

Civilian Police Oversight Agency Board

Chantal M. Galloway, Chair

Jesse Crawford

Patricia J. French

Dr. William J. Kass

Eric Nixon

Diane McDermott, Interim Executive Director

Members Present:

Chantal M. Galloway, Acting Chair

Dr. William Kass

Jesse Crawford (late)

Patricia French

Eric Nixon

Michael Wartell

Members Absent:

Others Present:

Diane McDermott, CPOA

Katrina Sigala, CPOA

Valerie Barela, CPOA

Ali Abbasi, CPOA

Lynn Mostoller, Atty

Pastor David Walker

Lieutenant Landavazo, APD

Acting Deputy Cdr. Adam Anaya, APD

Acting Cdr. Jason Sanchez, APD

Carlos Pacheco, Sr. Managing City Atty

Ian Stoker, Assistant City Atty

Chris Sylvan, City Council

Kelly Mensah, CPC

Marteessa Billy, CPC

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

Attendance: In response to the Public Health Emergency, the Civilian Police Oversight Agency (CPOA) Board meeting on Thursday, March 10, 2022 at 5:00 pm 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-03-10-2022>.

(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 on-line 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, March 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,

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March 10, 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.** Acting Chair Galloway called to order the regular meeting of the Civilian Police Oversight Agency Board at 5:03 p.m.
- II. Mission Statement.** Acting Chair Galloway read the Civilian Police Oversight Agency Board’s mission statement.
- III. Approval of the Agenda**
 - a. Motion.** A motion by Member French to approve the agenda. Roll call vote taken. Motion passed.
For: 5 - French, Galloway, Kass, Nixon, Wartell
- IV. Public Comments**
 - a. Review and Approval of Minutes from February 10, 2022.** Draft minutes from the Civilian Police Oversight Board February 10, 2022 special meeting was distributed to each Board Member electronically via a weblink.
 - b. Motion.** A motion by Member French to approve the minutes as written. Roll call vote taken. Motion passed.
For: 5 - French, Galloway, Kass, Nixon, Wartell
- V. Reports from City Departments**
 - a. APD**
 - 1. IA Professional Standards Division (SOP 7-1, SOP 3-41, SOP 3-46)** – Lieutenant Mark Landavazo reported on the Statistical Data for the month of February 2022. A document titled *Civilian Police Oversight Board, Internal Affairs Professional Standards Division Statistical Data for the Month of February 2022* was distributed to the CPOA Board members electronically.
(See attached)

2. IA Force Division (SOP 2-52 through SOP 2-57) – Acting Deputy Commander Adam Anaya reported on the Statistical Data for the month of February 2022. A document titled *Civilian Police Oversight Board, Internal Affairs Force Division Statistical Data for the Month of February 2022* was distributed to the CPOA Board members electronically. (See attached). Deputy Commander Anaya also reported that from January 2022 to current date IAFD is 100% following the process for EFIT timelines.

3. APD Training Semi-Annual Report – Acting Chair Galloway noted that the APD Training Semi-Annual Report will be postponed for another month.

b. City Council – Chris Sylvan

1. City Council Representative - Chris Sylvan gave a verbal report and announced that CPOA Board member Patricia French was reappointed and Michael Wartell was appointed as a new CPOA Board member.

c. Public Safety Committee - Chris Sylvan

1. Public Safety Representative - Chris Sylvan gave a verbal report and noted that the City Council may be returning to in-person meetings.

d. Mayor’s Office – Pastor David Walker

1. APD Community Outreach Liaison – Pastor David Walker gave a verbal report.

e. City Attorney

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1. **Senior Managing Attorney** – Carlos Pacheco gave verbal report.
- f. **CPC – Kelly Mensah**
 1. **Community Policing Council Liaison** - Kelly Mensah gave a verbal report.
- g. **CPOA – Diane McDermott, Interim Executive Director**
 1. **Interim Executive Director** – Diane McDermott gave a verbal and provided a written report. (*See attached*)

VI. Requests for Reconsideration

a. 171-21

1. **Motion.** A motion by Member French for Suspension of Rules Article IV (4) from the CPOA Board Policies and Procedures for Agenda Items VI., VII., VIII., and IX. Roll call vote taken. Motion passed.

For: 5 - French, Galloway, Kass, Nixon, Wartell

*****Member Wartell will be excused from voting on
Agenda Items VI., VII., VII., and IX. *****

2. CPOA Board Legal Counsel Lyn Mostoller read the criteria for which the Board can grant a request for reconsideration.
3. **Motion.** A motion by Acting Chair Galloway to not grant a Request for Reconsideration for CPC 171-21. Roll call vote taken. Motion passed.

For: 4 - French, Galloway, Kass, Nixon

b. 173-21

1. **Motion.** A motion by Member French to not grant Request for Reconsideration for CPC 173-21. Roll call vote taken. Motion passed.

For: 4 - French, Galloway, Kass, Nixon

c. 174-21

- 1. Motion.** A motion by Member Dr. Kass to not grant Request for Reconsideration for CPC 174-21. Roll call vote taken. Motion passed.

For: 5 – Crawford French, Galloway, Kass, Nixon

*****Member Crawford joined the meeting at 5:39 p.m.*****

VII. Review of Cases: The CPOA’s findings in each case listed on the agenda have been reviewed and approved by the CPOA Board. 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

211-21 219-21

- 1. Motion.** A motion by Member Dr. Kass to accept the CPOA Findings of Administratively Closed cases CPC 211-21 and 219-21 as presented. Roll call vote taken. Motion passed.

For: 5 – Crawford, French, Galloway, Kass, Nixon

b. Unfounded

196-21 201-21 222-21 233-21
234-21 257-21 271-21

- 1. Motion.** A motion by Member Dr. Kass to accept the CPOA Findings of Unfounded cases CPC 196-21, 202-21, 222-21, 233-21, 234-21, 257-21, and 271-21 as presented. Roll call vote taken. Motion passed.

