

Civilian Police Oversight Agency Board

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

Thursday, August 11, 2022 - 5:00 p.m.

Members Present:

Patricia J. French, Chair
Jesse Crawford, Vice Chair
Greg Jackson
Eric Nixon
Michael Wartell

Members Absent:

Rashad Raynor
(Excused)

Others Present:

Diane McDermott, CPOA
Katrina Sigala, CPOA
Valerie Barela, CPOA
Ali Abbasi, CPOA
Tina Gooch, CPOA/CPOAB Legal Counsel
Cdr. Scott Norris, APD
Lt. Mark Landavazo, APD
Carlos Pacheco, Sr. Managing City Atty
Ian Stoker, Managing City Atty
Pastor David Walker, Mayor's Office
Chris Sylvan, City Council
Kelly Mensah, CPC

Attendance: In response to the Public Health Emergency, the Civilian Police Oversight Agency (CPOA) Board meeting on Thursday, August 11, 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-08-11-2022>. (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, August 8, 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, August 11, 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 5:04 p.m.
- II. Roll Call.** A roll call vote of Board members present was taken. Chair French, Vice-Chair Crawford, Members Jackson, Nixon, and Wartell were present. Member Rashad was excused from the meeting.
- III. Approval of the Agenda**
 - a. Motion.** A motion by Member Nixon to amend and remove item XII.c from the agenda and to approve the agenda as amended. A Roll call vote was taken. Motion passed.

For: 4 – Crawford, French, Jackson, Nixon, Wartell

IV. Approval of Consent Agenda

a. Administratively Closed

006-22 052-22 060-22 150-22

b. Not Sustained

045-22

c. Unfounded and Exonerated

031-22 047-22 057-22

d. Unfounded

038-22 042-22 049-22 050-22 067-22

e. Exonerated

053-22

- 1. **Motion.** A Motion by Chair French to not approve the consent agenda as the Board did not receive the documents requested to review the cases and that the cases be placed on the next regularly scheduled CPOA Board meeting agenda for review. A Roll call vote was taken. Motion passed.

For: 4 – Crawford, French, Jackson, Nixon, Wartell

V. Public Comments

- a. None.

VI. Review and Approval of Minutes from July 14, 2022 Meeting

- a. Draft minutes from the Civilian Police Oversight Board regular meeting on July 14, 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 July 14, 2022, regular meeting. A roll call vote was taken. Motion passed.

For: 4 – Crawford, French, Jackson, Nixon, Wartell

VII. Reports from City Departments

a. **APD**

1. IA Professional Standards Division (SOP 7-1, SOP 3-41, SOP 3-46) – Acting Commander Mark Landavazo

- Lieutenant Mark Landavazo reported on the Statistical Data for the month of July 2022. A document titled *Civilian Police Oversight Board, Internal Affairs Professional Standards Division Statistical Data for the Month of July 2022* was screen shared and distributed to CPOA Board members electronically. (see attached)
- Chair French inquired into the process related to the cases the CPOA turns over to APD Internal Affairs and the type of notification sent to the complainant. Chair French will discuss the process with the incoming Executive Director.

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

Commander Scott Norris – Commander Scott Norris reported on the Statistical Data for the month of July 2022. A document titled *Civilian Police Oversight Board, Internal Affairs Force Division*

Statistical Data for the Month of July 2022 was screen shared and 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 meeting passed OC-22-6 Civilian Police Oversight Agency Board (CPOAB) Annual Performance Evaluation of the Agency’s Executive Director by a receipt be noted at the August 1, 2022 meeting.

c. Public Safety Committee - *Chris Sylvan*

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

- The Public Safety Committee meeting that was scheduled for August 9, 2023² was canceled.
- The CPOA Semi-Annual report may be heard at the next City Council meeting or at the next Public Safety Committee.
- Chair French requested that Public Safety Committee cancellations be updated on the POB calendar.

