

CIVILIAN POLICE OVERSIGHT ADVISORY BOARD (CPOAB)

Monday, December 9, 2024 at 5:00 PM
Vincent E. Griego Chambers

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

Members Present:

Aaron Calderon, Chair
Rowan Wymark, Vice Chair
Zander Bolyanatz
Eduardo Budanauro

Members Absent:

Gail Oliver
(Excused)

Others Present In-Person:

Diane McDermott, CPOA
Ali Abbasi, CPOA
Katrina Sigala, CPOA
Valerie Barela, CPOA
Emily Selch, CPOA
Marteessa Billy, CPOA
Randy Autio, Independent Counsel
Kevin Morrow, City Council
David Lopez, City Atty.
Cmdr. Scott Norris, APD
Acting Cmdr. Kenneth Johnston, APD
Lt. Troy Nicko, APD
Jeffrey Bustamante, ACS

Others Present via Zoom:

Aja Brooks, DOJ
Sharon Walton, Monitor APD Training
Omotayo (Ty) Olubiyi, CCO

MINUTES

- I. Welcome, Call to Order and Roll Call.** Chair Calderon called the regular meeting of the Civilian Police Oversight Advisory Board to order at approximately 5:01 p.m. A roll call of Board members present was taken. Board members Zander Bolyanatz, Eduardo Budanauro, Aaron Calderon, and Rowan Wymark were present. Chair Calderon noted that Gail Oliver's absence was excused.
- II. Pledge of Allegiance.** Chair Calderon led the Pledge of Allegiance.
- III. Approval of the Agenda**

- a. **Motion.** A motion was made by Member Bolyanatz to approve the agenda as written. Member Budanauro seconded the motion. The motion was carried by a unanimous vote:

For: 4 – Bolyanatz, Budanauro, Calderon, Wymark

IV. Review and Approval of Minutes For more information about minutes from prior Civilian Police Oversight Advisory Board meetings, please visit our website here:

<https://www.cabq.gov/cpoa/police-oversight-board/police-oversight-board-agenda-meeting-minutes>

- a. November 14, 2024
 - 1. A website link was distributed to each Board member to review the draft minutes from the Civilian Police Oversight Advisory Board's regular meeting on November 14, 2024.
 - 2. **Motion.** A motion was made by Chair Calderon to approve the minutes as written. The motion was seconded by Member Bolyanatz. The motion was carried by a unanimous vote:

For: 4 – Bolyanatz, Budanauro, Calderon, Wymark

V. Public Comment

- a. **None** (*See attached Public Comment Sign-in Sheet*)

VI. Reports from City Departments:

- a. **APD**
 - 1. **Internal Affairs Professional Standards (IAPS)**– *Acting Commander Kenneth Johnston*
 - i. Acting Commander Kenneth Johnston verbally reported the number of IAPS cases under active investigation and the number of cases currently on extension.
 - 2. **Internal Affairs Force Division (IAFD)**– *Commander Scott Norris*
 - i. Commander Scott Norris reported on open Officer-Involved Shooting (OIS) cases, the average caseload of IAFD investigators, the hiring of IAFD investigators, and the categorization of IAFD reviews focusing on lawful objective, level of resistance, and level of force.

b. ACS- *Jefferey Bustamante, Deputy Director*

1. ACS Deputy Director for Policy and Administration Jeffrey Bustamante gave a verbal report on the following:

- Suicidal ideation calls during the holiday season
- Unsheltered calls and transportation hours
- Rapid hire events
- ACS Training Academy
- ACS calls for service process

c. City Attorney- *Lindsey Rosebrough, Managing Attorney*

1. Assistant City Attorney David Lopez noted he was present on behalf of Ms. Lindsey Rosebrough and gave a verbal brief on the following:

- IMR-21 reporting period

d. City Council- *Chris Sylvan, Council Services*

1. Deputy Director of Council Services Kevin Morrow was present and had nothing to report.

e. CPC- *Kelly Mensah, CPC Liaison*

1. Administrative Assistant Marteessa Billy gave a verbal report on CPC events. *(See attached CPC monthly report)*

f. Mayor's Office- *Doug Small, Director of Public Affairs*

1. No one from the Mayor's Office was present.

g. CPOA- *Diane McDermott, Executive Director*

1. CPC 044-24 Non-Concurrence Memo

- i. Executive Director Diane McDermott gave a verbal report on the following:

- CPOA complaints and APD commendations received for November 2024, and case assignments
- Board request for an update on firearm training
- CPOA mediation resolution update
- CPOA location for new office space
- CPOA position postings
- Board tour of RTCC and board-enhanced background checks

- ii. Executive Director McDermott provided the Board with a copy of the CPC 044-24 non-concurrence memo from the APD Office of Police Reform, and she verbally summarized the CPC complaint along with her assessment of the non-concurrence. *(See attached CPC 044-24 non-concurrence memo)*

VII. Serious Use of Force Case:

a. APD Case #23-0020132 – Zander Bolyanatz

1. Zander Bolyanatz gave a verbal summary of Serious Use of Force (SUOF) APD Case #23-00020132, noting the findings from the Internal Affairs Force Division.
2. Chair Calderon facilitated Board member feedback on the SUOF Case #23-0020132.
3. **Motion.** A motion was made by Chair Calderon that the Civilian Police Oversight Advisory Board affirms and upholds the findings of APD Internal Force Division Investigation for APD Case #23-0020132. The motion was seconded by Member Bolyanatz. The motion was carried by a unanimous vote:

For: 4 – Bolyanatz, Budanauro, Calderon, Wymark

b. APD Case #23-0017255 – Aaron Calderon

1. Chair Calderon gave a verbal summary of Serious Use of Force (SUOF) APD Case #23-0017255, noting the findings from the Internal Affairs Force Division.
2. Chair Calderon facilitated Board member feedback on the SUOF Case #23-0017255.
3. **Motion.** A motion was made by Chair Calderon that the Civilian Police Oversight Advisory Board affirms and upholds the findings of APD Internal Force Division Investigation for APD Case #23-0017255. The motion was seconded by Vice Chair Wymark. The motion was carried by a unanimous vote:

For: 4 – Bolyanatz, Budanauro, Calderon, Wymark

c. APD Case #23-0018545 – Eduardo Budanauro

1. Member Bolyanatz requested that the APD IA Force Division provide additional information on the policy violation identified related to SUOF case APD case #23-0018545 when presented at the next Board meeting.
2. **Motion.** A motion by Chair Calderon to table APD Case #23-0018545 be tabled to next month's Board meeting. Member Bolyanatz seconded the motion. The motion was carried by a unanimous vote.

For: 4 – Bolyanatz, Budanauro, Calderon, Wymark

VIII. Officer-Involved Shooting Case

- a. Chair Calderon noted the Board did not review any Officer-Involved Shooting Cases for the December 9, 2024 Board meeting.

IX. In-Custody Death Case:

a. APD Case #24-0003814 – Rowan Wymark

1. Vice Chair Wymark gave a verbal summary of In-Custody Death Case #24-0003814, noting the Internal Affairs findings.
2. Acting Commander Johnston provided insight into the process changes related to the In-Custody Death review of cases and touched on policies regarding barricaded individuals.
3. Executive Director McDermott verbally reviewed her assessment for In-Custody Death Case #24-0003814.
4. Chair Calderon facilitated Board member feedback on the In-Custody Death Case #24-0003814.
5. **Motion.** A motion was made by Chair Calderon that the Civilian Police Oversight Advisory Board affirms and upholds the findings of APD IAPS Investigation for APD Case #24-0003814. The motion was seconded by Member Bolyanatz. The motion was carried by a unanimous vote.

For: 4 – Bolyanatz, Budanauro, Calderon, Wymark

X. Appeal [Standing Item]

- i. CLOSED SESSION pursuant to Section 10-15-1(H)(3) NMSA 1978, excluding deliberations by the CPOAB in connection with an administrative

adjudicatory proceeding from the requirements of the NM Open Meetings Act.

- a. None

XI. CPOA Board's Review of Garrity Materials: [Standing Item]

- a. None.