For: 5 – Crawford, French, Galloway, Kass, Nixon

c. Exonerated

162-21 226-21

- 1. Motion.** A motion by Member Crawford to accept the CPOA Findings of Exonerated cases CPC 162-21 and 226-21 as presented. Roll call vote taken. Motion passed.

For: 5 – Crawford, French, Galloway, Kass, Nixon

d. Exonerated and Unfounded

239-21

- 1. Motion.** A motion by Acting Chair Galloway to accept the CPOA Findings of Exonerated and Unfounded case CPC 239-21 as presented. Roll call vote taken. Motion passed.

For: 5 – Crawford, French, Galloway, Kass, Nixon

e. Sustained

207-21 208-21 216-21 262-21

- The complainant for CPC 216-21 attended the meeting and provided a statement.
- 2. Motion.** A motion by Member Dr. Kass to remove CPC 216-21 from the Sustained cases and to be place under a separate agenda item as Sustained and Exonerated. Roll call vote taken. Motion passed.

For: 5 – Crawford, French, Galloway, Kass, Nixon

- 3. Motion.** A second by Member Dr. Kass accept the CPOA Findings of Sustained cases CPC 207-21, 208-21 and 262-21 as presented. Roll call vote taken. Motion passed.

For: 5 – Crawford, French, Galloway, Kass, Nixon

f. Sustained and Exonerated

216-21

- 1. Motion.** A motion by Member Dr. Kass to accept the CPOA Findings of Sustained and Exonerated case CPC 216-21 as presented. Roll call vote taken. Motion passed.

For: 5 – Crawford, French, Galloway, Kass, Nixon

g. Sustained and Sustained NBOOC

248-21

- 1. Motion.** A motion by Acting Chair Galloway to accept the CPOA Findings of Sustained and Sustained NBOOC as presented. Roll call vote taken. Motion passed.

For: 5 – Crawford, French, Galloway, Kass, Nixon

VIII. Non-Concurrence Cases

a. 100-21

- Interim Director provided a synopsis of APD's Non-Concurrence Case 100-21.

b. 134-21

- Interim Director provided a synopsis of APD's Non-Concurrence Case 134-21.

c. 140-21

- Interim Director provided a synopsis of APD's Non-Concurrence Case 140-21.

d. 149-21

- Interim Director provided a synopsis of APD's Non-Concurrence Case 149-21.

e. 155-21

- Interim Director provided a synopsis of APD's Non-Concurrence Case 155-21.

f. 159-21

1. Interim Director provided a synopsis of APD's Non-Concurrence Case 159-21.

g. 170-21

1. Interim Director provided a synopsis of APD's Non-Concurrence Case 170-21.

h. 174-21

1. Interim Director provided a synopsis of APD's Non-Concurrence Case 174-21.

i. 224-21

1. Interim Director provided a synopsis of APD's Non-Concurrence Case 224-21.

IX. Serious Use of Force Cases/Officer Involved Shooting

a. 20-0041385

1. Member Dr. Kass provided a review of background of Serious Use of Force Case/Officer Involved Shooting cases and noted that the process needs to be improved.
2. Member Dr. Kass provided a review of SUOF case 20-0041385.
3. **Motion.** A motion by Member Dr. Kass to accept the findings of the APD Force Review Board. Roll call vote taken. Motion Passed.

For: 5 – Crawford, French, Galloway, Kass, Nixon

b. 20-0085317

1. **Motion.** A motion by Acting Chair Galloway to accept the findings of the APD Force Review Board. Roll call vote taken. Motion passed.

For: 5 – Crawford, French, Galloway, Kass, Nixon

c. 21-0002324

1. **Motion.** A motion by Acting Chair Galloway to accept the findings of the APD Force Review Board. Roll call vote taken. Motion passed.

For: 5 – Crawford, French, Galloway, Kass, Nixon

d. 21-0009559

1. **Motion.** A motion by Acting Chair Galloway to accept the findings of the APD Force Review Board. Roll call vote taken. Motion passed.

For: 5 – Crawford, French, Galloway, Kass, Nixon

e. 18-0105978

1. **Motion.** A motion by Member Nixon to accept the findings of the APD Force Review Board. Roll call vote taken. Motion passed.

For: 5 – Crawford, French, Galloway, Kass, Nixon

f. File Requests:

- a. None.

g. Proposed Case(s) for April 2022 Review:

1. TBD

2. **Motion.** A motion by Acting Chair Galloway to amend the Agenda to move Closed Session item XII.a up and to be heard prior to the CPOA Board taking a break. Roll call vote taken. Motion passed.

For: 6 – Crawford, French, Galloway, Kass, Nixon, Wartell

*****A twenty-minute break began at 7:50 p.m. and the meeting reconvened at 8:10 p.m.*****

X. Reports from Subcommittees

a. Community Outreach Subcommittee – *Chantal Galloway*

1. Met February 22, 2022 (video Conference)
2. Chair Galloway submitted a written report (*see attached*)
3. Next meeting March 22, 2022 at 3:00 p.m.

b. Policy and Procedure Review Subcommittee – *Dr. William Kass*

1. Met March 3, 2022 (video Conference)
2. Chair Dr. Kass submitted a written report (*see attached*)
3. Next meeting April 7, 2022 at 4:30 p.m.

c. Case Review Subcommittee – *Patricia J. French*

1. February 14, 2022 Meeting was Cancelled
2. There was no report.
3. Next meeting TBD

d. Personnel Subcommittee – *Patricia J. French*

1. Met March 4, 2022 at 3:00 p.m. (video conference)
2. Chair French gave a verbal report.
3. Next meeting March 28, 2022 at 3:00 p.m.

XI. Discussion and Possible Action:

a. Consideration of PPRB Policies with No Recommendation: - *Dr. William Kass*

1. **Motion.** A motion by Member Dr. Kass to accept the list of PPRB Policies with No Recommendation (*see attached*) and that the Agency forward the list to APD. Roll call vote taken. Motion passed.