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

1. *APD Community Outreach Liaison* – Pastor David Walker presented his report.

e. City Attorney – *Lauren Keefe*

1. *Senior Managing Attorney* – Carlos Pacheco gave a verbal report on the following:

- Continuing to work with CPOA/CPOAB Legal Counsel Tina Gooch on CPOA Training lesson plans.
- IMR-15 hearing went well and the EFIT presentation was deferred and another hearing date is to be determined.

f. CPC – *Kelly Mensah*

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

g. APOA – *Shaun Willoughby*

1. There was no report.

VIII. Requests for Reconsideration

- a. None.

IX. Review of Cases. 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

035-22 055-22 086-22

1. **Motion.** A motion by Member Wartell to accept the Civilian Police Oversight Agency's disciplinary recommendation for Sustained CPC 035-22. A roll call vote was taken. Motion passed.

For: 4 – Crawford, French, Jackson, Nixon, Wartell

2. **Motion.** A motion by Chair French to accept the Civilian Police Oversight Agency's disciplinary recommendation for Sustained CPC 055-22. A roll call vote was taken. Motion passed.

For: 4 – Crawford, French, Jackson, Nixon, Wartell

1. **Motion.** A motion by Chair French to accept the Civilian Police Oversight Agency's disciplinary recommendation for Sustained

CPC 086-22. A roll call vote was taken. Motion passed.

For: 4 – Crawford, French, Jackson, Nixon, Wartell

X. Non-Concurrence Cases

- a. None.

XI. Reports from Subcommittees

a. Policy and Procedure – *Jesse Crawford*

1. Met August 4, 2022 (video conference)
2. Chair Crawford of the Policy and Procedure Subcommittee gave a verbal report.
3. Next Meeting September 1, 2022, at 4:30 p.m.

XII. Discussion, Updates, and Possible Action:

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

1. **Motion.** A motion by Vice Chair Crawford to accept the list of PPRB Policies with No Recommendation and defer to CPOA Data Analyst Ali Abbasi to notify APD. A roll call vote was taken. Motion passed. (see attached)

For: 4 – Crawford, French, Nixon, Raynor, Wartell

b. Reformatting how data is provided to the Board – *Eric Nixon*

1. Member Nixon provided an update on his meeting with APD and the progress on the simplicities of getting SUOF/OIS Data to a central depository for Board review. Member Nixon intends to showcase the process to the Board at the next regularly scheduled CPOA Board meeting. Member Nixon hopes to incorporate the same process for CPOA case file reviews.

c. Consideration of proposed MOU between the City of Albuquerque, CPOA/CPOAB and APOA on OIS/SUOF Materials – *Tina Gooch, CPOA/CPOAB Legal Counsel*

1. CPOA/CPOAB Legal Counsel Tina Gooch provided an update and recommends that the Board consider and approve Vice Chair Crawford and herself to write a letter to the DOJ and copy the City asking the Court to address this issue so that the Board gets the materials it needs in a timely fashion.
2. **Motion.** A Motion by Chair French to authorize Vice Chair Crawford and CPOA/CPOAB Legal Counsel Tina Gooch to write a letter to the DOJ with a copy to the City asking the Court to intervene and address the issue. A roll call vote was taken. Motion passed.

For: 4 – Crawford, French, Nixon, Raynor, Wartell

d. Annual Training Proposal – *Tina Gooch, CPOA/CPOAB Legal Counsel and Mike Wartell*

1. CPOA/CPOAB Legal Counsel Tina Gooch reported on the progress of the CPOAB Annual Training Proposal that she and Member Wartell have been working on. Ms. Gooch noted that the annual training is required for compliance with the CASA and that she had received communications from the Independent Monitoring Team (IMT) on clarification regarding the lesson plans. Ms. Gooch will continue to work with City Legal to get final approval on the proposal.

