Similar “solvability factors” remain in the policy, but the scoring chart is removed.
- Removes policy around postal service address verification
 - Does this permit some of the previously prohibited activities?

2-83 Hospital Procedures and Rules

- Language changes

3-53 Self-Assessments

- Requires PMU manager to inform the chain of command within 24 hours if a violation of policy is identified

4-22 Shoplifting

- Policy deleted

Policy Recommendations for the CPOA Board

- 2-65 and 3-6, Language Access
 - Clarify 2-65-5-A-1-b-I as it relates to the exceptions in 2-65-5-C-2
 - Address apparent missing words in 2-65-5-C-2
 - Clarify or rewrite 3-6-6-E, the current version is hard to interpret and makes it unclear if Diné is a covered language.

CIVILIAN POLICE OVERSIGHT BOARD

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

INTERNAL CASES FOR THE MONTH OF **OCTOBER 2022**

Total Internal Cases Completed in the month of **October 2022**- 44

49 completed cases (sent out to the area command)

1. Internal Affairs Cases opened in the month of **October 2022**: 29
 2. Area Command IA cases opened for the month of **October 2022**: 17
 3. Pending IA Cases for the month of **October 2022**: 23
 4. Internal Cases Mediated: **0**
-

DISCIPLINE IMPOSED FOR INTERNAL CLOSED CASES IN SEPTEMBER 2022

I-136-22

2-52-4-F-1-a Lawful Objective

Exonerated

None

2-52-6-A-3 Use of Force Procedures

Sustained

Suspension

2-80-2-A-4-a Felony Arrest Authority

Sustained

Suspension

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

Sustained

Verbal Reprimand

I-369-22

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

Unfounded

None

I-318-22

1-1-5-D-1 Reporting for Duty

Sustained

Suspension

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

Sustained

Suspension

I-356-22