For: 6 – Crawford, French, Galloway, Kass, Nixon, Wartell

b. Consideration of Proposed MOU between the City of Albuquerque, CPOA/CPOAB and APOA on OIS/SUOF Materials – *Dr. William Kass and Interim Executive Director, Diane McDermott*

1. Interim Director McDermott provided a status update on the meeting that was held on March 9, 2022.

c. Use of Force Updates – *Dr. William Kass*

1. Chair Dr. Kass provided a status update on APD's review of Serious Use of Force Polices and noted that once PPRB completes their review the CPOA Board will need hold a meeting for public input on the policies.

d. CPOA Ordinance Update – *Patricia J. French*

1. Member French provided an update on the CPOA Ordinance and advised that the proposed revisions were pasted by the City Council at their last meeting.

e. APD SOP 1-2 Recommendation Letter Re: Social Media –

Jesse Crawford

1. **Motion.** A motion by Member Crawford to approve the APD SOP 1-2 Recommendation Letter as drafted. (*See attached*) Roll call vote taken. Motion passed.

For: 6 – Crawford, French, Galloway, Kass, Nixon, Wartell

f. Legal Counsel Contract – *Interim Executive Director,*

Diane McDermott

1. **Motion.** A motion by Acting Chair Galloway to move forward with the renewal contract of Sutin, Thayer & Browne Firm for Fiscal Year 2022/2023 as CPOA Legal Counsel. Roll call vote taken. Motion passed.

For: 6 – Crawford, French, Galloway, Kass, Nixon, Wartell

g. 2022 OMA Resolution – *Interim Executive Director, Diane McDermott*

1. Acting Chair Galloway read the 2022 OMA Resolution.
2. **Motion.** A motion by Acting Chair Galloway to adopt the 2022 OMA Resolution. (*See attached*) Roll call vote taken. Motion passed.

For: 6 – Crawford, French, Galloway, Kass, Nixon, Wartell

h. Budget Process and Proposal Update – *Interim Executive Director, Diane McDermott*

1. Interim Executive Director Diane McDermott provided a review of the proposed budget, additional funding requests, and an overview on the process. She will also provide a status update when she is made aware of the approval from CAO.

i. 2021 Executive Director Performance Evaluation Letter – *Chantal M. Galloway*

1. **Motion.** A motion by Member Dr. Kass to send the letter to City Council. (*See attached*) Roll call vote taken. Motion passed.

For: 6 – Crawford, French, Galloway, Kass, Nixon, Wartell

j. Executive Director Job Posting Description – *Patricia J. French*

1. **Motion.** A motion by Member French to change the salary range on the current Job Posting circular from \$103,000 – \$121,000 to \$112,000 to \$121,000. Roll call vote taken. Motion passed.
2. Member French will reach out to City HR to make the request.

For: 6 – Crawford, French, Galloway, Kass, Nixon, Wartell

k. Board Member Review Update – *Chantal M. Galloway*

1. Acting Chair Galloway reported that she was unable to meet with Member Dr. Kass and Nixon and will meet with them next week.

l. Election of CPOA Board Chair and Vice-Chair

1. **Chairperson Election.** Member Dr. Kass nominated himself William J. Kass to be the next chairperson of the CPOA Board. Member Nixon nominated Patricia J. French to be the next Chairperson of the CPOA Board. There were no other nominations. Roll call vote taken by name. Patricia J. French was elected as the CPOA Board Chair by majority vote of the Board.

For Member Dr. Kass: 2 - Crawford, Kass

For Member French: 3 - French, Galloway, Nixon, Wartell

2. **Vice-Chair Election.** Member Nixon nominated Jesse Crawford to be the next Vice-Chairperson of the CPOA Board. There were no other nominations. Roll call vote taken. Motion passed. Jesse Crawford was elected at the CPOA Board Vice-Chair by unanimous consent.

For: 6 – Crawford, French, Galloway, Kass, Nixon, Wartell

m. Designate CPOA Board Representative for PPRB

1. Designee for Policy and Procedure Review Board. Member Galloway nominated Member Dr. Kass to be the CPOA Board Representative for PPRB. There were no other nominations. By acclamation Member Dr. Kass will be the CPOA Board Representative of the PPRB. Chair French will attend the meetings if she is able and Vice-Chair Crawford expressed interest in attending as well.

XII. Meeting with Counsel re: Pending Litigation or Personnel Issues:

Closed Discussion and Possible Action re: Pending Litigation or Personnel Issues

a. Limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2)

1. *Consideration of Applicants for Executive Director Position*

- i. **Motion.** A motion by Acting Chair Galloway to move into closed session for the limited purpose of discussing a personnel matter. Roll call vote taken. Motion passed.

For: 6 – Crawford, French, Galloway, Kass, Nixon, Wartell

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*****Meeting on Personnel matters began at 7:17 p.m. and
the meeting Reconvened at 7:49 p.m.*****

- ii. **Motion.** A motion by Member French to reconvene into open session and that no other matters were discussed during closed session. Roll call vote taken. Motion passed.

For: 6 – Crawford, French, Galloway, Kass, Nixon, Wartell

- iii. **Motion.** A second motion by Acting Chair Galloway to schedule interviews contingent upon completion of application requirements for three of the applicants that were received. Roll call vote taken. Motion passed.

For: 5 – Crawford, French, Galloway, Kass, Nixon

Against: 1 – Wartell

**Closed Discussion and Possible Action re: Pending Litigation or
Personnel Issues**

- b. **Matters subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant pursuant to NMSA 1978, Section 10-15-1(H)(7)**

- 1. ***Miller v. City of Albuquerque et al.,*
1:21-cv-00473**

- i. **Motion.** A motion by Member Galloway to take a member by member vote to move into closed session for the limited purpose of discussing a litigation matter. Roll call vote taken. Motion passed.

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For: 6 – Crawford, French, Galloway, Kass, Nixon, Wartell

*****Meeting on Litigation matters began at 9:21 p.m. and the meeting reconvened at 9:31 p.m.*****

- ii. **Motion.** A motion by Member Galloway to reconvene into open session and that no other matters were discussed in closed session. Roll call vote taken. Motion passed.