e. CPOA Board Subcommittee Assignments – *Patricia J. French*

1. Chair French assigned Member Raynor to the Policy and Procedure Review and Case Review Subcommittees.
2. Chair French assigned Member Jackson to the Personnel and Outreach subcommittees.

f. NACOLE Conference – *Patricia J. French*

1. Diane McDermott provided a status update on the Board’s travel request and noted that the incoming Executive Director Deirdre Ewing approved the CPOAB and CPOA to attend the 2022 NACOLE conference in Fort Worth, Texas.
2. Member Wartell noted that the CPOA Executive Director does not authorize Board travel, the CPOA Chair authorizes Board travel.
3. Diane McDermott, CPOA Lead investigator noted that the Agency still has to get various approvals through the budget and the Director is responsible for how funds are spent.
4. Chair French noted that she did not believe that Ms. Ewing had the authority to authorize travel as she was not yet a City employee.
5. Member Nixon would like to attend the conference virtually.

g. Update requests-Chair/Board Members - *Patricia J. French*

- a. Chair French requests that the draft Board minutes be provided to the Board via a web link at the time they are posted to the website.
- b. Chair French noted that the Board agenda will change pursuant to the revised CPOA Policies and Procedures to address Board business first and that presentations from departments will be moved to the end of the agenda.
- c. The Board requests that the Board member’s home addresses be removed from the internal CPOA/CPOAB internal contact list.
- d. Chair French discussed the delay in insurance of the Board equipment and will discuss the issue with the incoming Executive Director.
- e. Chair French requests that Agency provide her with dates GovTV is available for a special meeting
- f. Chair French welcomed the newest Member of the Board, Greg Jackson.

XIII. Old Business

- a. Member Nixon provided an update on Board's Job Description and that he forwarded the Draft to the Board for their review.

*****Member Wartell left the meeting at 6:00 p.m.*****

XIV. New Business

- a. None.

XV. Adjournment –

- a. The meeting was adjourned at 6:05 p.m.

***The next regularly scheduled CPOA Board meeting will be on
September 8, 2022, at 5:00 p.m.***

APPROVED:


Patricia J. French, Chair
Civilian Police Oversight Agency Board

September 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

ATTACHMENTS

CIVILIAN POLICE OVERSIGHT BOARD

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

INTERNAL CASES FOR THE MONTH OF July 2022

Total Internal Cases Completed in the month of **July 2022**- 37

28 completed cases (sent out to the area command)

1. IA Cases opened in the month of **July 2022**: 30
 2. Area Command IA cases opened for the month of **July 2022**: 22
 3. Pending IA Cases for the month of **July 2022**: 52
 4. Internal Cases Mediated: **0**
-