XII. Meeting with Counsel re: Pending Litigation or Personnel Issues: [Standing Item]

a. Discussion and Possible Action re:

1. CLOSED SESSION pursuant to Section 10-15-1(H)(7), NMSA 1978, excluding meetings subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant from the requirements of the NM Open Meetings Act.

- a. None.

XIII. Reports from CPOAB Subcommittees:

a. Policy and Procedure Review Subcommittee – Zander Bolyanatz

1. The meeting was held on December 5, 2024, at 3 p.m.
2. Update on Off-Cycle Policies & APD Policy Meetings
3. The next meeting is on January 2, 2025, at 3 p.m.
 - i. Member Bolyanatz gave a verbal report on policies discussed at the subcommittee meeting on December 5, 2024.

XIV. Discussion and Possible Action:

a. APD Policy

1. Recommendation(s):

A. SOP 2-19 Response to Behavioral Health Issues

- i. CPOA Policy Analyst Emily Selch presented potential policy recommendations for SOP 2-19.
- ii. **Motion.** A motion by Chair Calderon that the Board entrust the CPOA to propose a recommendation to APD on our behalf prior to the expiration of the time limit once Emily receives more information from the Commander for SOP 2-19 Response to Behavioral Health Issues. The motion was

seconded by Member Bolyanatz. The motion was carried by a unanimous vote:

For: 4 – Bolyanatz, Budanauro, Calderon, Wymark

B. SOP 3-50 (Formerly 3-22 and 3-27) Forms Control

- i. CPOA Policy Analyst Emily Selch presented policy recommendations for SOP 3-50.
- ii. **Motion.** A motion by Chair Calderon that the Board approve the recommendation for SOP 3-50 (Formerly 3-22 and 3-27) Forms Control. The motion was seconded by Member Bolyanatz. The motion was carried by a unanimous vote:

For: 4 – Bolyanatz, Budanauro, Calderon, Wymark

C. SOP 1-78 (Formerly 4-6) Police Service Aide (PSA) Program

- i. CPOA Policy Analyst Emily Selch presented policy recommendations for SOP 1-78.
- ii. Executive Director McDermott provided her assessment of the policy recommendation.
- iii. **Motion.** A motion by Chair Calderon that the Board approve the recommendation for SOP 1-78 (Formerly 4-6) Police Service Aide (PSA) Program. The motion was seconded by Member Bolyanatz. The motion was carried by a unanimous vote:

For: 4 – Bolyanatz, Budanauro, Calderon, Wymark

2. No Recommendation(s):

- A. SOP 2-32 (Formerly 1-40) Exposure to Blood or Bodily Fluids**
 - i. There were no policy recommendations for SOP 2-32.
- B. SOP 2-93 (Formerly 2-35) Child Abduction and Missing Child Investigations**
 - i. There were no policy recommendations for SOP 2-93.
- C. SOP 2-20 (Formerly 2-42) Hostage Situations, Barricaded Individuals, and Tactical Threat Assessments**
 - i. There were no policy recommendations for SOP 2-20.
- D. SOP 2-23 (Formerly 2-45) Use of K-9 Unit**

- i. There were no policy recommendations for SOP 2-23.
- E. SOP 2-72 (Formerly 2-91) Procedures for Serious Crimes Call-Outs**
 - i. There were no policy recommendations for SOP 2-72.
- F. SOP 2-95 Undercover High-Risk Vehicle Containment Procedures**
 - i. There were no policy recommendations for SOP 2-95.
- G. SOP 2-98 Gunshot Detection Procedure**
 - i. There were no policy recommendations for SOP 2-98.
- H. SOP 3-11 (Formerly 3-02 and 3-2) Command Staff Responsibilities**
 - i. There were no policy recommendations for SOP 3-11.

b. APD Response to Policy Recommendation(s):

