

## Civilian Police Oversight Agency Board

*Patricia J. French, Chair*

*Jesse Crawford, Vice-Chair*

*Eric Nixon*

*Rashad Raynor*

*Michael Wartell*

Diane McDermott, Interim Executive Director

**Thursday, July 14, 2022 - 5:00 p.m.**

### **Members Present:**

Patricia J. French, Chair  
Eric Nixon  
Rashad Raynor  
Michael Wartell

### **Members Absent:**

Jesse Crawford, Vice Chair  
(Excused)

### **Others Present:**

Diane McDermott, CPOA  
Katrina Sigala, CPOA  
Valerie Barela, CPOA  
Ali Abbasi, CPOA  
Tina Gooch, CPOA/CPOAB Legal Counsel  
Elizabeth Martinez, DOJ  
Jared Hager, DOJ  
Cdr. Scott Norris, APD  
Lt. Jason Sanchez, APD  
A/Lt. Martinez, APD  
Deputy Cdr. Anthony Maez, APD  
A/Lt. Benito Martinez, APD  
Carlos Pacheco, Sr. Managing City Atty  
Ian Stoker, Managing City Atty  
Chris Sylvan, City Council  
Kelly Mensah, CPC  
Mary Loughran, NM Captioning  
Greg Jackson, Board Appointee

Attendance: In response to the Public Health Emergency, the Civilian Police Oversight Agency (CPOA) Board meeting on Thursday, July 14, 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-07-14-2022> (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](mailto: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, July 11, 2022 at [www.cabq.gov/cpoa](http://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, July 14, 2022. Submit your public comments to: [POB@cabq.gov](mailto:POB@cabq.gov). These comments will be distributed to all CPOA Board members for review.

## Meeting Minutes

- I. Welcome and call to order.** Chair French called to order the regular meeting of the Civilian Police Oversight Agency Board at 5:02 p.m. A roll call vote of Board members present was taken. Member French, Nixon, Rashad, and Wartell were present. Vice Chair Crawford was excused from the meeting.
- II. Mission Statement.** Chair French read aloud the mission statement.
- III. Approval of the Agenda**
  - a.** Chair French announced that Interim Executive Director Diane McDermott decided to return to her regular job as CPOA Lead Investigator.
  - b. Motion.** A motion by Chair French to amend the agenda and remove items VII.h and VIII.b. A roll call vote was taken. Motion passed.  
**For: 4 – French, Nixon, Raynor, Wartell**
    - c. Motion.** A second motion by Member Nixon to approve the agenda as amended. A roll call vote was taken. Motion passed.  
**For: 4 – French, Nixon, Raynor, Wartell**
- IV. Approval of Consent Agenda:** The CPOA Executive Director's findings in each case listed on the consent agenda have been provided to the CPOA Board for their information. The findings become part of the officer's file, if applicable. Copies of the full findings letters to the citizens are located at <http://www.cabq.gov/cpoa/findings-letters/civilian-complaints-pob-findings>
  - a. Administratively Closed**  
**012-22            013-22            034-22            139-22**
  - b. Unfounded and Administratively Closed**

252-21          059-22

**c. Unfounded and Exonerated**

249-21          256-21          044-22

**d. Unfounded**

017-22          022-22          029-22

**e. Exonerated**

023-22

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

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

**V. Public Comments**

- a. None.

**VI. Review and Approval of Minutes from June 9, 2022 Meeting**

- a. Draft minutes from the Civilian Police Oversight Board regular meeting on June 9, 2022, were distributed to each Board Member electronically via a web link.
- b. **Motion.** A motion by Member Wartell to approve the minutes from the June 9, 2022, regular meeting. A roll call vote was taken. Motion passed.