DISCIPLINE IMPOSED FOR INTERNAL CLOSED CASES IN July 2022

I-161-21

1-1-5-D3a Reporting for Duty

Sustained

Written Reprimand

I-543-21

1-1-6C4 Obey All Department and Supervisory Orders

Sustained

Suspension

3-14-4A8 Procedures

Sustained

Suspension

I-666-21

2-6-4-A2 Authority for Code Response

Sustained

Suspension

I-557-21

1-1-6-B1 Confidentiality

Sustained

Suspension

1-1-5-E3 Department-Issued Property

Sustained

Written Reprimand

I-3-22

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

Unfounded

None

2-57-3-C1g On-Scene Responsibilities of Supervisors Reviewing Use of Force

Sustained

Written Reprimand

2-68-4-A8b Rules and Procedures

Sustained

Suspension

2-82-4-B5a Transporting of Individuals

Sustained

Written Reprimand

2-60-4-A5 Preliminary Investigations

Sustained

Written Reprimand

2-73-2A Rules

Unfounded

None

2-68-4-A8b Physical Detention of Witness

Sustained

Suspension

2-82-4-B5 Transporting of Individuals

Sustained

Written Reprimand

2-73-2-A Evidence/Property/Found item accountability
Sustained
Written Reprimand

1-1-6-C1 Obey All Department and Supervisory Orders
Sustained
Written Reprimand

I-6-22

SO-21-160 Mandatory Foot Pursuit Training
Sustained
Suspension

SO-21-160 Mandatory Foot Pursuit Training
Sustained
Written Reprimand

SO-21-160 Mandatory Foot Pursuit Training
Sustained
None

I-52-22

3-41-7-A2 Reporting
Exonerated
None

I-69-22

1-1-6-C4 Obey All Department and Supervisory Orders
Sustained
Suspension

I-81-22

2-60-4-A5f Preliminary Investigations
Unfounded
None

2-60-4-A5f Preliminary Investigations
Sustained
Verbal Reprimand

2-60-4-A1 Preliminary Investigations

Exonerated
None

1-1-6-A1 Honesty, Integrity, and Accountability
Sustained
Written Reprimand

1-1-4-A2c Authority of Federal, State, and Local Laws and Regulations
Not Sustained
None

3-41-4-B3 Complaints
Sustained
Suspension

3-14-4-A7 Procedures
Sustained
Suspension

2-60-4-A5b Preliminary Investigations
Sustained
Written Reprimand

2-40-3-R1 Parking Citations/Disabled Parking Violations
Sustained
Written Reprimand

2-60-4-A5f Preliminary Investigations
Exonerated
No Discipline

1-78-3-E Parking Enforcement
Not Sustained
None

I-92-22

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

I-93-22

2-82-4-A1a Restraints and Protective Devices
Sustained
Written Reprimand

2-60-4-A5 Preliminary Investigations
Sustained
Written Reprimand

2-82-4-A1a Restraints and Protective Devices
Sustained
Verbal Reprimand

2-56-4-A3 General Requirements of Officers Who Use Force
Not Sustained
None

2-57-3-C1c Use of Force Review by Supervisors and the Chain of Command
Sustained
Suspension

I-94-22

2-57-3-D3b Supervisor Documentation of Level 1 Use of Force
Sustained
Suspension

2-57-3-D3a Use of Force Review by Supervisors and the Chain of Command
Sustained
Verbal Reprimand

I-101-22

1-78-3-J3 Welfare Checks
Exonerated
None

I-105-22

1-1-5-D5 Reporting for Duty
Sustained
Written Reprimand

I-115-22

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

1-1-5-D1 Reporting for Duty
Sustained
Suspension

I-130-22

2-8-5-A Mandatory Recording
Exonerated
None

2-82-4-B5a Transporting of Individuals
Sustained
Suspension

2-83-4-C2 Hospital In-Custody Procedures
Sustained
Suspension

2-83-4-C5 Hospital In-Custody Procedures
Sustained
Suspension

2-8-5-A Mandatory Recording
Not Sustained
None

I-134-22

3-14-4-A1 a Procedure
Sustained
Written Reprimand

I-145-22

1-1-4-A2 Authority of Federal, State, and Local Laws and Regulations
Unfounded
None

I-146-22

1-1-4-A2a Authority of Federal, State, and Local Laws and Regulations
Not Sustained
None

I-149-22

3-21-2-B8 Non-Duty Disability Leave
Sustained
Written Reprimand

3-41-9-B Cooperation with Investigation
Sustained
Suspension

1-1-6-C1 Obey All Department and Supervisory Orders
Exonerated
None

I-154-22

3-14-4-E1a Training
Sustained/NBOOC
NDCA

1-1-4-A2a Authority of Federal, State, and Local Laws and Regulations
Unfounded
None