1. SOP 3-21 (Formerly 3-72) Scheduled and Unscheduled Leave *(See attached SOP 3-21)*

- i. Ms. Selch provided a recap of the policy recommendation made for SOP 3-21 and the response received from APD.
- ii. Executive Director McDermott assessed the rationale for APD's response, provided her assessment of the recommendation, and noted that the Police Oversight Ordinance allows the Board to submit policy recommendations directly to the Chief.
- iii. APD Academy Lieutenant Troy Nicko provided his insight into the use of out-of-office replies.
- iv. **Motion.** A motion by Chair Calderon that the Board make the use of pushing this recommendation to the Chief for a formal response and awareness of the Board's recommendation for SOP 3-21 (Formerly 3-72) Scheduled and Unscheduled Leave. The motion was seconded by Member Bolyanatz. The motion was carried by a unanimous vote:

For: 4 – Bolyanatz, Budanauro, Calderon, Wymark

XV. Other Business

- a. None.

XVI. Adjournment.

- a. Motion.** A motion was made by Chair Calderon for adjournment of this month's Board meeting. The motion was seconded by Member Budanauro. The motion was carried by a unanimous vote:

For: 4 – Bolyanatz, Budanauro, Calderon, Wymark

- b.** The meeting was adjourned at 6:43 p.m.

DRAFT

APPROVED:

Aaron Calderon, Chair
Civilian Police Oversight Advisory Board

Date

CC: Isaac Padilla, City Council Staff
Ethan Watson, City Clerk
Brook Bassan, City Council President (via email)

Minutes drafted and submitted by:
Valerie Barela, CPOA Administrative Assistant

DRAFT

DRAFT

Attachments



CIVILIAN POLICE OVERSIGHT ADVISORY BOARD
PUBLIC COMMENT
SIGN-IN SHEET

Monday, December 9, 2024

NAME (PLEASE PRINT)

1. _____	11. _____
2. _____	12. _____
3. _____	13. _____
4. _____	14. _____
5. _____	15. _____
6. _____	16. _____
7. _____	17. _____
8. _____	18. _____
9. _____	19. _____
10. _____	20. _____

November CPC Report.

Good Evening All:

We had a few main activities to accomplish since the last meeting, the first was our Year-End Christmas dinner meeting which was this past Saturday.

The event was went off without a hitch at the Albuquerque Museum with food by Slate Street Café and was partially funded by the City Council. We hosted about 85 people for dinner, and they were treated to speeches by Mayor Tim Keller and APD Officer Rob Debuck. I spoke about planning for next year, and reaching out to new groups.

Additionally we arranged our yearly meeting with Mayor Keller which is scheduled to take place on January 30th. They Mayor's office also held out January 27th as a backup possibility in case of emergency. Council officers, but outgoing and incoming will be invited.

I met with University Area Command Chief Ray Del Greco regarding starting a University Area Command CPC. We split the current council into a SE and a University section with the University beginning a 6-meeting-yearly schedule in January. We will initially be meeting at the University AC Headquarters before moving into a Community Center. We are short with only 4 members so I have been on the lookout for new members to staff the University group. I went to the Ridgecrest Neighborhood Association meeting to see if anyone wanted to join.

We are having our last two, yearly CPC Meetings this week with the Foothills meeting going on now, topic being Metro Court Diversion Courts, and tomorrow, we have an online only meeting in the NE dealing with the topic of what direction we will focus our efforts next year in the NE.

In January we will have elections in all Councils for Council officers, it looks as though most of our officers will stay on unopposed. We will probably have new officers in the SE and of course the University.

I am also trying to set up two Council field trips for the CPC for the end of the year, one to the Real Time Crime Center, and the other to the Gateway Center for the unhoused. All members will be invited.

Finally we are looking into new methods of working our recommendation process, as we are looking into presenting a unified front with CPOA-B on recommendations, and utilizing the CPOA Analyst staff to give us a clearer picture of what we are recommending.

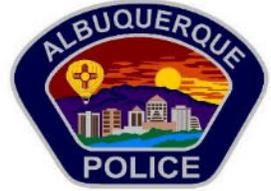
Thank you.



Timothy M. Keller
Mayor

City of Albuquerque

Albuquerque Police Department



Eric J. Garcia
Superintendent of Police Reform

July 11, 2024

Interoffice Memorandum

To: Diane McDermott, Executive Director, CPOA

From: Jimmy Collins, Major, Office of the Superintendent

Subject: Non-Concurrence of Finding re: CPC-44-2024

This memorandum serves to convey the articulation for APD’s points of non-concurrence in the above captioned administrative investigation conducted by the Civilian Police Oversight Agency.