For: 6 – Crawford, French, Galloway, Kass, Nixon, Wartell

XIII. Other Business

- a. Member Wartell introduced himself and provided his background.

XIV. Adjournment.

- a. **Motion.** A motion by Member Galloway to adjourn the meeting. Roll call vote taken. Motion passed.

For: 6 – Crawford, French, Galloway, Kass, Nixon, Wartell

- b. The meeting was adjourned at 9:36 p.m.

APPROVED:



Patricia J. French, Chair
Civilian Police Oversight Agency Board

May 11, 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

ATTACHMENTS

CIVILIAN POLICE OVERSIGHT BOARD

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

INTERNAL CASES FOR THE MONTH OF February 2022

Total Internal Cases Completed in the month of February 2022- 21

25 completed cases (sent out to the area command)

1. IA Cases opened in the month of February 2022: 27
 2. Area Command IA cases opened for the month of February 2022: 16
 3. Pending IA Cases for the month of February 2022: 25
 4. Internal Cases Mediated: 0
-

DISCIPLINE IMPOSED FOR INTERNAL CLOSED CASES IN February 2022

I-359-21

1-1-4B2 Compliance with Laws, Rules and Regulations

Not Sustained

No Disciplinary Action

2-8-5B8b Mandatory Recording

Sustained/NBOOC

Suspension

2-55-4D1 Use of Force De-Escalations

Sustained/NBOOC

3-13-3B2 Officer's Duties

Sustained/NBOOC

3-14-4A6 Procedures

Sustained

Written Reprimand

2-57-4B1k Level 2 and Level 3 UOF Investigations by the Force Investigation Section

Sustained

Suspension

2-57-4B1 Level 2 and Level 3 UOF Investigations by the Force Investigation Section
Sustained
Written Reprimand
1-1-4B7c Compliance with Laws, Rules and Regulations
Admin Closed/ Duplicate
No Disciplinary Action

I-439-21

1-1-6C2 Obey All Department and Supervisory orders
Sustained
Letter of Reprimand

2-57-3C1h On-Scene Responsibilities of Supervisors reviewing UOF
Sustained
Letter of Reprimand
3-14-4A15 Procedure
Sustained

2-57-3D4h Supervisor Documentation of Level 1 UOF
Unfounded
No Disciplinary Action

2-60-4A5f Preliminary Investigations
Sustained
Verbal Reprimand

2-52-5C Use of Force Prohibitions
Exonerated
No Disciplinary Action

2-52-6A6 Use of Force Prohibitions
Exonerated
No Disciplinary Action

1-1-6C2 Obey All Department and Supervisory orders
Not Sustained
No Disciplinary Action

1-1-6C1 Obey All Department and Supervisory orders
Not Sustained
No Disciplinary Action