2-68-4-C1b Custodial Interviews and Interrogations
Sustained
Verbal Reprimand

2-8-5-D Mandatory Recording
Sustained/NBOOC
Written Reprimand

I-172-22

2-8-5-A Mandatory Recording
Sustained
Written Reprimand

I-175-22

3-44-4-A Timelines
Sustained
Written Reprimand

I-176-22

2-8-5-D Mandatory Recording
Sustained
Suspension

I-185-22

1-1-5-C2 Misconduct
Sustained
Suspension

2-16-5-C1 Timeliness of Reports
Verbal Reprimand

I-186-22

2-8-4-F Rules
Sustained
Verbal Reprimand

I-191-22

3-20-4-A2 Overtime
Sustained
Written Reprimand

I-200-22

1-1-6-C5 Obey All Department and Supervisory Orders
Sustained
Written Reprimand

I-207-22

1-1-6-A1 Honesty, Integrity, and Accountability
Exonerated
None

3-14-4-A1di General Rules
Sustained
NDCA

I-208-22

1-1-5-C2 Misconduct
Exonerated
None

2-56-4-A8 General Requirements of Officers Who Use Force
Exonerated
None

I-219-22

2-57-3-D4a Supervisor Documentation of Level 1 Use of Force
Unfounded
None

2-16-5-B1c Department Personnel Shall
Unfounded
None

2-16-5-B1a Department Personnel Shall
Unfounded
None

I-220-22

2-105-4-A1 Destruction/Capture of Animals
Exonerated
None

2-105-4-A Destruction/Capture of Animals
Exonerated
None

I-225-22

1-1-4-A Authority of Federal, State, and Local Laws and Regulations
Unfounded
None

