

CIVILIAN POLICE OVERSIGHT ADVISORY BOARD (CPOAB)

BOARD AGENDA

Thursday, April 10, 2025, at 5:00 PM
Vincent E. Griego Chambers

Zander Bolyanatz, Board Chair
Aaron Calderon, Board Vice-Chair
Eduardo Budanauro, Board Member
Rowan Wymark, Board Member
Diane McDermott, Executive Director, CPOA
Ali Abbasi, Deputy Director, CPOA

Viewing: Members of the public can view the meeting through GOVTV on Comcast Channel 16, stream live on the GOVTV website at <https://www.cabq.gov/culturalservices/govtv>, or watch it on YouTube at <https://www.cabq.gov/cpoa/events/civilian-police-oversight-advisory-board-meeting-04-10-2025>. The GOVTV live stream can be accessed from most smartphones, tablets, or computers at these addresses.

Public Comment: The CPOAB will accept general public comment on the meeting's specific agenda items in person and written form via email until 3:00 p.m. on the day of the meeting. Submissions for public comment can be emailed directly to the CPOAB at oab@cabq.gov.

- I. **Welcome, Call to Order and Roll Call** – *Zander Bolyanatz, Chair*
- II. **Pledge of Allegiance**
- III. **Approval of the Agenda**
- IV. **Review and Approval of Minutes**
 - a. March 13, 2025
- V. **Public Comment** [Public comment is limited to three minutes unless extended by the Chairperson]
- VI. **Reports from City Departments:**
 - a. **APD**
 - 1. **Internal Affairs Professional Standards (IAPS)**– *Commander Kenneth Johnston*
 - 2. **Internal Affairs Force Division (IAFD)**– *Commander Scott Norris*
 - b. **ACS**– *Jefferey Bustamante, Deputy Director*
 - c. **City Attorney**– *Lindsey Rosebrough, Managing Attorney*
 - d. **City Council**– *Chris Sylvan, Council Services*
 - e. **CPC**– *Kelly Mensah, CPC Liaison*
 - f. **Mayor's Office**– *Doug Small, Director of Public Affairs*
 - g. **CPOA**– *Diane McDermott, Executive Director*

VII. Serious Use of Force Case: [Standing Item]

VIII. Officer-Involved Shooting Case: [Standing Item]

IX. Appeals

a. CPC 262-24

- i. Hearing on CPC #262-24
- ii. CLOSED SESSION pursuant to Section 10-15-1(H)(3) NMSA 1978, excluding deliberations by the CPOAB in connection with an administrative adjudicatory proceeding from the requirements of the NM Open Meetings Act.

b. CPC 010-23

- i. Hearing on CPC #010-23
- 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

c. CPC 116-23

- i. Hearing on CPC #116-23
- 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

X. Report from CPOAB Subcommittee:

a. Policy and Procedure Review Subcommittee – Aaron Calderon, Chair of Policy and Procedure Review Subcommittee

1. The meeting was held on April 3, 2025, at 3 p.m.
2. Report from Subcommittee
3. The next meeting is on May 1, 2025, at 3 p.m.

XI. Discussion and Possible Action:

a. Air Support Unit Presentation Request – Zander Bolyanatz, Chair

b. Semi-Annual Audits - Zander Bolyanatz, Chair

c. APD Policy

1. Recommendation(s):

- A. SOP 1-41 Evidence Unit
- B. SOP 2-3 (Formerly 2-22) Firearms and Ammunition Authorization
- C. SOP 2-78 (Formerly 4-25) Domestic Abuse Investigations
- D. SOP 2-92 Crimes Against Children Investigations
- E. SOP 2-103 Trespass Notifications

2. No Recommendation(s):

- A. SOP 1-56 (Formerly 6-12) Horse Mounted Unit
- B. SOP 1-65 Metropolitan Court Protection Unit
- C. SOP 2-15 Small Unmanned Aircraft Systems (SUAS) Operations
- D. SOP 2-43 Roadblocks and Checkpoints

- E. SOP 2-51 Safe Driver Award Program
- F. SOP 2-69 Informants
- G. SOP 2-110 Facial Recognition Management System
- H. SOP 3-51 Department Orders

3. **APD Response to Policy Recommendation(s):**

- A. SOP 1-2 Social Media
- B. SOP 1-11 Transit Safety Section (TSS)
- C. SOP 2-7 Damage to Civilian Property

XII. Other Business

XIII. Adjournment- *The next regularly scheduled Board meeting will be held on **Wednesday, May 7, 2025.***

ATTENTION: Unless the board decides otherwise, a dinner break will occur at a natural breaking point during the meeting.