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

**VII. Reports from City Departments**

**a. APD**

1. **IA Professional Standards Division (SOP 7-1, SOP 3-41, SOP 3-46)** – Acting Lieutenant Martinez reported on the Statistical Data for the month of June 2022. A document titled *Civilian Police Oversight Board, Internal Affairs Professional Standards Division Statistical Data for the Month of June 2022* was screen shared and distributed to CPOA Board members electronically. (see attached)
2. **IA Force Division (SOP 2-52 through SOP 2-57)** – Deputy Commander Anthony Maez reported on the Statistical Data for the Civilian Police Oversight Agency Board

Minutes – July 14, 2022

month of June 2022. A document titled *Civilian Police Oversight Board, Internal Affairs Force Division Statistical Data for the Month of June 2022* was screen shared and distributed to CPOA Board members electronically. (see attached)

3. Member Wartell inquired into the possibility of having a comparison of population data related to Use of Force calls. Member Wartell will email Commander Scott Norris the specifics of his inquiry.
4. **APD Quarterly Crash Report (SOP 2-50)**– Acting Lieutenant Benito Martinez gave and submitted a PowerPoint Presentation titled APD Crash Review Board Update Q4, FY 2021. (*see attached*)

**b. City Council – Chris Sylvan**

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

- City Council appointed Lauren Keefe to the City Attorney’s office
- City Council confirmed the selection of Ms. Deirdre Ewing to be the Executive Director for the Civilian Police Oversight Agency on a vote of 7-2

**c. Public Safety Committee - Chris Sylvan**

1. **Public Safety Representative** - Chris Sylvan gave a verbal report on the following:

- The CPOA annual performance review of the Executive Director was submitted to City Council by the Public Safety Committee on a receipt be noted due to the CPOA not having an Executive Director for that annual review period

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

1. **APD Community Outreach Liaison** – There was no report.

e. **City Attorney**

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

- The IMR-15 hearing before Judge Browning is forthcoming and will be held on July 26, 2022.
- The makeup AMICI Meeting was held on July 12, 2022
- Member Nixon met with Deputy Chief Lowe
- The CPOA Board Training proposal is in review
- The Sutin, Thayer & Browne and NM Captioning contracts were finalized
- Discussion regarding the MOU are ongoing

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 and Unfounded**

**024-22**

b. **Sustained, Unfounded, and Administratively Closed**

**027-22**

1. **Motion.** A motion by Member Nixon to accept the Civilian Police Oversight Agency's disciplinary recommendation for Sustained and Unfounded CPC 024-22 and Sustained, Unfounded and

Administratively Closed 027-22. A roll call vote was taken. Motion passed.

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

**X. Non-Concurrence Cases**

a. None.

**XI. Cases pulled from 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**

**001-22          076-22**

**b. Unfounded**

**033-22**

1. Chair French noted that the information requested for Administratively Closed CPC 001-22 & CPC 076-22, and Unfounded CPC 033-22 was received by the COPA and there was nothing further to discuss on the cases.

**XII. Reports from Subcommittees**

**a. Policy and Procedure – *Jesse Crawford***

1. **Met July 7, 2022 (video conference)** Chair French gave a verbal report on the policies that were reviewed at the July 7, 2022 subcommittee meeting.

2. **Next Meeting August 4, 2022, at 4:30 p.m.**

**XIII. Discussion, Updates and Possible Action:**

**a. Consideration of PPRB Policies with No Recommendation: -  
*Jesse Crawford/Patricia J. French***

1. **Motion.** A motion by Chair French to accept the list of PPRB Policies with No Recommendation (see attached) with the exception  
Civilian Police Oversight Agency Board

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of SOP 2-62 and that CPOA Data Analyst Ali Abbasi forward the list to APD. A roll call vote was taken. Motion passed.

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

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

1. Member Nixon gave a report on the meeting he had with Deputy Commander Cori Lowe on reformatting SUOF/OIS data and how the information is provided to the Board. Member Nixon will continue to work with DC Lowe on the process.

**c. CPOA Policies and Procedures Revisions – *Patricia J. French***

1. Chair French noted that members of the Ad Hoc committee worked with CPOA Legal Counsel Tina Gooch on the revisions to the CPOA Policies and Procedures and that it is a Board requirement to review the CPOA
2. **Motion.** A motion by Chair French to approve the CPOA Policies and Procedures and defer any grammatical corrections to CPOA Legal Counsel Tina Gooch and the final document will be forwarded to the CPOA.