1-1-5-C-2 Personnel Code of Conduct

Exonerated

None

1-1-7-D-8 Personal Relationships and Relatives

Unfounded

None

I-338-22

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

Admin Closed

None

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

Exonerated

None

1-1-5-A-1 Public Welfare

Sustained

Suspension

I-368-22

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

Exonerated

None

2-57-3-B-1 Supervisor Responsibilities for Classifying Force

Sustained

Suspension

I-382-22

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

Sustained

NDCA

I-380-22

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

Sustained

Suspension

3-41-9-A Cooperation During an Investigation

Sustained

Suspension

I-385-22

3-20-4-A-2 Overtime

Sustained

Written Reprimand

I-404-22

1-1-7-D-8 Conduct

Unfounded

None

I-411-22

3-32-4-A-3-a Performance Evaluation System and Performance Documents

Sustained

NDCA

I-412-22

2-56-4-A-1 Use of Force Reporting Procedures

Not Sustained

None

I-422-22

2-8-4-A Rules

Sustained

Written Reprimand

3-14-4-A-1-F-1 Rules and Responsibilities

Exonerated

No Discipline

I-442-22

2-8-5-D Mandatory Recording

Sustained

Verbal Reprimand

I-505-22

2-8-4-F-7 Timelines for Uploading OBRD Footage

Sustained

NDCA

I-593-22

1-1-5-D-1 Reporting for Duty

Sustained

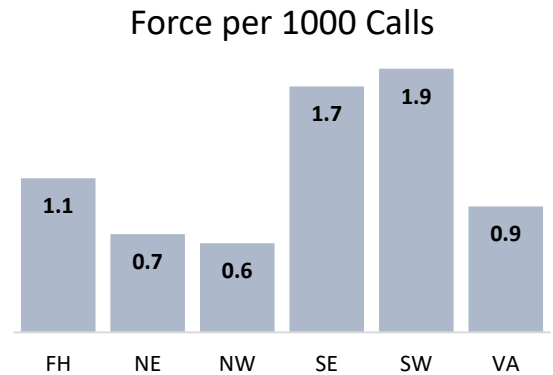
Suspension

Civilian Police Oversight Agency Board

INTERNAL AFFAIRS FORCE DIVISION

STATISTICAL DATA FOR THE MONTH OF OCTOBER 2022

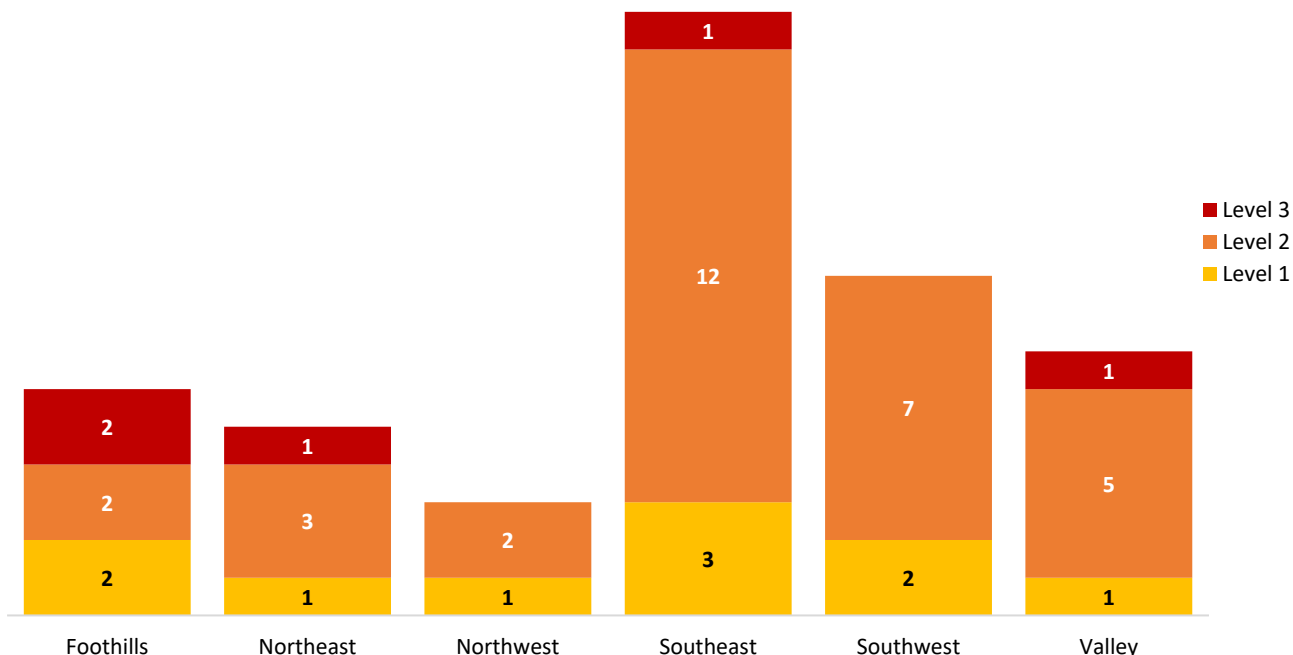
	Level 1	Level 2	Level 3	CADs	Total Force
Foothills	2	2	2	5519	6
Northeast	1	3	1	7218	5
Northwest	1	2		4769	3
Southeast	3	12	1	9221	16
Southwest	2	7		4839	9
Valley	1	5	1	7878	7
PTC					
Total	10	31	5	39444	46



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.

