

# CIVILIAN POLICE OVERSIGHT ADVISORY BOARD (CPOAB)

Thursday, April 11, 2024 at 5:00 PM  
Vincent E. Griego Chambers

Aaron Calderon, Board Chair  
Rowan Wymark, Board Vice-Chair  
Zander Bolyanatz, Board Member  
Shama Newton, Board Member  
Gail Oliver, Board Member  
Diane McDermott, Executive Director, CPOA

**Members Present:**

Aaron Calderon, Chair  
Rowan Wymark, Vice Chair  
Zander Bolyanatz  
Shama Newton  
Gail Oliver

**Members Absent:**


**Others Present In-Person:**

Diane McDermott, CPOA  
Valerie Barela, CPOA  
Emily Selch, CPOA  
Gabe Remer, CPOA  
Kelly Mensah, CPC  
Robert Kidd, Independent Counsel  
Chris Sylvan, City Council  
Garrett Cornelius, City Council  
Lindsey Rosebrough, Managing City Atty.  
Commander Waite, APD  
Commander Landavazo, APD  
Commander Dodi Camacho, APD  
Deputy Commander Johnston, APD  
David Arp, CPC 250-21 Complainant  
Rachel Garcia, CPC 210-22 Complainant

**Others Present via Zoom:**

Aja Brooks, DOJ

## **Board Minutes**

- I.  **Welcome, Call to Order and Roll Call.** Chair Calderon called to order the regular meeting of the Civilian Police Oversight Advisory Board at approximately 5:01 p.m., and a roll call of members present was taken. Members Bolyanatz, Calderon, Newton, Oliver and Wymark were present.
- II. **Pledge of Allegiance.** Vice Chair Wymark led the Pledge of Allegiance.
- III. **Approval of the Agenda**

**1. Motion.** A motion was made by Chair Calderon to approve the agenda. The motion was seconded by Member Bolyanatz. The motion was carried by the following roll call vote:

**For: 5 – Bolyanatz, Calderon, Newton, Oliver, Wymark**

**IV. Public Comments**

a. None

**V. 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. **March 14, 2024**

1. A copy of the draft minutes from the March 14, 2024, Civilian Police Oversight Advisory Board regular meeting was distributed to each member electronically.

2. **Motion.** A motion by Chair Calderon to approve the minutes as drafted. The motion was seconded by Vice Chair Wymark. The motion was carried by the following roll call vote:

**For: 5 – Bolyanatz, Calderon, Newton, Oliver, Wymark**

**VI. Appeals**

a. **CPC # 250-21**

i. **Hearing on CPC #250-21**

1. Independent Counsel Robert Kidd read aloud the rules and procedures the Board will follow during the Hearing process.
2. Complainant David Arp was provided 15 minutes to present his case.
3. No APD Officer was present.
4. APD Commander Sean Waite was provided 10 minutes to speak
5. CPOA Executive Director McDermott was provided 10 minutes to speak
6. Complainant David Arp was provided an additional 5 minutes to speak.

ii. **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.**

1. **Motion.** A motion by Chair Calderon that the Board convene into closed session as authorized by administrative adjudicatory proceedings exemption to the open meeting act for a limited purpose of discussing the matters presented in CPC #250-21. The motion was carried by the following roll call vote:

**For: 5 – Bolyanatz, Calderon, Newton, Oliver, Wymark**

**\*\*\*Closed session meeting on administrative adjudicatory proceeding began at 5:41 p.m., and the meeting reconvened at 6:10 p.m.\*\*\***

2. **Motion.** A motion was made by Member Bolyanatz to move the closed session to a close and reconvene into an open session. The motion was seconded by Chair Calderon. The motion was carried by the following roll call vote:

**For: 5 – Bolyanatz, Calderon, Newton, Oliver, Wymark**

3. **Motion.** A motion was made by Member Oliver that the Board uphold and approve the Findings of the Director. The motion was seconded by Vice Chair Wymark. The motion was carried by the following roll call vote:

**For: 5 – Bolyanatz, Calderon, Newton, Oliver, Wymark**

**b. CPC # 210-22**

**i. Hearing on CPC #210-22**

1. Complainant Rachel Garcia was provided 15 minutes to present her case.
2. No APD Officer was present.
3. APD Commander Sean Waite was provided 10 minutes to speak
4. CPOA Executive Director McDermott was provided 10 minutes to speak
5. Complainant Rachel Garcia was provided an additional 5 minutes to speak.