Policy	CPOA Finding	APD Finding
2.80.4.L.2.d.vi	Sustained	Exonerated

Rationale for non-concurrence of action for 2.80.4.L.2.d.vi :

Professional Integrity did not concur with the sustained finding for this alleged policy violation. This specific policy is actually intended for holding cells at APD substations. In holding cells of this type, there might be some time frame where the arrestee is not being viewed by the officer and the policy was created to provide guidance for these occurrences. In this case, the officers were at the Prisoner Transport Center PTC and, although not staffed by PTC personnel, the officers were always with and supervising the arrestee. The area in which the arrestee was allowed to move about was an area designed for non-violent arrestees versus the holding cells within the PTC. Furthermore, Professional Integrity determined the arrestee was passively non-compliant and was not aggressive and did not make any threats towards the officers. In considering the policy for the PTC 1-80-4-C-2, there is no requirement to anchor an arrestee to the metal benches while inside the PTC. Professional Intergroty will submit a policy recommendation for both SOP 2-80 and SOP 1-80 to better clarify the language for proper guidance.

Conclusion:

Based on these circumstances, the finding of sustained was overturned to exonerated.

Respectfully,

Major Jimmy Collins,
Deputy Superintendent of Reform
Albuquerque Police Department

Cc: Eric Garcia, Superintendent of Police Reform



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-21 (Formerly 3-15 and 3-72) Effective: 03/06/2024 Review: 03/06/2025 Replaces: 07/29/2022

3-21 SCHEDULED AND UNSCHEDULED LEAVE

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

[2-2 Department Property \(Formerly 3-75\)](#)

[2-5 Department Vehicles \(Formerly 1-19\)](#)

[2-76 Court \(Formerly 2-01\)](#)

[3-20 Overtime, Compensatory Time, and Work Shift Designation \(Formerly 1-11\)](#)

B. Form(s)

Activity Status Report

City of Albuquerque Supervisor's Injury Investigation Report

Family Medical Leave Act (FMLA) Packet

C. Other Resource(s)

Agreement Between the City of Albuquerque and Local 3022 AFSCME, Council 18, AFL-CIO

Agreement Between the City of Albuquerque and Prisoner Transport Officers

City of Albuquerque and Albuquerque Clerical and Technical Employees, Affiliated with the American Federation of State, County, and Municipal Employees (AFSCME, Local 2962, AFL-CIO, CLC)

City of Albuquerque and Albuquerque Police Officers' Association Collective Bargaining Agreement (CBA)

City of Albuquerque Personnel Rules and Regulations, § 401.4 A. Certification of Sick Leave

Family Medical Leave Act of 1993

Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994

D. Rescinded Special Order(s)

None

3-21-1 Purpose

The purpose of this policy is to outline the procedures for scheduled and unscheduled leave.

3-21-2 Policy

It is the policy of the Albuquerque Police Department (Department) to ensure that eligible Department personnel may use their leave in accordance with established City guidelines and requirements and, when applicable, in accordance with the employee's union contract.



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-21 (Formerly 3-15 and 3-72) Effective: 03/06/2024 Review: 03/06/2025 Replaces: 07/29/2022

N/A 3-21-3 **Definitions**

A. Family Medical Leave Act (FMLA) Qualifying Event

The birth or placement of a child, an employee's serious health condition, a family member's serious health condition, a family member's military service leave, and/or a family member's military service leave due to an injury.

N/A 3-21-4 **Union Contracts**

A. Department personnel who oversee the Department's procedures on leave shall adhere to the provisions outlined in the following union contracts:

1. The City of Albuquerque and Albuquerque Police Officers' Association Collective Bargaining Agreement (CBA);
2. The City of Albuquerque and Albuquerque Clerical and Technical Employees, Affiliated with the American Federation of State, County, and Municipal Employees;
3. The agreement between the City of Albuquerque and Local 3022 AFSCME, Council 18, AFL-CIO; and
4. The agreement between the City of Albuquerque and Prisoner Transport Officers.