2-60-4A5f Preliminary Investigations
Sustained
Verbal Reprimand

1-1-6C2 Obey All Department and Supervisory orders
Sustained

Letter of Reprimand

2-52-6A6 Use of Force Procedures

Exonerated

No Disciplinary Action

2-52-5C Use of Force Prohibitions

Exonerated

No Disciplinary Action

1-1-6C2 Obey All Department and Supervisory orders

Sustained

No Disciplinary Corrective Action

2-60-4A5f Preliminary Investigations

Sustained

I-490-21

2-56-4A1 General Requirements of Officers Who Use Force

Sustained

Letter of Reprimand

2-56-2D2 Officer's Obligations Following Level 2 or Level 3 UOF

Not Sustained

No Disciplinary Action

2-56-4A1 General Requirements of Officers Who Use Force

Sustained

Letter of Reprimand

2-56-2D2 Officer's Obligations Following Level 2 or Level 3 UOF

Not Sustained

No Disciplinary Action

2-52-4E1 Totality of the Circumstances

Unfounded

No Disciplinary Action

2-56-4A1 General Requirements of Officers Who Use Force

Sustained

Letter of Reprimand

2-56-2D2 Officer's Obligations Following Level 2 or Level 3 UOF

Not Sustained

No Disciplinary Action

2-56-4A1 General Requirements of Officers Who Use Force

Sustained

Letter of Reprimand

2-56-2D2 Officer's Obligations Following Level 2 or Level 3 UOF

Not Sustained

No Disciplinary Action

2-56-4A1 General Requirements of Officers Who Use Force

Sustained

Letter of Reprimand

2-56-2D2 Officer's Obligations Following Level 2 or Level 3 UOF

Not Sustained

No Disciplinary Action

2-56-4A1 General Requirements of Officers Who Use Force

Unfounded

No Disciplinary Action

2-60-4A5f Preliminary Investigations

Not Sustained

No Disciplinary Action

I-534-21

1-1-6A1 Professional Conduct While On-and Off Duty

Sustained

Written Reprimand

I-540-21

3-21-2C11b Injury in Line of Duty

Sustained

Written Reprimand

30-20-4A7e Overtime

Sustained

1-1-4A3 Authority of Federal, State, and Local Laws and Regulations

Sustained

3-14-4A3 Supervisory Leadership

Sustained

Written Reprimand

3-14-4A6

Sustained

I-541-21

2-52-6A7 General Procedures

Unfounded

No Disciplinary Action

2-56-5A3 Duty to Provide Medical Attention and Transportation

Unfounded

2-56-5C1 Officer's Obligations Following Level 1 UOF

Unfounded

2-55-4B De-escalation Techniques and Guidelines

Unfounded

2-55-4C De-escalation Techniques and Guidelines

Unfounded

2-57-3C1 On-Scene Responsibilities of Supervisors Use of Force

Exonerated

No Disciplinary Action

2-57-3D1 Supervisor Documentation of Level 1 UOF

Exonerated

I-552-21

1-1-4A2a Authority of Federal, State, and Local Laws and Regulations

Unfounded

No Disciplinary Action

1-1-4A2a Authority of Federal, State, and Local Laws and Regulations

Unfounded

No Disciplinary Action

1-1-4A2a Authority of Federal, State, and Local Laws and Regulations

Unfounded

No Disciplinary Action

I-553-21

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

Unfounded

No Disciplinary Action

I-554-21

1-1-4A2a Authority of Federal, State, and Local Laws and Regulations

Unfounded

No Disciplinary Action

I-568-21

2-57-3d3c Supervisor Documentation of Level 1 UOF

Sustained

Suspension- Not issued- Employee no longer with department

I-578-21

2-80-2Q2ciiih Custody of Prisoners

Sustained

Verbal Reprimand

1-1-4A2a Authority of Federal, State, and Local Laws and Regulations

Unfounded

No Disciplinary Action

I-580-21

1-1-6A1 Honesty, Integrity, and Accountability

Unfounded

No Disciplinary Action

1-1-6A1 Honesty, Integrity, and Accountability

Unfounded

No Disciplinary Action

I-590-21

1-1-6A1 Honesty, Integrity, and Accountability

Unfounded

No Disciplinary Action

1-1-6A6 Honesty, Integrity, and Accountability

Not Sustained

No Disciplinary Action

1-5-4B3 Reporting Harassment
Sustained
Verbal Reprimand

I-595-21
2-5-4A3 General Procedures for Department-Issued Vehicles
Sustained
Written Reprimand

I-597-21
2-5-4A3 General Procedures for Department-Issued Vehicles
Sustained
Written Reprimand

I-609-21
2-8-4F1 Use of On-Body Recording Device
Not Sustained
No Disciplinary Action

I-616-21
2-56-5A3 Duty to Provide Medical Attention and Transportation
Unfounded
No Disciplinary Action
2-82-4B7 Transporting of Individuals
Unfounded

2-82-4B7 Transporting of Individuals
Unfounded
No Disciplinary Action

I-618-21
1-1-8B Reporting Violations
Exonerated
No Disciplinary Action

1-1-8B Reporting Violations
Admin Closed
No disciplinary Action
1-1-8A Reporting Violations
Unfounded

3-41-7A2 Complaints Involving Dept Policy or Personnel
Sustained
Written Reprimand

2-8-4F1 Rules
Sustained
Written Reprimand

I-645-21

1-1-4A2b Authority of Federal, State, and Local Laws and Regulations
Sustained
Terminated
1-1-6A1 Honesty, Integrity, and Accountability
Sustained
Suspension – Not issued-Employee no longer with department
3-41-9A Cooperation with Investigation
Sustained
Terminated

3-41-7A2 Reporting
Sustained
No Disciplinary Corrective Action

I-669-21

1-1-6A1 Honesty, Integrity, and Accountability
Sustained
Suspension- Not issued- Employee no longer with department
1-1-6C2 Obey All Department and Supervisory Orders
Sustained

I-636-21

2-8-5D Mandatory Recording
Sustained
Written Reprimand

2-19-7B Response
Sustained

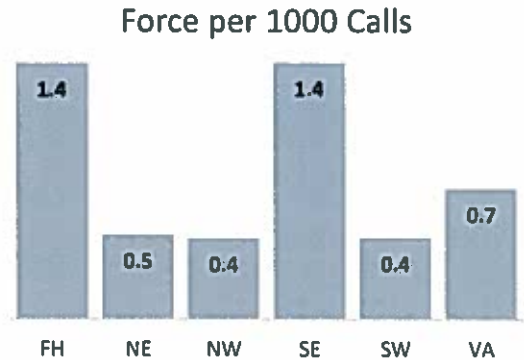


Civilian Police Oversight Agency Board

INTERNAL AFFAIRS FORCE DIVISION

STATISTICAL DATA FOR THE MONTH OF FEBRUARY 2022

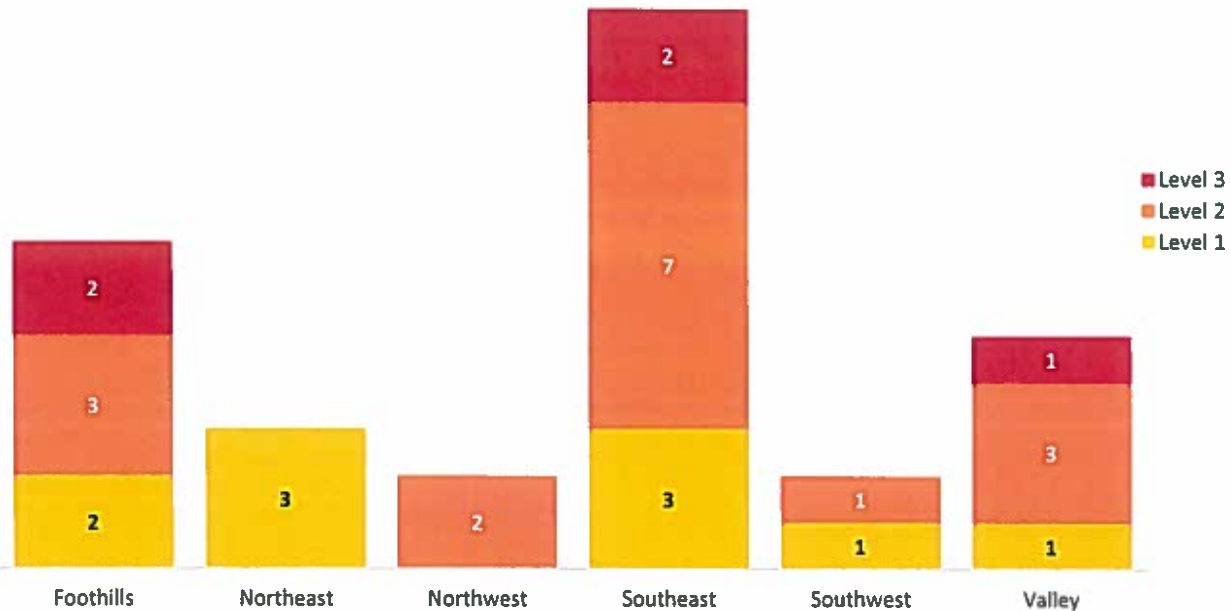
	Level 1	Level 2	Level 3	Total	CAD
Foothills	2	3	2	7	4985
Northeast	3			3	6469
Northwest		2		2	4494
Southeast	3	7	2	12	8512
Southwest	1	1		2	4469
Valley	1	3	1	5	6961
PTC					
Total	10	16	5	31	



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.