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

1. COPA Legal Counsel Tina Gooch and City Managing Attorney Carlos Pacheco provided a status report on the MOU and the Board discussed the APOA's offer. Ms. Gooch and Mr. Pacheco will continue negotiations and report back to the Board and the next regularly scheduled CPOA Board meeting.
2. **Motion.** A motion by Chair French to reject the APOA's offer that the Board members review the unredacted body camera footage on APD premises. A roll call vote was taken. Motioned passed.

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

**e. Letter of Concern from Citizen for Case 19-0077270 – *Patricia J. French***

1. Chair French addressed the letter of concern from a citizen for Case OIS 19-0077270. Chair French, Member Wartell, and Nixon met with Chief Medina related to OIS 19-077270 and noted that the Agency was meeting with the Chief on a monthly basis and that the Board was not advised of those meetings. Chief Medina will attend the CPOA Board meeting on a semi-annual basis.

**f. Notice of Hearing on IMR-15 – *Tina Gooch, CPOA/CPOAB Legal Counsel***

1. CPOA Legal Counsel Tina Gooch provided information on the Hearing on IMR-15. By a consensus of the CPOA Board, Chair French will speak on behalf of the Board at the hearing.

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

1. Chair French noted that the Board will have a special meeting on June 30, 2022, at 5 p.m.
2. Chair French noted that the CPOA Board approved the Agency to move forward with the Alexander Weiss Staffing Study.
3. Chair French welcomed Mr. Rashad Raynor and Mr. Greg Jackson on their appointment to the CPOA Board and noted that Mr. Jackson was observing the meeting.

**XIV. 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. **Executive Director (Permanent/Interim) hiring, salary and other Personnel matters**



- i. **Motion.** A motion by Member Wartell to move into a closed session. A roll call vote was taken. Motion passed.

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

***\*\*\*Meeting on Personnel matters began at 6:54 p.m. and  
the meeting Reconvened at 7:15 p.m.\*\*\****

- ii. Chair French stated for the record that the CPOA Board moved into closed session pursuant to NMSA 1978, Section 10-15-1(H)(2).
- iii. **Motion.** A motion by Member Nixon to reconvene into open session. A roll call vote was taken. Motion passed.

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

- iv. Chair French stated for the record that the items discussed during the closed session were the items listed on the agenda.

**XV. Old Business**

- a. None.

**XVI. New Business**

- a. Chair French authorized Member Nixon and Raynor to work with the CPOAB Legal Counsel to write a Job Description for the CPOA Board to submit to City Counsel.

**XVII. Adjournment-**

- a. The meeting was adjourned at 7:19 p.m.

***The next regularly scheduled CPOA Board meeting will be on  
August 11, 2022, at 5:00 p.m.***

APPROVED:



Patricia J. French, Chair  
Civilian Police Oversight Agency Board

August 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 **June 2022**

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

Total Internal Cases Completed in the month of **June 2022**- 11

**23 completed cases (sent out to the area command)**

1. IA Cases opened in the month of **June 2022**: 34
  2. Area Command IA cases opened for the month of **June 2022**: 22
  3. Pending IA Cases for the month of **June 2022**: 34
  4. Internal Cases Mediated: **0**
- 

**DISCIPLINE IMPOSED FOR INTERNAL CLOSED CASES IN April 2022**

**I-323-22**

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

**I-133-22**

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

**I-128-22**

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

**I-124-22**

2-57-3C1c On-Scene Responsibilities of Supervisors Reviewing UOF  
Exonerated  
None

**I-110-22**

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

Unfounded

None

1-1-6C4 Obey all department and supervisory orders

Unfounded

None

**I-104-22**

1-1-6C5 Obey all department and supervisory orders

Sustained

Suspension

**I-87-22**

2-8-4F Rules (OBRD)