7 3-21-5 **Procedures**

A. FMLA Leave

1. For any qualifying event, Department personnel may:
 - a. Pick up an FMLA packet from City of Albuquerque Employee Relations in City Hall for any non-duty disability leave;
 - b. Submit the FMLA packet to City of Albuquerque Human Resources Department personnel for any qualifying event; and
 - c. Notify their direct supervisor of their expected leave dates prior to being placed on FMLA status.
2. A Department supervisor shall direct Department personnel who are under their supervision pick up and submit an FMLA packet to City of Albuquerque Human Resources Department personnel for any qualifying event.
 - a. Upon approval from Central Human Resources, Fiscal Payroll Unit will enter approved FMLA and expected leave dates in the information sharing database approved by the Department. The electronic system will send the notification to the Operations Review Section. If FMLA dates are changed, employees shall notify their supervisor of the dates they will be out.
 - i. Department supervisors shall notify Fiscal Payroll Unit of the changes.



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-21 (Formerly 3-15 and 3-72) Effective: 03/06/2024 Review: 03/06/2025 Replaces: 07/29/2022

3. Department personnel shall be prohibited from working overtime when they are taking FMLA leave.

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B. Injured Light Duty (ILD) Leave

1. Department personnel who sustained an injury while on-duty or acquired a job-related illness shall promptly notify:
 - a. Their immediate supervisor;
 - b. The Operations Review Section;
 - i. Upon receiving notification, Operations Review personnel shall enter ILD restricted duty status of the Department employee in the information sharing database approved by the Department. The electronic system will notify the Fiscal Payroll Section.
 - c. Department Human Resources Division personnel; and
 - d. City of Albuquerque Risk Management personnel through Medcor.
2. Department personnel who sustained an injury while on-duty or acquired a job-related illness and require medical care on a weekday between 0800 and 1700 hours shall report to the City of Albuquerque Employee Health Center.
3. Department personnel who sustained a serious injury while on-duty or acquired a job-related illness on the weekend or before 0800 and after 1700 hours shall:
 - a. If it is an emergency, call Albuquerque Fire Rescue (AFR) paramedics;
 - b. If it is a non-emergency, call Medcor who will recommend any appropriate additional medical care including, but not limited to, treatment at an approved local emergency medical facility; and
 - c. Report to or have someone call City of Albuquerque Employee Health Center medical personnel on the next working day.
4. Department personnel who are admitted to a medical facility for treatment of a work-related injury shall notify City of Albuquerque Employee Health Center medical personnel at the time of admission or within a reasonable time.
 - a. The City of Albuquerque Employee Health Center Medical Director must pre-authorize treatment for work-related injuries by the Department employee's primary care physician or any other physician who does not work for the City of Albuquerque Employee Health Center.
 - i. The City of Albuquerque Employee Health Center Medical Director shall authorize and select a certified specialist for any necessary specialty care.
5. When Department personnel are under the care of an outside consulting physician, following each visit, they shall also be seen by City of Albuquerque Employee Health Center medical personnel to keep them informed of their progress.



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-21 (Formerly 3-15 and 3-72) Effective: 03/06/2024 Review: 03/06/2025 Replaces: 07/29/2022