- ii. **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.**

1. **Motion.** A motion by Chair Calderon that the Board convene into closed session as authorized by administrative adjudicatory proceedings exemption to the open meeting act for a limited purpose of discussing the matters presented in CPC #210-22. The motion was seconded by Member Bolyanatz. The motion was carried by the following roll call vote:

**For: 5 – Bolyanatz, Calderon, Newton, Oliver, Wymark**

**\*\*\*Closed session meeting on administrative adjudicatory proceeding began at 6:26 p.m., and the meeting reconvened at 6:37 p.m.\*\*\***

2. **Motion.** A motion was made by Chair Calderon to come out of the closed session. The motion was seconded by Member Newton. The motion was carried by the following roll call vote:

**For: 5 – Bolyanatz, Calderon, Newton, Oliver, Wymark**

3. **Motion.** A motion was made by Member Bolyanatz that the Board uphold and affirm the Findings of the CPOA. The motion was seconded by Member Newton. The motion was carried by the following roll call vote:

**For: 5 – Bolyanatz, Calderon, Newton, Oliver, Wymark**

## **VII. Reports from City Departments:**

### **a. APD**

#### **1. Internal Affairs Professional Standards (IAPS)**

- i. A document titled APD Internal Affairs Professional Standards (IAPS) Division Monthly Report Statistical Data for the Month of March 2024 was distributed to CPOA Board members electronically
- ii. APD IAPS Acting Commander Kenneth Johnston introduced himself to the Board and briefly explained IAPS operations.

#### **2. Internal Affairs Force Division (IAFD)**

- i. A document titled APD Monthly Use of Force Report March 2024 was distributed to CPOA Board members electronically.

- ii. APD IAFD Commander Scott Norris introduced himself to the Board, briefly explained IAFD operations in compliance with the CASA, and noted that IAFD is currently reviewing the Use of Force policy suite.

**b. ACS- Jodie Esquibel, Deputy Director**

1. ACS Deputy Director for Policy and Administration Jeffrey Bustamante introduced himself to the Board and provided a brief on the organization.
2. Mr. Bustamante noted he would provide a report update to the Board for their review.

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

1. City Managing Attorney for APD, Lindsey Rosebrough, gave a verbal report on the following:
  - APD CASA history, CASA Paragraph Compliance, and IMR-19 potential hearing date in June.
  - Chief Medina's Car Crash, APD's Crash Review Board determination of Chief Medina's Crash
  - APD DWI Unit ongoing Investigation by APD and FBI

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

1. City Council Representative, Chris Sylvan gave a verbal report on the following legislation:
  - At the April 3, 2024, City Council Meeting, the sponsor of OC-24-7 withdrew the declaration of no confidence in Chief Medina.
  - R-24-14 Approving and Authorizing the filing of a grant application for the violence intervention fund grant with the New Mexico Department of Health and Gun Violence Prevention will be heard at the May 6, 2024, City Council Meeting.

**e. Public Safety Committee – Chris Sylvan, Council Services**

1. City Council Representative Chris Sylvan noted that the City Council no longer has a Public Safety Committee and should be removed from the Board Agenda.

**f. CPC- Kelly Mensah, CPC Liaison**

1. Community Policing Council Liaison - Kelly Mensah gave a verbal report on the following:
  - a. Youth Community Policing Council (YCPC) and recruiting
  - b. Law Enforcement working group will be held on ....
  - c. University Area Command CPC initiative
  - d. Recommendation
  - e. CPC applicants and advertising efforts
  - f. CPC Townhall Meeting is scheduled for April 20, 2024

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

1. Chris Sylvan noted on behalf of Director Doug Small was unable to attend the meeting.

**h. CPOA- Diane McDermott, Executive Director**

1. Executive Director Diane McDermott verbally reported on CPOA complaints and budget requests.
2. Ms. McDermott provided the Board with the non-concurrence memo from the City's Chief Administrative Officer related to CPC 181-23 and highlighted (*see attached*)