Sustained

Written Reprimand

**I-61-22**

1-1-6C3 Obey all department and supervisory orders

Sustained

Suspension

3-41-4B3 Complaints

Sustained

Written Reprimand

**I-2-22**

1-1-5A4 Public Welfare

Unfounded

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

Unfounded

None

1-1-5A4 Public Welfare

Sustained

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

Sustained

No Disciplinary Action

**I-625-21**

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

Sustained

Terminated

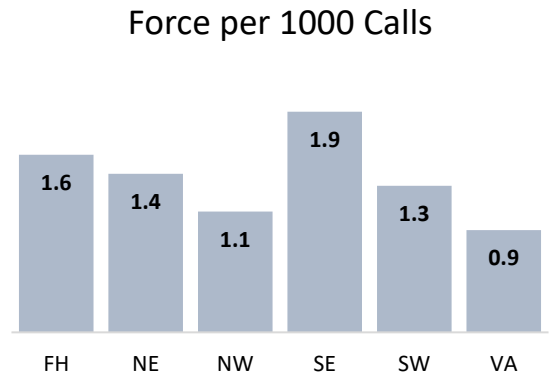
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# Civilian Police Oversight Agency Board

## INTERNAL AFFAIRS FORCE DIVISION

### STATISTICAL DATA FOR THE MONTH OF JUNE 2022

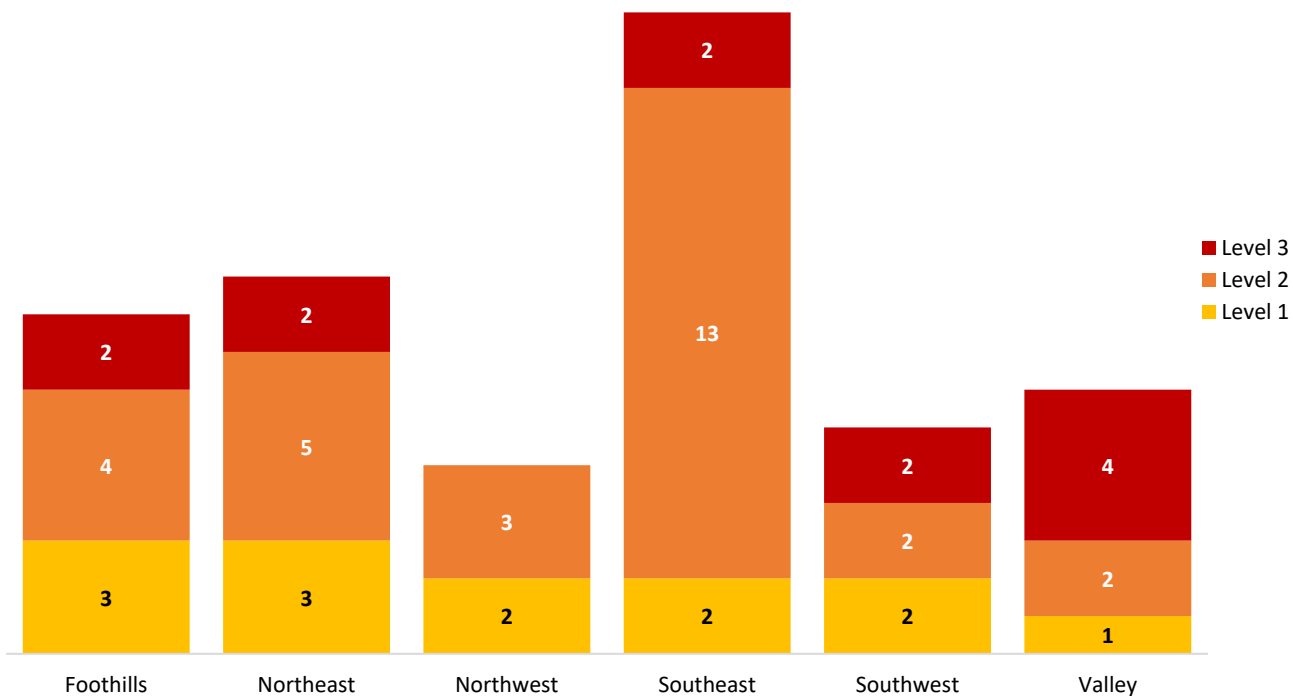
	Level 1	Level 2	Level 3	Total	CAD
Foothills	3	4	2	9	5749
Northeast	3	5	2	10	7151
Northwest	2	3		5	4696
Southeast	2	13	2	17	8739
Southwest	2	2	2	6	4641
Valley	1	2	4	7	7759
<i>PTC</i>					
<b>Total</b>	<b>13</b>	<b>29</b>	<b>12</b>	<b>54</b>	<b>38735</b>