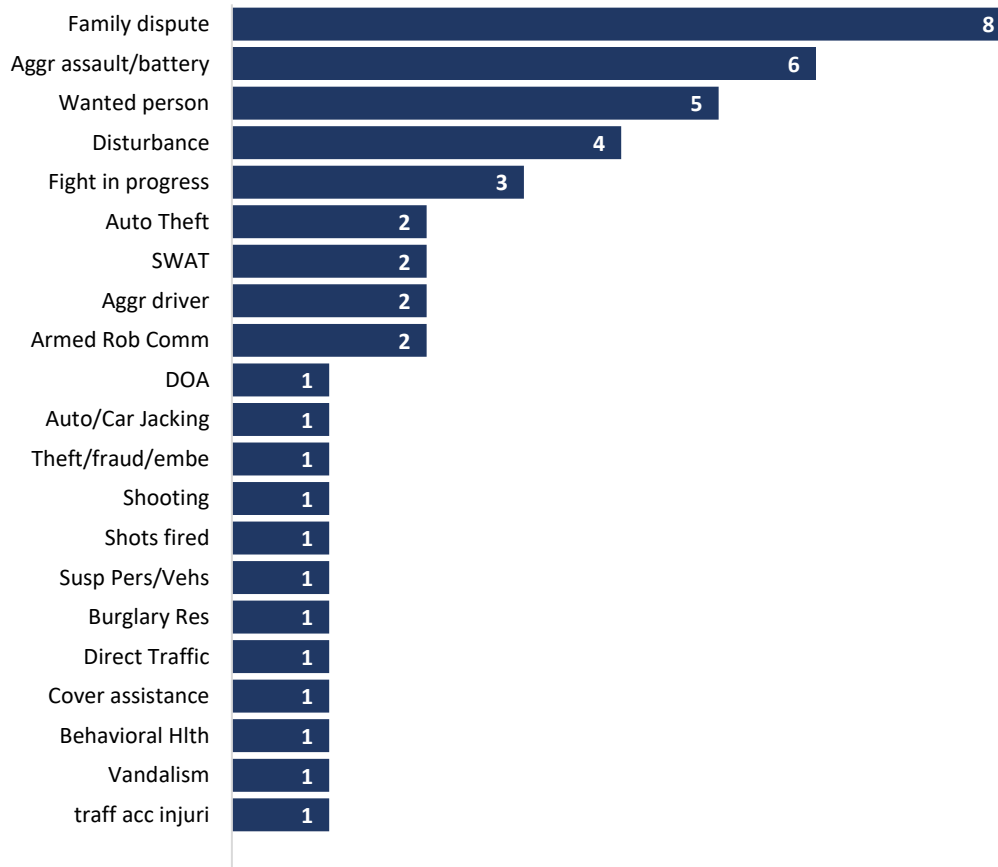
- Level 1 is force that is likely to cause only transitory pain, disorientation, or discomfort during its application as a means of gaining compliance. This includes techniques which are not reasonably expected to cause injury, do not result in actual injury, and are not likely to result in a complaint 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.