**\*\*\* A Dinner Break began at 7:11 p.m., and the meeting convened at 7:47 p.m. \*\*\***

**VIII. Serious Use of Force Case:**

**a. APD Case #: 23-0040301; Date of Incident: May 21, 2023**

1. Chair Calderon read aloud a summary of SUOF APD Case #23-0040301
2. Executive Director McDermont provided her assessment of SUOF APD Case #23-0040301
3. Chair Calderon asked board members the following questions related to the SUOF Case #23-004031:
  - a. Do you all believe that the force was necessary? The Board unanimously agreed the force was necessary.

- b. Was a minimal amount of force used? All Board members unanimously agreed a minimal amount of force was used.
- c. Was the force reasonable? All Board members unanimously agreed the force was reasonable.
- d. Was the force proportionable to the incident? All Board members unanimously agreed the force was proportional to the incident.
- e. Was the force consistent with department policy? All Board member unanimously agreed the force was consistent with department policy.

**IX. Officer-Involved Shooting Case:**

**a. APD Case #: 23-0037214; Date of Incident: May 10, 2023**

- 1. Chair Calderon provided a synopsis of Officer Involved Shooting APD Case #23-0037214
- 2. The Board had no questions related to the pre-use of force.
- 3. Chair Calderon asked board members the following questions related to the Use of Force:
  - a. Do you all believe that the force was necessary? The Board unanimously agreed the force was necessary.
  - b. Was a minimal amount of force used? All Board members unanimously agreed a minimal amount of force was used.
  - c. Was the force reasonable? All Board members unanimously agreed the force was reasonable.
  - d. Was the force proportionable to the incident? All Board members unanimously agreed the force was proportional to the incident.
  - e. Was the force consistent with department policy?
- 4. The Board had no questions related to the post-use of force.

**X. Reports from CPOAB Subcommittees:**

**a. Policy and Procedure Review Subcommittee – Gail Oliver**

- 1. There was no meeting in April 2024
- 2. Next Meeting: TBD

3. Update on APD Policy Meetings
  - a. Member Oliver gave a verbal report and update on APD Policy Meetings (*see attached*)

**b. Ad Hoc Rules Subcommittee – Aaron Calderon**

1. Met: March 20, 2024 & April 3, 2024 at 4 p.m.
2. Next meeting: April 17, 2024 at 4 p.m.
  - a. Member Bolyanatz reported that the Ad Hoc Committee is currently working on a draft of the board's policies and procedures.

**XI. Discussion and Possible Action:**

**a. Designation of two delegates from the Board to attend the annual National Association of Civilian Oversight of Law Enforcement (NACOLE) Conference from October 13, 2024, to October 17, 2024**

1. Members Zander Bolyanatz and Shama Newton were delegated by the Board to attend the NACOLE Conference in October 2024 in Tucson, AZ.

**b. CPOAB Policy and Procedure Review Subcommittee Meeting-Time Confirmation**

1. The Policy and Procedure Review Subcommittee's first meeting will be held from 3:00 p.m. to 4:30 p.m. and every first Thursday of the month thereafter.

**c. July 2022 - December 2022 CPOA Semi-Annual Report**

1. CPOA Policy Analyst Emily Selch presented the July 2022 – December 2022 CPOA Semi-Annual Report to the Board.
  - a. Emily Selch gave a verbal report on the CPOA Semi-Annual Report for July 2022-December 2022.

**XII. CPOA Board's Review of Garrity Materials:**

- a. None.

**XIII. Meeting with Counsel re: Pending Litigation or Personnel Issues:**

**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.

- i. None.

**XIV. Other Business**

- a. Member Bolyanatz inquired into the possibility of having a special meeting to review Serious Use of Force Cases.
- b. Vice-Chair Wymark inquired into the Board's ride-along requirements.

**XV. Adjournment.**

- a. **Motion.** A motion by Chair Calderon to adjourn the meeting. The motion was seconded by Member Bolyanatz. The motion was carried by the following roll call vote:

**For: 5 – Bolyanatz, Calderon, Newton, Oliver, Wymark**

- b. The meeting was adjourned at 8:14 p.m.

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