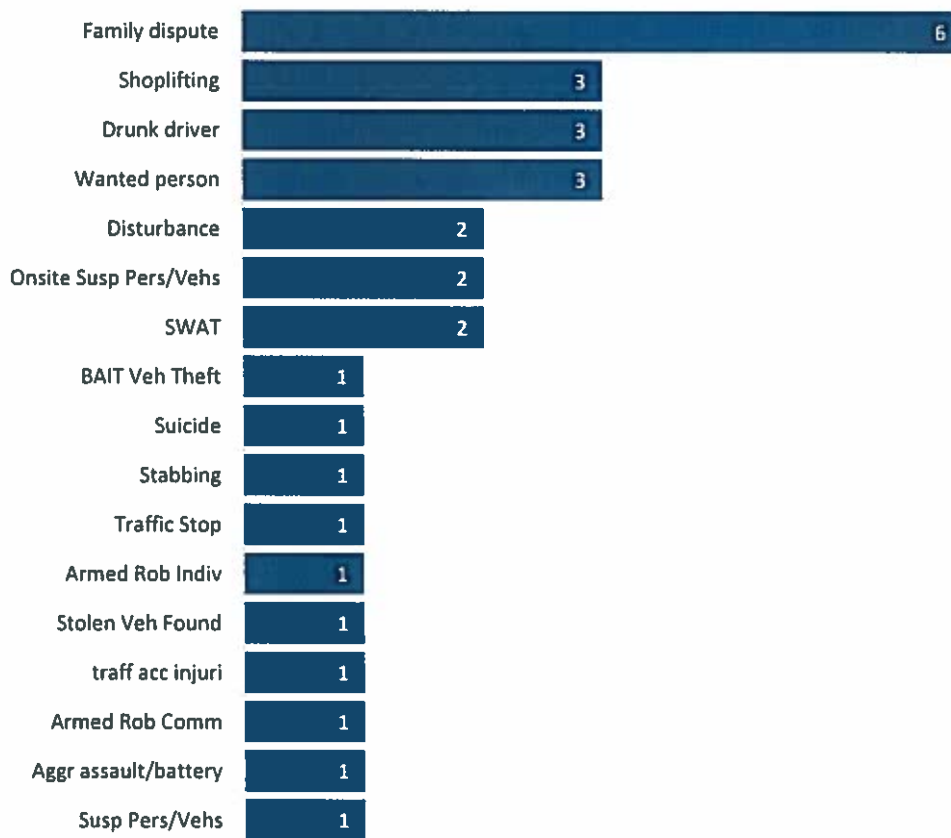
- Level 1 is force that is likely to cause only transitory pain, disorientation, or discomfort during its application as a means of gaining compliance. This includes techniques which are not reasonably expected to cause injury, do not result in actual injury, and are not likely to result in a complaint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

February 2022 Force Events



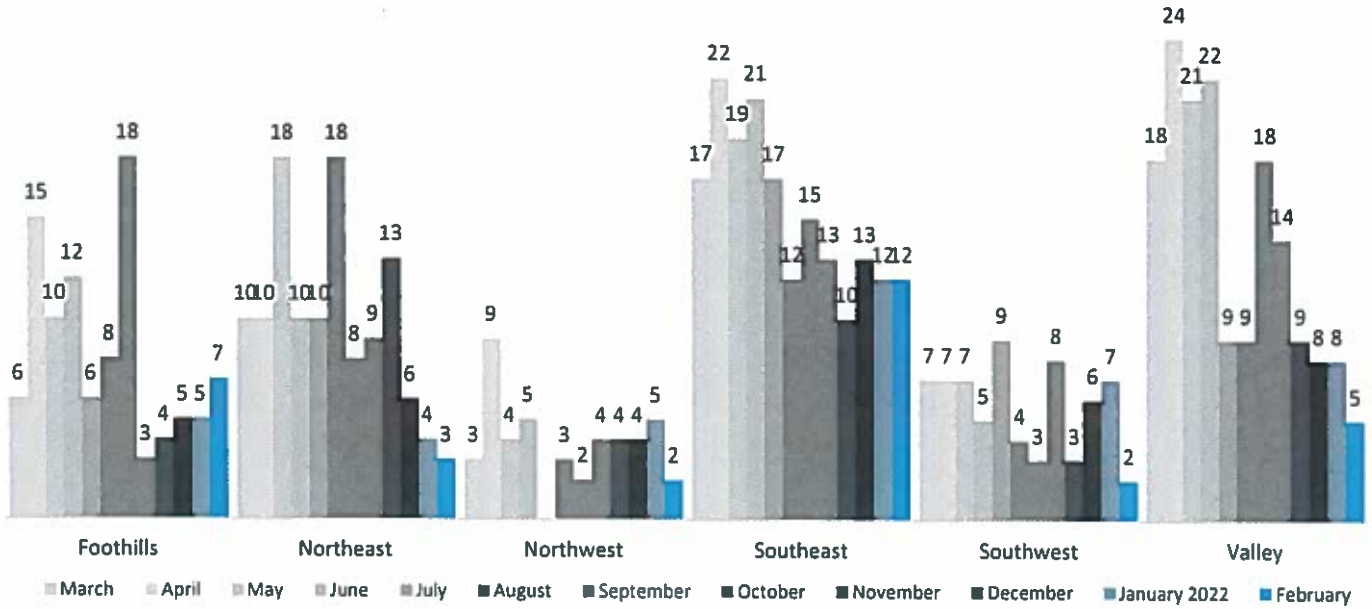
Civilian Police Oversight Agency Board
INTERNAL AFFAIRS FORCE DIVISION
STATISTICAL DATA FOR THE MONTH OF FEBRUARY 2022