I-250-22

2-60-4-A3d Preliminary Investigations
Unfounded
None

I-254-22

1-1-5-D1 Reporting for Duty

Unfounded

None

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

Unfounded

None

I-255-22

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

Not Sustained

None

I-267-22

2-8-5-B Mandatory Recording

Exonerated

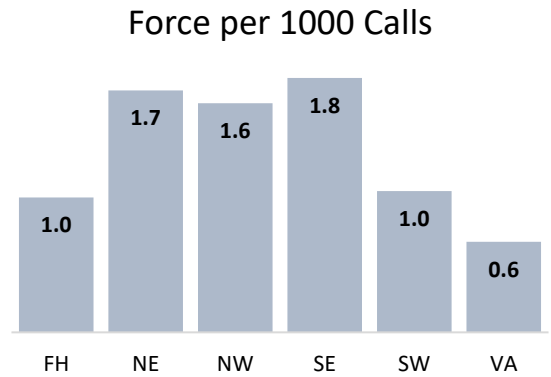
None

Civilian Police Oversight Agency Board

INTERNAL AFFAIRS FORCE DIVISION

STATISTICAL DATA FOR THE MONTH OF JULY 2022

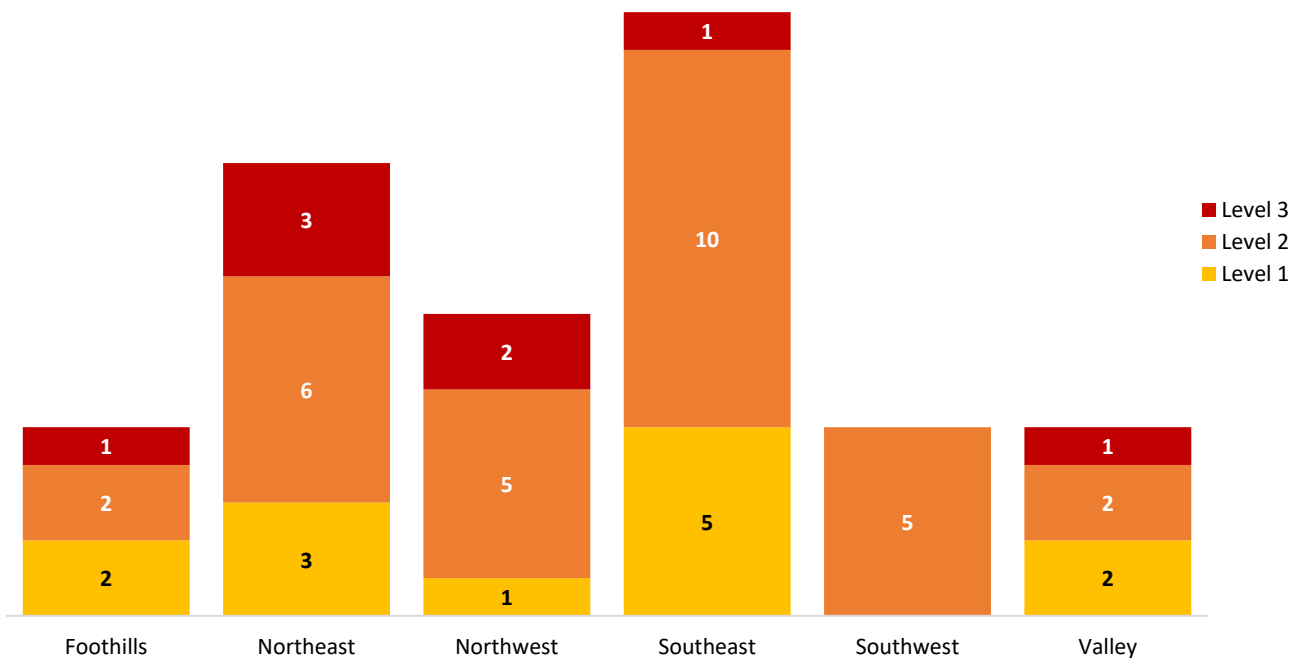
	Level 1	Level 2	Level 3	Total	CAD
Foothills	2	2	1	5	5254
Northeast	3	6	3	12	7034
Northwest	1	5	2	8	4949
Southeast	5	10	1	16	8918
Southwest		5		5	5018
Valley	2	2	1	5	7822
<i>PTC</i>					
Total	13	30	8	51	38995



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.

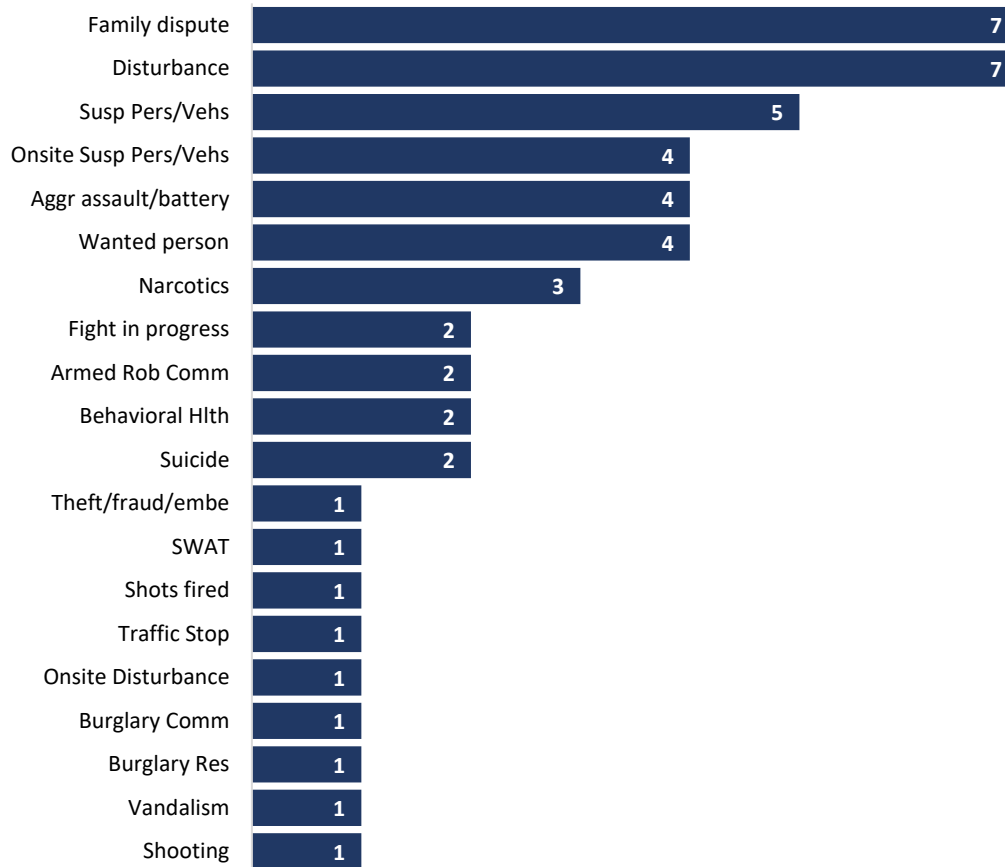
- Level 1 is force that is likely to cause only transitory pain, disorientation, or discomfort during its application as a means of gaining compliance. This includes techniques which are not reasonably expected to cause injury, do not result in actual injury, and are not likely to result in a complaint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