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.

### June 2022 Force Events



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

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Call Types Associated with June 2022 Force Events

Onsite Susp Pers/Vehs	7
Family dispute	7
Disturbance	5
Aggr assault/battery	5
Suicide	3
Wanted person	3
Welfare check	2
Behavioral Hlth	2
traff acc no inj	2
Shoplifting	2
SWAT	2
Theft/fraud/embe	1
Fight in progress	1
Child Neglect	1
Stolen Veh Found	1
BAIT Veh Theft	1
Auto/Car Jacking	1
Stabbing	1
Narcotics	1
Armed Rob Indiv	1
Drunk driver	1
Onsite Auto Thef	1
DV Escort/Violat	1
Armed Rob Comm	1
Susp Pers/Vehs	1

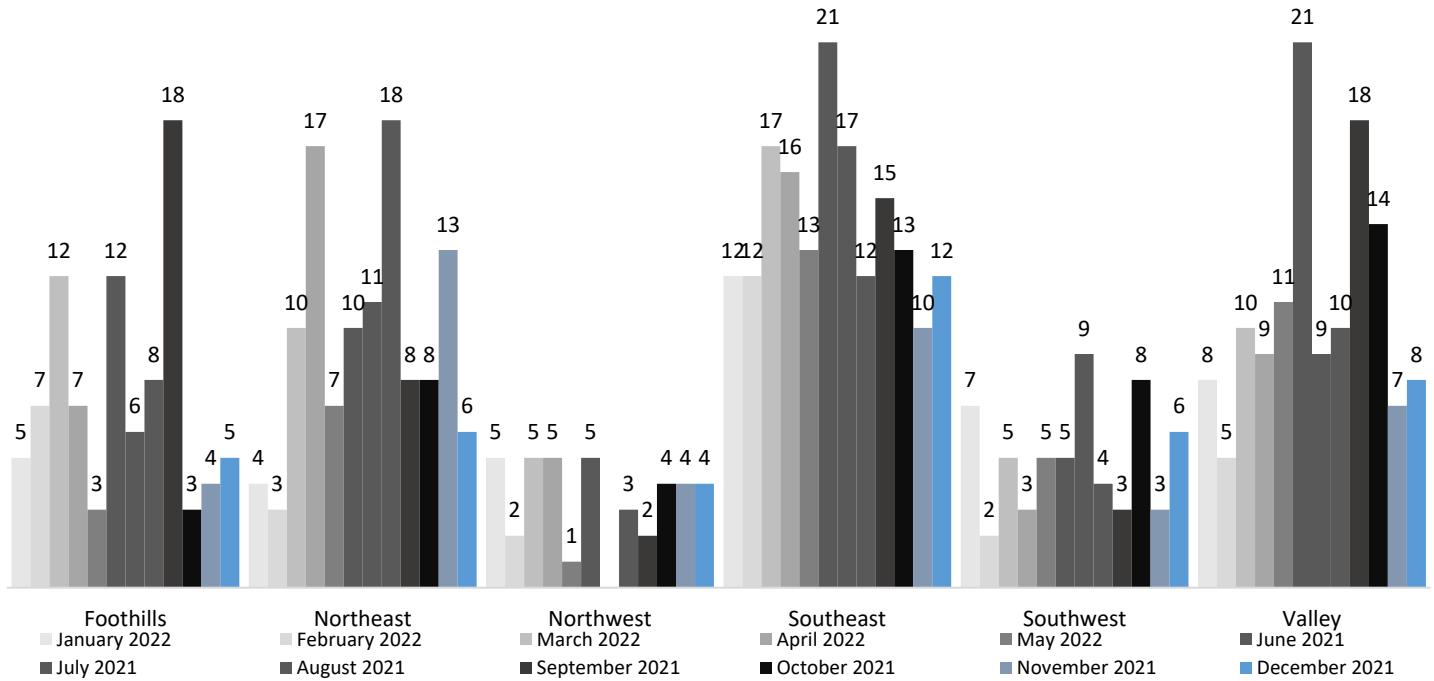