Call Types Associated with February 2022 Force Events

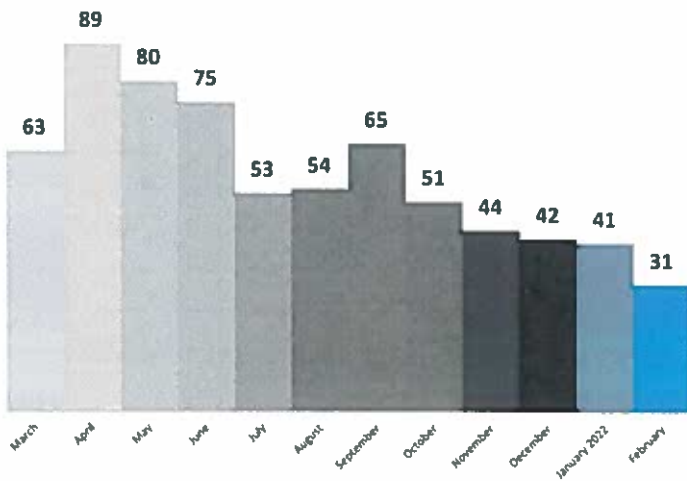


Civilian Police Oversight Agency Board
INTERNAL AFFAIRS FORCE DIVISION
STATISTICAL DATA FOR THE MONTH OF FEBRUARY 2022

Twelve Months of Force Data



Twelve Months of Force Data
 (Includes Out of Area)



CPOA Report 3/10/22

We opened 19 CPCs since the date of the last meeting 2/10/22

We received information on 22 driving complaints since the date of the last meeting. These predominately came from 311.

We closed 17 CPCs up to the date of 2/25/22, due to the Board upload time. These are on the agenda.

Recommended discipline for the cases this month:

CPC 207-21 SOP 2-01-10D4a Recommend 40 hr suspension, however the employee resigned.

CPC 208-21 SOP 2-60-4A5f Recommend verbal reprimand

CPC 216-21 SOP 3-14-4A5 Recommend NDCA (non disciplinary corrective action)

CPC 248-21 SOPs 1-1-5A1 & 2-8-5A Recommend a written reprimand for each SOP sustained

CPC 262-21 SOP 2-16-2E1 Recommend verbal reprimand

March 7 City Council passed unanimously a revised Civilian Police Oversight Ordinance. It is not official until it is published. It will either be signed by the Mayor and published after that or the time to make comment will pass and it will be published after that. The Board will be advised when it is published, which then we will be operating under the New Ordinance. Once the new Ordinance is published, the Board will need to update its rules and procedures.

A Resolution was passed by City Council directing the city administration to assess reopening and renegotiating the court approved settlement agreement in light of recent attorney general guidance regarding such agreements. For those not familiar, the basics of those guidelines are that monitor fees should have a cap, monitors have term limits, which can be renewed under an evaluation process, public disclosure of monitor bills and methodologies and a five-year target for achieving reforms and ending the agreement.

In light of the new Ordinance and other issues there is likely going to be discussions in the coming months about modifications to the CASA. This is something the Board will want to consider for suggestions to the City and the DOJ.

The City Council announced that they will be resuming in person meetings. We are awaiting guidance and paying attention to the developments. For now, things will remain the status quo, but if things change it will be coordinated with the Chair.

Letters were sent to the CPOA staff as well as Amici group leaders identified by the DOJ for an invitation to send input regarding the Executive Director. Any feedback was directed to Members Galloway and French.

Since the last meeting EFIT submitted their second quarterly report. Additionally, a proposed amended stipulated order has been filed to allow EFIT to investigate use of force backlogged cases and extend the current EFIT contract by 24 months to May 2024.

The Citizen Police Academy will be starting March 29. I believe currently there are two members that will need to register for this session.

Policies with 'No Recommendation' advanced through the PPRB

Title
1-16 Auto Theft Unit
1-20 (Formerly 1-11) Behavioral Sciences Section
1-28 (Formerly 4-3) Downtown Unit
1-37 Crisis Intervention Division and Program
1-58 Crime Gun Intelligence Center
2-8 Use of On-Body Recording Devices (OBRD)
2-19 Response to Behavioral Health Issues
2-22 Juvenile Delinquency
2-35 (Formerly 2-29) Emergency Response Team (ERT)
1-25 Chaplain Unit
1-39 (Formerly 6-4) DWI Unit
2-2 Department Property PPRB

ALBUQUERQUE CIVILIAN POLICE OVERSIGHT AGENCY BOARD RESOLUTION
NO. _____

WHEREAS, the Albuquerque Civilian Police Oversight Agency Board met in regular session via videoconference on March 10, 2022 at 5:00 p.m., as required by law; and

WHEREAS, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978, Sections 10-15-1 to -4) states that, except as may be otherwise provided in the Constitution or the provisions of the Open Meetings Act, all meetings of a quorum of members of any board, council, commission, administrative adjudicatory body or other policymaking body of any state or local public agency held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such body, are declared to be public meetings open to the public at all times; and

WHEREAS, any meetings subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public; and

WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires the Civilian Police Oversight Agency Board to determine annually what constitutes reasonable notice of its public meetings;

NOW, THEREFORE, BE IT RESOLVED by the Civilian Police Oversight Agency Board that:

1. All regular meetings shall be held in the City Council Chambers for the City of Albuquerque on the second Thursday of every month at 5:00 p.m., or as indicated in the meeting notice.
2. The agenda for regular meetings will be posted at least seventy-two hours prior to the meeting at the offices of the Civilian Police Oversight Agency and on the Civilian Police Oversight Agency's website at www.cabq.gov/cpoa.
3. Notice of regular meetings other than those described in Paragraph 2 will be given ten days in advance of the meeting date. The notice will include a copy of the agenda or information on how a copy of the agenda may be obtained. If not included in the notice, the agenda will be available at least seventy-two hours before the meeting and posted on the Civilian Police Oversight Agency's website at www.cabq.gov/cpoa.
4. Special meetings may be called by the Chairman or a majority of the members upon three days notice. The notice for a special meeting shall include an agenda for the meeting or information on how a copy of the agenda may be obtained. The agenda will be available at least seventy-two hours before the meeting and posted on the Civilian Police Oversight Agency's website at www.cabq.gov/cpoa.
5. Emergency meetings will be called only under unforeseen circumstances that demand immediate action to protect the health, safety and property of citizens or to protect the

public body from substantial financial loss. The Civilian Police Oversight Agency Board will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chairman or a majority of the members with twenty-four hours prior notice, unless threat of personal injury or property damage requires less notice. The notice for all emergency meetings shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda. Within ten days of taking action on an emergency matter, the Civilian Police Oversight Agency Board will notify the Attorney General's Office.