July 2022 Force Events



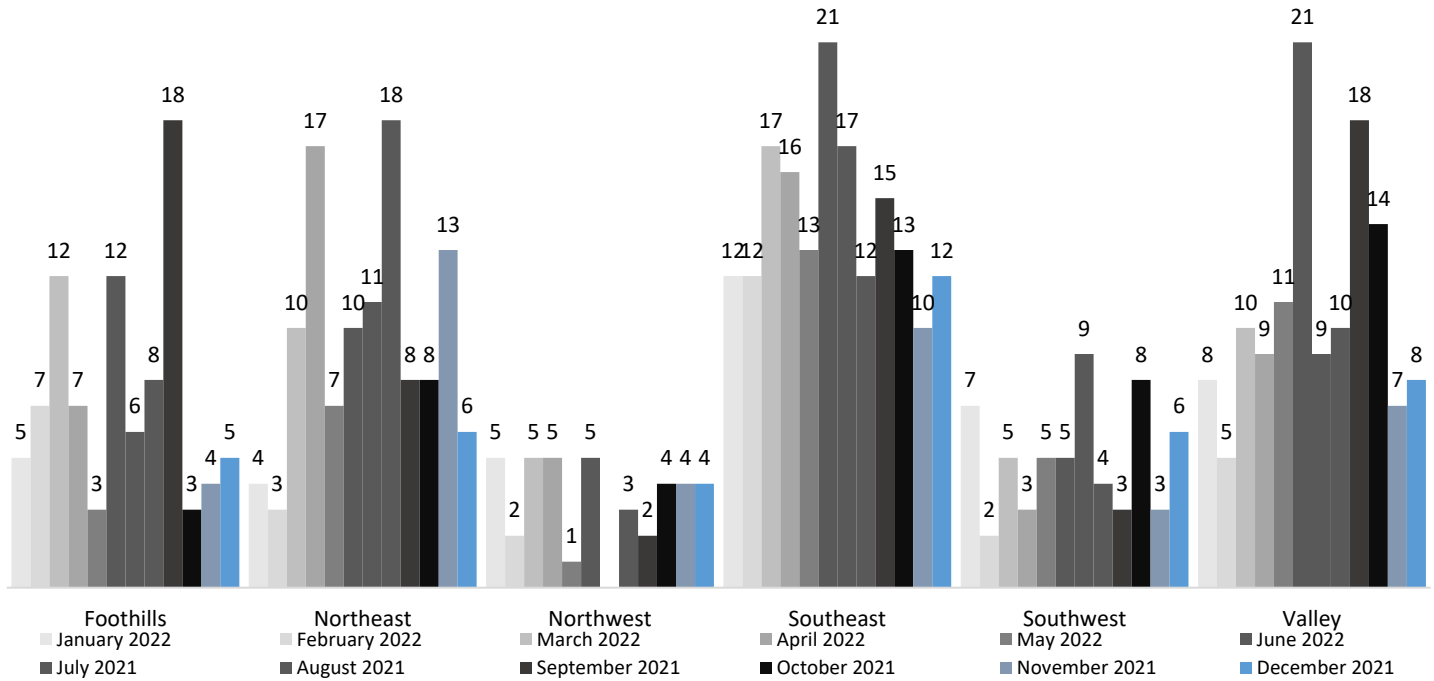
Civilian Police Oversight Agency Board
INTERNAL AFFAIRS FORCE DIVISION
STATISTICAL DATA FOR THE MONTH OF JULY 2022