- a. After each City of Albuquerque Employee Health Center visit, Department personnel shall take their updated Activity Status Report form to the Operations Review Section and the Department Human Resources Division personnel.
 6. Prior to returning to work, Department personnel who are on ILD must provide to Department Human Resources Division and Operations Review Section personnel:
 - a. Written approval by City of Albuquerque Employee Health Center medical personnel that authorizes them to return to work, which should state whether any limitations exist; and
 - b. If the Department employee's attending physician authorizes them to return to full-time status, they must be seen by the City of Albuquerque Employee Health Center.
 7. A supervisor shall:
 - a. Ensure that their employee receives the appropriate medical treatment;
 - b. Investigate the injury or job-related illness; and
 - c. Contact Medcor.
- C. Military Leave
1. Department personnel who are on active military duty shall:
 - a. Email the Operations Review Section Staffing Detective when they receive military orders, when they expect to return to military duty, and their expected leave dates;
 - b. Use military leave in accordance with the provisions outlined in the Uniformed Services Employment and Reemployment Rights Act (USERRA) and their union contract;
 - i. Paid military leave shall be the preferred method of compensation.
 - c. Be authorized to use their compensatory time or vacation leave after their military leave has been exhausted;
 - i. Department personnel may also use hazard pay as long as they have accrued more than eight-hundred (800) hours.
 - d. Be allowed to attend regularly scheduled drills;
 - e. Notify their immediate supervisor and Payroll Section personnel of their anticipated absences, including regularly scheduled drills at the beginning of the federal fiscal year (October 1st).
 - i. The employee's immediate supervisor and Payroll Section personnel may request for their commander or non-commissioned officer-in-charge (NCOIC) to list the planned training activities in a memorandum.
 - ii. When scheduled drill dates change on short notice, Department personnel must provide documentation of the change in drill dates to Payroll Section personnel from their military supervisor.



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-21 (Formerly 3-15 and 3-72) Effective: 03/06/2024 Review: 03/06/2025 Replaces: 07/29/2022

2. When Department personnel receive active military orders, the following procedures shall be completed in this order:
 - a. If the active military orders last longer than fourteen (14) days but less than thirty (30) days, Department personnel shall park their Department-issued vehicle at the City of Albuquerque Pino Yards by placing the keys in the appropriate drop box, and shall notify the Operations Review Section Fleet Manager, consistent with SOP Department Vehicles;
 - b. Department personnel shall provide or email a copy of the military orders to Payroll Section personnel;
 - i. Upon notification of military orders, Payroll Section personnel shall enter the information into the information sharing database approved by the Department.
 - ii. Payroll Section personnel shall notify City of Albuquerque Risk Management Division personnel to remove the employee's name from the random drug test pool if orders exceed five (5) days.
 - iii. Payroll Section personnel shall notify the Military Liaison Officer of the military orders.
 - c. Department personnel shall turn in Department-issued equipment to Property Unit personnel, if the military orders last longer than thirty (30) days, consistent with SOP Department Property;
 - d. If active military orders are extended, Department personnel shall inform Payroll Section personnel and the Military Liaison Officer; and
 - e. Department personnel shall send a copy of the extended military orders to Payroll Section personnel.
 - i. City of Albuquerque health insurance benefits cease unless the Department employee continues to pay their portion of the benefit.
3. When Department personnel return from active military duty and/or re-acclimation time, the following procedures shall be completed in this order:
 - a. Department personnel shall report to Payroll Section personnel to obtain a check-in procedure list;
 - b. Department personnel shall provide a copy of any amended orders to Payroll Section personnel, specifically orders ending earlier than previously scheduled; and
 - c. Payroll Section personnel shall inform Internal Affairs Professional Standards Division personnel, City of Albuquerque Risk Management Division personnel, and the Advanced Training Unit sworn personnel of the employee's return from active military duty.
 - ii. Department personnel shall contact the Military Liaison Officer for questions or concerns;
 - iii. Consistent with the City of Albuquerque's Substance Abuse Policy, Department personnel who have been on an active military status for a period of ninety (90) days or more shall complete a drug test at the earliest opportunity;



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-21 (Formerly 3-15 and 3-72) Effective: 03/06/2024 Review: 03/06/2025 Replaces: 07/29/2022