# Civilian Police Oversight Agency Board

## INTERNAL AFFAIRS FORCE DIVISION

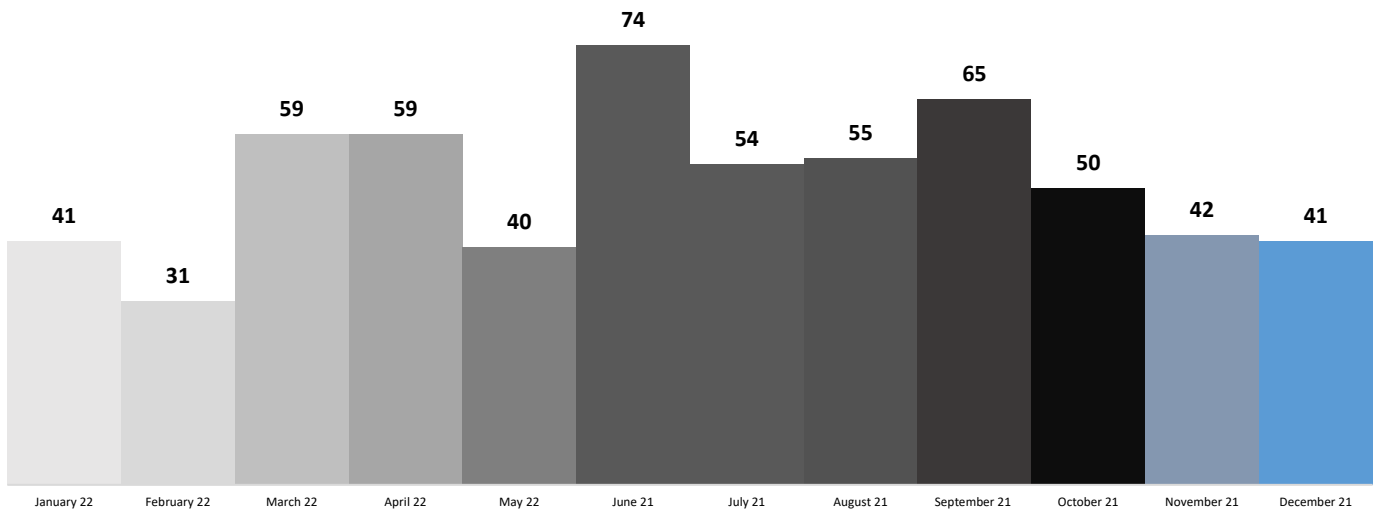
### STATISTICAL DATA FOR THE MONTH OF JUNE 2022

#### Twelve Months of Force Data



#### Twelve Months of Force Data

(Includes Out of Area)





# Albuquerque Police Department Crash Review Board Update

DATA IS FOR DEPARTMENT PERSONNEL INVOLVED IN CRASHES FROM:  
APRIL 1, 2022 – JUNE 30, 2022 (Q4; FY 21)



# APD Crashes and Claims:

- ▶ Two categories are being tracked by the department related to claims paid.
- ▶ 3<sup>rd</sup> party claim payouts are related to bodily injury and property damage
- ▶ 1<sup>st</sup> party claim payouts are related to damage to City property. Usually a single vehicle crash (fixed object, curb) and City vehicle vs. City vehicle.