Call Types Associated with July 2022 Force Events

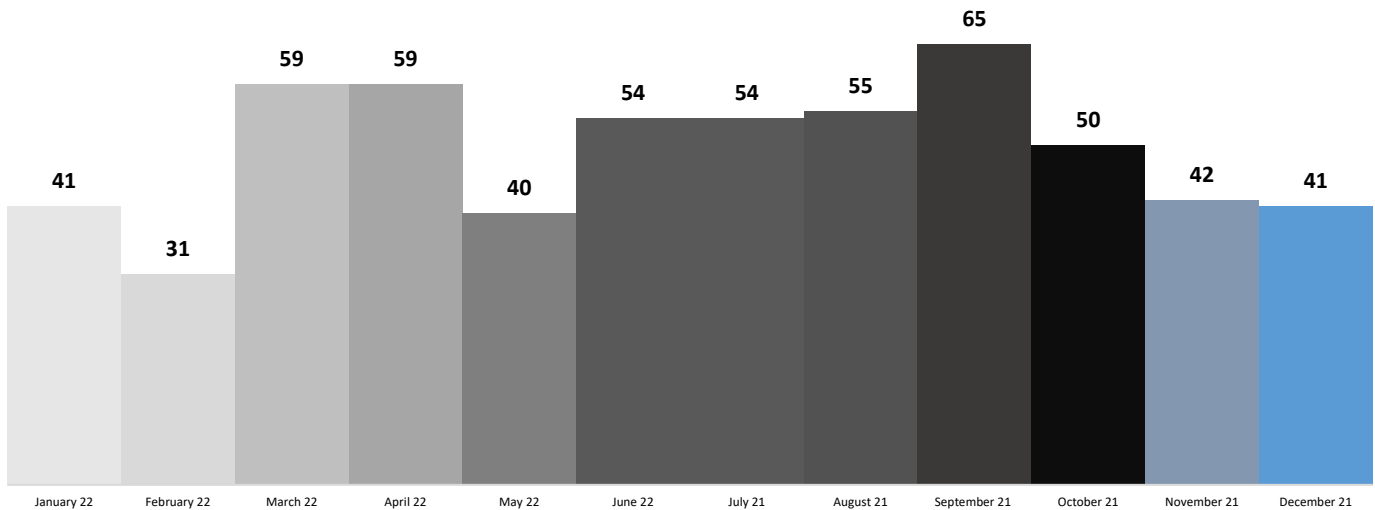


Civilian Police Oversight Agency Board
 INTERNAL AFFAIRS FORCE DIVISION
 STATISTICAL DATA FOR THE MONTH OF JULY 2022

Twelve Months of Force Data



Twelve Months of Force Data
 (Includes Out of Area)



PPRB Policies for Review – August 2022

2-64 Violence Intervention Program Custom Notification Deliveries

- No recommendations

2-59 Extreme Risk Firearm Protection Order

- No recommendations

2-108 Electronic Communications Privacy Act Procedures

- No recommendations

3-50 Forms Control

- No recommendations
- Expands scope to cover “vital documents”

1-52 Homeland Security Unit

- Removal of Homeland Security Community Policing Consortium
- No recommendations

2-32 Exposure to Blood or Bodily Fluids

- No recommendations

3-33 Performance Evaluation Management System

- No recommendations