October 2022 Force Events

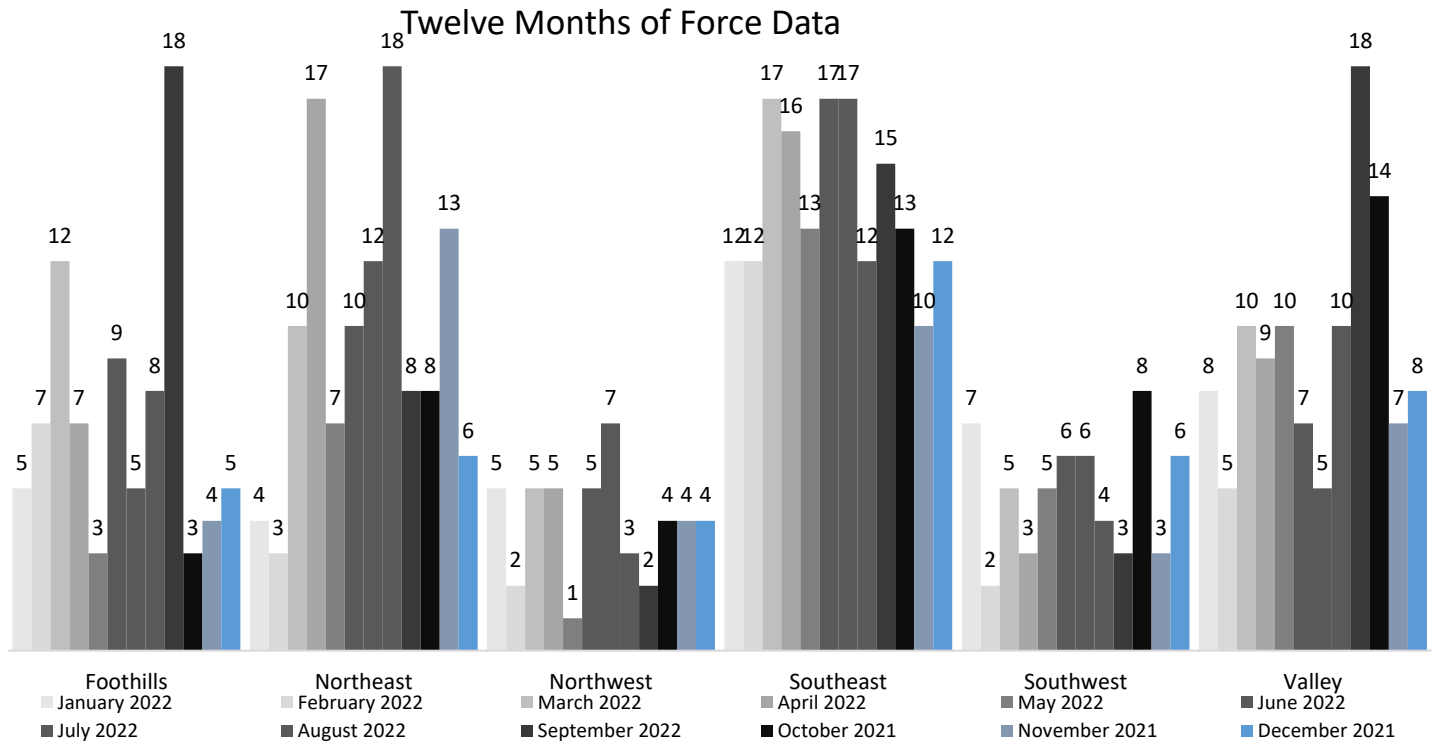


Civilian Police Oversight Agency Board
INTERNAL AFFAIRS FORCE DIVISION
STATISTICAL DATA FOR THE MONTH OF OCTOBER 2022

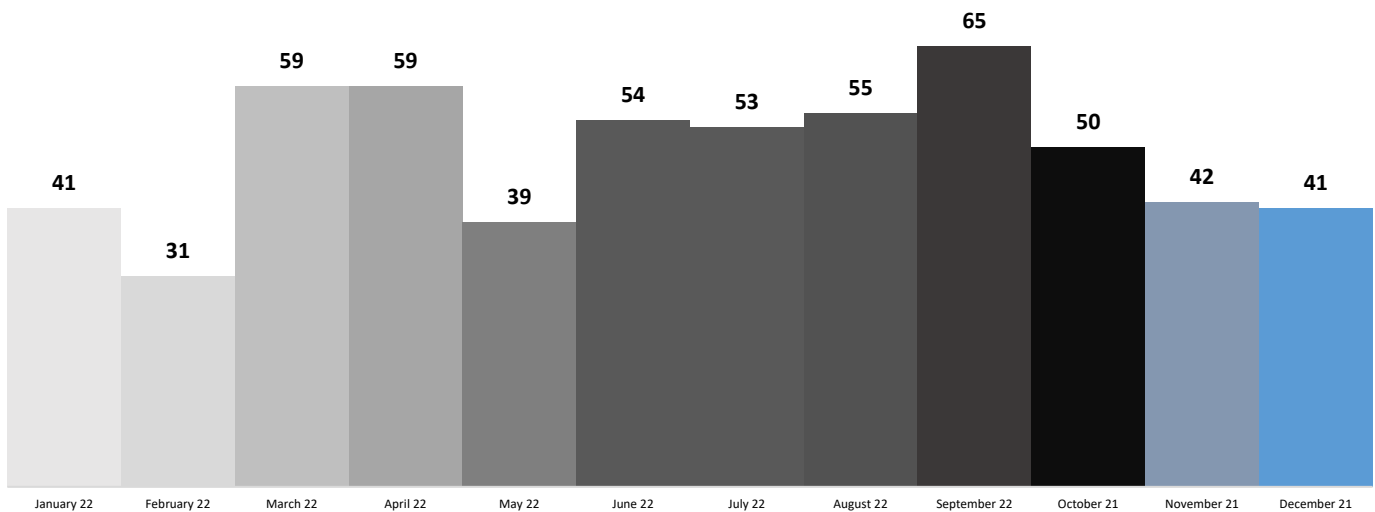
Call Types Associated with October 2022 Force Events



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



Twelve Months of Force Data
(Includes Out of Area)



Executive Director Report—September 8, 2022 Board Meeting

- I. Since the September 8, 2022 meeting, CPOA has received:
 - a. 19 complaints
 - b. 16 driving complaints
 - c. 8 commendations
 - d. 28 cases on agenda
- II. The average case load I gave the Board last month was calculated by asking each of the investigators how many open cases they had at that time and calculating an average from that.
- III. We asked APD about getting us a hard copy of the SOPs and were told that that won't be logistically possible. APD is, however, willing to provide the Board with training on the use of PowerDMS, if the Board is interested.
- IV. IMR-16 was published yesterday. I'm still going through the report, but we have already started implementing additional discussion of credibility assessments where necessary, which were one of the primary criticisms of the cases held to be out of compliance when we reviewed the draft. The hearing on the report will be all day on December 6.