# Crash Review Board Members

- ▶ The Crash Review Board is comprised of the Traffic Division Commander, Traffic Lieutenant, a Motor Sergeant and a Motor Officer. All are crash reconstruction certified. The Operations Review Fleet Detective and the APD Safety Officer are also on the board.
- ▶ The board reviews crash reports, photographs of the crash and will hear statements from those involved if they so choose to present their case.



# Crash Review Board Decision Categories

- ▶ There are three categories a crash will fall under:
  - ▶ Non-Preventable
  - ▶ Preventable
  - ▶ Non-Crash
  
- ▶ The Crash Review Board will also identify employees who have had 2 or more preventable crashes within a 12 month period.

# Non-Preventable Crashes

- ▶ Q4 (April 1, 2022 – June 30, 2022) 20
- ▶ Q1 (July 1, 2021 – September 30, 2021) 24
- ▶ Q2 (October 1, 2021- December 31, 2021) 25
- ▶ Q3 (January 1, 2022 – March 31, 2022) 20



# Preventable Crashes

- ▶ Q4 (April 1, 2022 – June 30, 2022) 19
- ▶ Q1 (July 1, 2021 – September 30, 2021) 16
- ▶ Q2 (October 1, 2021- December 31, 2021) 16
- ▶ Q3 (January 1, 2022 – March 31, 2022) 18

# Non-Crash

- ▶ Q4 (April 1, 2022 – June 30, 2022) 3
- ▶ Q1 (July 1, 2021 – September 30, 2021) 1
- ▶ Q2 (October 1, 2021- December 31, 2021) 2
- ▶ Q3 (January 1, 2022 – March 31, 2022) 1



# Previous Preventable Crash within a 12 month period

- ▶ Q4 (April 1, 2022 – June 30, 2022) 5
- ▶ Q1 (July 1, 2021 – September 30, 2021) 2
- ▶ Q2 (October 1, 2021- December 31, 2021) 2
- ▶ Q3 (January 1, 2022 – March 31, 2022) 1

# 3<sup>rd</sup> Party Claim Payout

- ▶ Q4 (April 1, 2022 – June 30, 2022) \$21,683.02 (11 Claims)
- ▶ Q1 (July 1, 2021 – September 30, 2021) \$86,550.11 (30 Claims)
- ▶ Q2 (October 1, 2021- December 31, 2021) \$314,286.37 (22 Claims)
- ▶ Q3 (January 1, 2022 – March 31, 2022) \$40,096.93 (17 Claims)



# 1<sup>st</sup> Party Claim Payout

- ▶ Q4 (April 1, 2022 – June 30, 2022) \$239,694.06 (43 Claims)
- ▶ Q1 (July 1, 2021 – September 30, 2021) \$132,232.26 (38 Claims)
- ▶ Q2 (October 1, 2021- December 31, 2021) \$342,087.73 (58 Claims)
- ▶ Q3 (January 1, 2022 – March 31, 2022) \$270,134.49 (44 Claims)

# Top 3 preventable crash contributing Factors are the same

- ▶ #1 Collision while backing
  - ▶ #2 Collision with fixed object
  - ▶ #3 Front-end collision
- 
- ▶ Alcohol/Drug Impairment has not been identified as a contributing factor for any crash.



## PPRB Policies for Review – July 2022

### 1-48 Fiscal Division

- No recommendations

### 1-78 Police Service Aid Program

- No recommendations

### 2-62 Criminal Background Investigations

- Pending request for information on removal of explicit language that pre-stop license plate check cannot be considered a “criminal predicate.”

### 3-21 Scheduled and Unscheduled Leave

- No recommendations

### 3-76 Purchasing Guide

- Archived
- No recommendations

### 2-46 Response to Traffic Crashes

- No recommendations

### 2-51 Safe Drive Award Program

- No recommendations
- Dir. McDermott suggests monitoring the success of this program over time

### 2-80 Arrests, Arrest Warrants, and Booking Procedures

- No recommendations

### 2-17 Offense/Incident Report Form

- Archived
- No recommendations

### 2-40 Misdemeanor, Traffic, and Parking Enforcement

- No recommendations