- iv. Upon completion of the drug test, Department personnel shall report to Advanced Training Unit personnel if they are an officer, or shall report to their supervisor if they are a civilian employee;
 - v. When the results of the drug test are received, for sworn personnel, Operations Review Section personnel shall notify the employee, the Military Liaison Officer, and Property Unit personnel; and
 - vi. Pursuant to USERRA, Department personnel shall be authorized to use re-acclimation time based on length of deployment.
 1. If Department personnel choose to take re-acclimation time, it shall be used prior to returning from active military duty.
 2. When taking re-acclimation time, Department personnel may also use vacation leave and/or compensatory time.
 4. Department personnel shall be authorized to use military leave with pay in accordance with the City of Albuquerque Merit System Ordinance and their union contract.
 - a. Department personnel who request to use military leave with pay shall notify Court Services Unit personnel of the anticipated absence, consistent with SOP Court.
 - i. This includes using military leave to cover monthly drills and deployment.
 - b. If orders are received in less than forty-eight (48) hours' notice, the Department employee's supervisor may provide notice to Court Services Unit personnel on their behalf.
 - i. Department personnel shall notify their supervisors and Payroll Section personnel of expected active-duty military requirements as soon as possible.
 1. Time coded as military leave shall not count towards completion of the Department employee's twelve (12) month probation.
 2. Department seniority shall not be affected due to military leave.
 - c. The Department employee's military orders must include travel time in order to claim it as military leave.
6. The Military Liaison Officer shall:
 - a. Be appointed by the Chief of Police;
 - b. Be both sworn personnel and a commissioned officer in the guard/reserve;
 - c. Ensure participation and be familiar with employee support that is provided by the guard and reserve programs; and
 - d. Be available to coordinate and resolve problems between a Department supervisor or military supervisor and their employee at the lowest, most informal level possible, in addition to their normal duties.
 - i. If the Military Liaison Officer is unable to resolve the problem, they shall refer the issue to the Operations Review Division Commander.
6. A Department supervisor shall:

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ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-21 (Formerly 3-15 and 3-72) Effective: 03/06/2024 Review: 03/06/2025 Replaces: 07/29/2022

- a. In accordance with federal and state laws, make every effort to support Department personnel who need to be absent from work for reserve training by ensuring that they are allowed the required time-off;
- b. Allow Department personnel who receive military orders for reserve training to use their military leave for any activity or training in order to cover training time; and
- c. Not prohibit their employee from using their military leave when their military orders for reserve training are unavailable at the time of departure.

D. Sick Leave

1. Department personnel shall be authorized to use accumulated sick leave for a non-duty disability or illness, or they may request leave for a non-duty disability or illness in accordance with the provisions in their union contract.
 - a. Department personnel who are absent for forty (40) hours or more consecutively using use sick leave or non-duty disability leave to cover the absence shall report to the City of Albuquerque Employee Health Center and may be required to undergo an examination by medical personnel prior to returning to work.
 - b. If required, Department personnel shall complete an FMLA packet prior to returning to work.
 - c. The Department employee's supervisor shall ensure that the employee's time card is accurate for each pay period.

E. Vacation Leave and Compensatory Time

N/A

1. A supervisor shall ensure that minimum staffing levels are maintained when approving or denying vacation leave and compensatory time requests, consistent with SOP Overtime, Compensatory Time, and Work Shift Designation (refer to SOP Overtime, Compensatory Time, and Work Shift Designation for sanction classifications and additional duties).
2. Department personnel are prohibited from donating or transferring compensatory time to another employee.

F. Other Circumstances Involving Leave

1. Leave without Pay
 - a. Department employees may be granted leave without pay due to sickness or disability when certified by a physician, to attend school when it is clearly demonstrated the subject matter is directly job related, for additional vacation time or for good and sufficient reason which the Chief Administration Officer considers to be in the best interest of the City. Department personnel shall first obtain permission from their immediate supervisor when requesting leave without pay.



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- i. Department personnel and/or their immediate supervisor shall request approval from the Chief of Police through the Department Human Resources Division.
- ii. The Department employee shall refer to their union contract because it may provide variances for leave without pay.

7 3-21-6 **Training**

- A. Department personnel who return to a full-time status after taking leave for thirty (30) days or more shall immediately notify the Operations Review Section Staffing Detective, Payroll Section personnel, and Department Human Resources Division personnel.
 1. The Operations Review Section Staffing Detective shall direct the employee to contact Advanced Training Unit personnel about their return to work.
 2. The Advanced Training Unit Sergeant shall ensure that the Department employee is current in all required advanced training.
 - a. If the Department employee missed any required advanced training during their absence, the Advanced Training Unit Sergeant shall schedule for the Department employee to make up the training as soon as practicable.