

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
Rashad Raynor
Eric Nixon
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 approve and move agenda item XV to item XIII. 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 cancelled

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 was 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 change 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 Boards 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 polices 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 send 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 she will be providing to the Board and that Member Wartell and herself is working with City Legal and their portions of their trainings.
2. Ms. Gooch reiterated to the Board that the ride a long are now back in effect and have to occur.
3. Member Wartell inquired into a motion that was passed by Board at the October 13, 2022 Board meeting to draft letter notifying City Legal that the annual training is all that 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 on 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.

Attachments

DRAFT