6. For the purposes of regular meetings, notice requirements are met if notice of the date, time, place and agenda is posted at the offices of the Civilian Police Oversight Agency and on the Civilian Police Oversight Agency's website at www.cabq.gov/cpoa.
7. Copies of the written notice shall also be provided to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings of the Civilian Police Oversight Agency Board.
8. For the purposes of special meetings and emergency meetings, notice requirements are met if notice of the date, time, place and agenda is posted at the offices of the Civilian Police Oversight Agency and on the Civilian Police Oversight Agency's website at www.cabq.gov/cpoa. Telephone notice also shall be given to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings of the Civilian Police Oversight Agency Board.
9. In addition to the information specified above, all notices shall include the following language:

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact

Katrina Sigala at 505-924-3770

at least one (1) week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact

Katrina Sigala at 505-924-3770

if a summary or other type of accessible format is needed.

10. The Civilian Police Oversight Agency Board may close a meeting to the public only if the subject matter of such discussion or action is excepted from the open meeting requirement under Section 10-15-1(H) of the Open Meetings Act.

- (a) If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the Civilian Police Oversight Agency Board taken during the open meeting. The authority for the closed meeting and the subjects to be discussed shall be stated with reasonable specificity in the motion to close and the vote of each individual member on the motion to close shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting.
- (b) If a closed meeting is conducted when the Civilian Police Oversight Agency Board is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting and the subjects to be discussed with reasonable specificity, is given to the members and to the general public.
- (c) Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.
- (d) Except as provided in Section 10-15-1(H) of the Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by vote of the Civilian Police Oversight Agency Board in an open public meeting.

Passed by the Civilian Police Oversight Agency Board

this 10th day of March, 2022.

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Chantal M. Galloway, Acting Chair

Jesse Crawford

Patricia J. French

Dr. William J. Kass

Eric Nixon

Michael Wartell

Diane McDermott, Interim Executive Director

March 10, 2022

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

Re: Recommendation SOP 1-2 Social Media

Dear Chief Medina:

The Civilian Police Oversight Agency has recently received complaints that related to interactions with Twitter accounts that complainants perceived as being official APD media channels. It seems that APD did not intend to create this perception, but it has nonetheless lead to confusion and frustration. Most importantly, citizens have at time felt actions by APD employees to be violations of their rights---a situation that occurred because of a lack of clarity between personal and official accounts. In order to avoid future incidents, the Civilian Police Oversight Agency Board recommends an addition to APD policy to clearly distinguish official and personal social media accounts.

PO Box 1293

Albuquerque

The Board recommends that SOP 1-2, Social Media, be revised to require that employees not have Department-sanctioned personal social media profiles. Should an employee be allowed to have a Department-sanctioned page, it should be clearly identified as an official APD presence and should not be used for any personal purpose. Such accounts should provide a disclaimer identifying them as official accounts and be routinely monitored by APD communications or another department or individual cognizant of communications policy and practices. Personal social media profiles should be prohibited from creating any appearance of being official APD outlets. Policy should advise APD personnel against tweeting APD statements, press items, or any commentary that would be perceived as coming from APD as an organization. It may be advisable to require employees to clearly state that they are speaking on their own behalf only whenever posting information or commentary related to APD.

NM 87103

www.cabq.gov

We look forward to your response to our recommendations above, in compliance with your obligations under §9-4-1-4(C) (5) (c) of the Civilian Police Oversight Agency Ordinance.

Sincerely,
The Civilian Police Oversight Agency Board by

DocuSigned by:
Chantal Galloway
558F7EAF01DF409
Chantal M. Galloway, Acting Chair
(505) 924-3770

cc: Civilian Police Oversight Agency
City Council President, Isaac Benton
Mayor, Tim Keller
City Attorney, Esteban A. Aguilar Jr.
James Ginger Ph.D.
United States Attorney, Elizabeth Martinez
City Clerk, Ethan Watson
APD, Deputy Commander Richard Evans
APD, Lieutenant Jason Sanchez

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Chantal M. Galloway, Acting Chair

Dr. William J. Kass

Diane McDermott, Interim Executive Director

Jesse Crawford

Eric Nixon

Patricia J. Peralta

Michael Wartell

March 10, 2022

City Council President Benton, Members of the City Council, Mayor Timothy Keller, and Chief of Police Harold Medina,

The Civilian Police Oversight Agency Board (CPOAB) has not completed or approved a performance evaluation for the Executive Director of the Civilian Police Oversight Agency for 2021 as there was no permanent Director for the duration of 2021 and there is currently not a permanent Director. Additionally, there have been no goals outside of the general objectives laid out by the CASA and Ordinance by which the current Interim Director can be evaluated, and she has only been in the role since November 15, 2021.

Therefore, pursuant to the requirements in the Ordinance, § 9-4-1-7(C), the CPOAB provides Council with notice that a 2021 evaluation of an Executive Director will not occur. We thank the Council, Mayor Keller, and Chief Medina for their understanding during this time of transition in CPOA leadership and look forward to continuing to work collaboratively with you.

PO Box 1293

Thank you,

DocuSigned by:

Chantal Galloway

Albuquerque

Chantal M. Galloway

On Behalf of the Civilian Police Oversight Agency Board

NM 87103

www.cabq.gov