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT ADVISORY BOARD

Zander Bolyanatz, Chair
Aaron Calderon, Vice-Chair
Eduardo Budanauro
Rowan Wymark
Diane McDermott, Executive Director
Ali Abbasi, Deputy Director

May 14, 2025

Via Email

Re: Notice of Appeal Decision for CPC # 262-24

PO Box 1293

APPEAL FINDINGS:

Mr. [REDACTED], an appeal hearing was scheduled on April 10, 2025, at 5 p.m., in response to your appeal request submitted on March 4, 2025. To ensure thorough preparation for the hearing, you were notified on March 5, 2025, that your hearing was scheduled for April 10, 2025.

We appreciate your diligence in bringing your concerns to the attention of the CPOA and CPOAB. Through investigations and appeals initiated by Albuquerque citizens and visitors, valuable information is gathered to potentially inform policy recommendations to the chief of police, the mayor's office, and the city council when deemed appropriate.

Regrettably, you were not in attendance for the scheduled appeal hearing, neither virtually nor in-person. It is important to note that no formal request for a postponement or rescheduling of the appeal hearing was received prior to the designated time. In accordance with our procedures, any reconsideration of findings requires satisfying at least one of the three specified criteria outlined in your original findings' 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

Therefore, we uphold, confirm, and stand by the findings of the CPOA Executive Director.

MATERIALS REVIEWED BY THE BOARD:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Appeared: No

Witness(es) Appeared: No

APD Employee Appeared: No

APD Employee Involved: Officer O

Date Hearing Completed: April 10, 2025

APPEAL FINDINGS

Policy Upheld: General Order 1.1.5.C.2

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.A.4 and Procedural Order 2.16.5.B.4

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:

We uphold, confirm, and stand by the findings of the CPOA Executive Director.

You have exercised your right to appeal this decision as specified in the Oversight Ordinance 9-4-1-10. As was explained in the hearing proceedings in order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:

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

The Advisory Board has considered the statements provided by you, the complainant, any witnesses you may have provided, any evidence if deemed admissible, the Agency's position, the Albuquerque Police Department's position and the officer's position if the officer chose to appear.

The Advisory Board may only modify or change the findings and/or recommendations and make further recommendations if one of the above listed conditions was met. The details of the findings are on the second page of this communication.

Thank you for participating in the process of the Civilian Oversight of the Police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,
The Civilian Police Oversight Advisory Board by

A handwritten signature in blue ink, appearing to read 'Zander Bolyanatz', with a long horizontal flourish extending to the right.

Zander Bolyanatz, Chair
(505) 924-3770

cc: Civilian Police Oversight Agency
Office of Police Reform

CITY OF ALBUQUERQUE



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APD Report(s): Yes

CAD Report(s): Yes

Complainant Appeared: No

Witness(es) Appeared: No

APD Employee Appeared: No

APD Employee Involved: Officer T

Date Hearing Completed: April 10, 2025

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Policy Upheld: General Order 1.1.6.A.1.c

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May 27, 2025

Via Email

Re: Notice of Appeal Decision for CPC # 010-23

PO Box 1293

APPEAL FINDINGS:

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NM 87103 We appreciate your diligence in bringing your concerns to the attention of the CPOA and CPOAB. Complaint investigations and appeals provide valuable information to potentially inform policy recommendations to the Chief of Police, the Mayor's office, and the City Council when deemed appropriate.

www.cabq.gov In line with our procedures, any revision of findings must meet at least one of the three specified criteria detailed in the original documentation of your findings. Upon careful consideration, the information presented during your hearing did not meet the threshold for us to proceed with any adjustments to the CPOA Executive Directors' findings as outlined on page 3.

Therefore, we uphold, confirm, and stand by the findings of the CPOA Executive Director.

However, the Board is looking into APD policies that address APD Case Investigation hand-off as well as APD policies surrounding the communication of officers' actions.

Our condolences for the loss of your daughter.

MATERIALS REVIEWED BY THE BOARD:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Appeared: Yes

Witness(es) Appeared: No

APD Employee Appeared: No

APD Employee Involved: Lt. (now Commander) DG

Date Hearing Completed: April 10, 2025

APPEAL FINDINGS

Finding Upheld: 1.1.5.A.4

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May 27, 2025

Via Email

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APD Report(s): Yes

CAD Report(s): Yes

Complainant Appeared: Yes

Witness(es) Appeared: No

APD Employee Appeared: No

APD Employee Involved: Detective W

Date Hearing Completed: April 10, 2025

APPEAL FINDINGS

Finding Upheld: 2.60.4.B.5 & 1.1.5.A.4

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MATERIALS REVIEWED BY THE BOARD:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Appeared: Yes

Witness(es) Appeared: No

APD Employee Appeared: No

APD Employee Involved: Deputy Commander (now Commander) H

Date Hearing Completed: April 10, 2025

APPEAL FINDINGS

Finding Upheld: 1.1.5.A.4

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.

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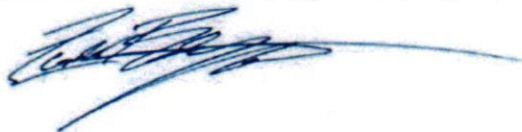
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Eduardo Budanauro
Rowan Wymark
Diane McDermott, Executive Director
Ali Abbasi, Deputy Director

May 30, 2025

Via Email

n

Re: Notice of Appeal Decision for CPC # 116-23

PO Box 1293

APPEAL FINDINGS:

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APD Report(s): Yes

CAD Report(s): Yes

Complainant Appeared: Yes

Witness(es) Appeared: No

APD Employee Appeared: Yes

APD Employee Involved: Officer G.

Date Hearing Completed: April 10, 2025

APPEAL FINDINGS

Finding Upheld: 1.1.5.A.4 (Conduct)

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Policy Upheld

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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:

We uphold, confirm, and stand by the findings of the CPOA Executive Director.

You have exercised your right to appeal this decision as specified in the Oversight Ordinance 9-4-1-10. As was explained in the hearing proceedings in order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:

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

The Advisory Board has considered the statements provided by you, the complainant, any witnesses you may have provided, any evidence if deemed admissible, the Agency's position, the Albuquerque Police Department's position and the officer's position if the officer chose to appear.

The Advisory Board may only modify or change the findings and/or recommendations and make further recommendations if one of the above listed conditions was met. The details of the findings are on the second page of this communication.

Thank you for participating in the process of the Civilian Oversight of the Police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,
The Civilian Police Oversight Advisory Board by

A handwritten signature in blue ink, appearing to read 'Zander Bolyanatz', with a long horizontal flourish extending to the right.

Zander Bolyanatz, Chair
(505) 924-3770

cc: Civilian Police Oversight Agency
Office of Police Reform

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT ADVISORY BOARD

Zander Bolyanatz, Chair
Aaron Calderon, Vice-Chair
Eduardo Budanauro
Rowan Wymark
Diane McDermott, Executive Director
Ali Abbasi, Deputy Director

May 30, 2025

Via Email

Re: Notice of Appeal Decision for CPC # 116-23

PO Box 1293

APPEAL FINDINGS:

, an appeal hearing was scheduled on April 10, 2025 at 5 pm, in response to your appeal request submitted on March 11, 2025. To ensure thorough preparation for the hearing, you were notified on March 12, 2025 that your hearing was scheduled for April 10, 2025.

We appreciate your diligence in bringing your concerns to the attention of the CPOA and CPOAB. Through investigations and appeals initiated by Albuquerque citizens and visitors, valuable information is gathered to potentially inform policy recommendations to the chief of police, the mayor's office, and the city council when deemed appropriate.

In line with our procedures, any revision of findings must meet at least one of the three specified criteria detailed in the original documentation of your findings. Upon careful consideration, the information presented during your hearing did not meet the threshold for us to proceed with any adjustments to the CPOA Executive Directors' findings as outlined on page 3.

Therefore, we uphold, confirm, and stand by the findings of the CPOA Executive Director.

MATERIALS REVIEWED BY THE BOARD:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Appeared: Yes

Witness(es) Appeared: No

APD Employee Appeared: Yes

APD Employee Involved: Officer W.

Date Hearing Completed: April 10, 2025

APPEAL FINDINGS

Finding Upheld: 1.1.5.A.4 (Conduct)

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.

Policy Upheld

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.

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.

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Additional Comments:

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