

## **Civilian Police Oversight Agency Board**

*Chantal M. Galloway, Chair*

*Jesse Crawford*

*Patricia J. French*

*Dr. William J. Kass*

*Eric Nixon*

Diane McDermott, Interim Executive Director

## **BOARD AGENDA**

**Thursday, January 13, 2022 - 5:00 p.m.**

Attendance: In response to the Public Health Emergency, the Civilian Police Oversight Agency (CPOA) Board meeting on Thursday, January 13, 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-1-13-2022>.

(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, January 10, 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 pm on Thursday, January 13, 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.

### **I. Welcome and call to order**

### **II. Mission Statement – *Chantal M. Galloway, Chair***

*“Advancing Constitutional policing and  
accountability for APD and the Albuquerque  
Community.”*

### **III. Approval of the Agenda**

### **IV. Public Comments**

### **V. Review and Approval of Minutes from December 9, 2021**

**VI. Reports from City Departments**

- a. APD**
  - 1. IA Professional Standards Division (SOP 7-1, SOP 3-41, SOP 3-46) – *Commander Zak Cottrell***
  - 2. IA Force Division (SOP 2-52 through SOP 2-57) – *Acting Commander Richard Evans***
  - 3. Quarterly Crash Review Board Presentation (SOP 2-50) – *Acting Commander Nick Wheeler***
- b. City Council – *Chris Sylvan***
  - i. Update on Selection and Appointment Process for CPOA Board Members**
- c. Public Safety Committee - *Chris Sylvan***
- d. Mayor's Office – *Pastor David Walker***
- e. City Attorney**
- f. CPC – *Kelly Mensah***
- g. CPOA – *Diane McDermott, Interim Executive Director***

**VII. Requests for Reconsideration**

- a. 030-21                      115-21**

**VIII. Review of Cases:**

- a. Administratively Closed  
175-21**
- b. Unfounded  
156-21                      177-21**
- c. Exonerated  
166-21**
- d. Exonerated and Unfounded  
150-21                      165-21                      171-21**
- e. Exonerated, Unfounded and Administratively Closed  
173-21**
- f. Sustained  
151-21**
- g. Sustained and Exonerated  
214-21**
- h. Sustained, Exonerated and Unfounded  
159-21                      224-21                      174-21**
- i. Sustained, Exonerated, Unfounded and Not Sustained  
170-21**

**IX. Serious Use of Force Cases/Officer Involved Shooting**

- a. 19-0092635
- b. 16-0003286
- c. 19-0051831
- d. 18-0058242
- e. 20-0007132
- f. 20-0009417
- g. 20-0031830
- h. 20-0042176
- i. 20-0055810
- j. File Requests:
- k. Proposed Case(s) for February 2022 Review:
  - 1. TBD

**X. Reports from Subcommittees**

- a. Community Outreach Subcommittee – *Chantal Galloway*
  - 1. November 23, 2021 & December 28, 2021 meeting was cancelled
  - 2. Next meeting January 25, 2022 at 3:00 p.m.
- b. Policy and Procedure Review Subcommittee – *Dr. William Kass*
  - 1. Met December 2, 2021 & January 6, 2022 at 4:30 p.m. (video conference)
  - 2. Next meeting February 3, 2022 at 4:30 p.m.
- c. Case Review Subcommittee – *Patricia J. French*
  - 1. Met November 23, 2021, December 6, 2021 and January 10, 2022 at 4:00 p.m. (video conference)
  - 2. Next meeting TBD
- d. Personnel Subcommittee
  - 1. Met November 29, 2021 at 4:00 p.m. (video conference)
  - 2. December 26, 2021 meeting was cancelled
  - 3. Next meeting TBD

**XI. Discussion and Possible Action:**

- a. Consideration of PPRB Policies with No Recommendation: - *Dr. William Kass*
- b. Consideration of Proposed MOU between the City of Albuquerque, CPOA/CPOAB and APOA on OIS/SUOF Materials – *Tina Gooch, CPOA Counsel*
- c. Draft January – June 2021 Semi-Annual Report – *Diane McDermott, Interim Executive Director and Ali Abbasi, CPOA Data Analyst*
- d. Non-Concurrence Letters Update – *Diane McDermott, Interim Executive Director*
- e. IMR-14 and Status Conference Update – *Tina Gooch, CPOA Tina Gooch, CPOA Counsel*
- f. CPOA Ordinance Changes and CRC Ordinance Recommendations – *Patricia J. French*

- g. Proposal to DOJ/IMT to Limit the Type of Cases Appropriate for Review by CPOA – *Chantal Galloway and Diane McDermott, Interim Executive Director***
- h. Draft Proposal to IMT Fine Tuning Board Member Annual Training Timeline – *Chantal M. Galloway***
- i. Budget Process and Requests – *Diane McDermott, Interim Executive Director***
- j. Update on Board Requested Training – *Diane McDermott, Interim Executive Director***
  - Robert Rules of Order Training**
  - City Legal Board Training**
  - CPOA Investigative Training**
- k. Changes to Initial Training – *Chantal Galloway***
- l. Consideration of IMR Liaison Position – *Chantal Galloway***
- m. CPOA Board Subcommittee Assignments – *Chantal Galloway***
- n. Board Member Responsibilities – *Chantal Galloway***
  - New Member Training Requirements**
  - 8 Hour Annual Training Requirement**
  - Annual Board Member Review Meetings**
- o. Consideration of Supplemental Questions for CPOA Executive Director Applicants – *Chantal M. Galloway***  
***[Intent is to table]***
- p. Consideration of Changes to Proposed Timeline and Process for CPOA Director Appointment – *Chantal M. Galloway***  
***[Intent is to table]***
- q. Consideration of Communications to Stakeholder Groups on CPOA Executive Director Appointment – *Chantal M. Galloway***  
***[Intent is to table]***

**XII. Other Business**

- XIII. Adjournment- *Next Regularly scheduled CPOA Board meeting will be on February 10, 2022 at 5:00 p.m.***

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

### Civilian Police Oversight Agency Board

*Chantal M. Galloway, Chair*

*Jesse Crawford*

*Patricia French*

*Dr. William J. Kass*

*Eric Nixon*

*Diane McDermott, Interim Executive Director*

January 14, 2022

Re: CPC# 30-21

Dear Mr. A :

The Board may grant an Appeal only upon the complainant's timely request offering proof that:

- A) The APD policy or APD policies that were considered by the CPOA were the wrong policies or they were used in the wrong way; or,
- B) The APD policy or APD policies considered by the CPOA were chosen randomly or they do not address the issues in your complaint; or,
- C) The findings of the CPOA had no explanation that would lead to the conclusion made by the CPOA; or,
- D) The findings by the POB were not supported by evidence that was available to the CPOA at the time of the investigation.

PO Box 1293

Albuquerque

NM 87103

On January 13, 2022, the Board considered your submission for Appeal and request for hearing. The Board deemed your request did not meet the standards set forth in City of Albuquerque's Oversight Ordinance. Therefore, your request for hearing in front of the Board has been denied.

[www.cabq.gov](http://www.cabq.gov)

Sincerely,  
The Civilian Police Oversight Agency by

Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

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*Jesse Crawford*

*Patricia French*

*Dr. William J. Kass*

*Eric Nixon*

**Diane McDermott, Interim Executive Director**

January 14, 2022

.

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**Re: CPC# 115-21**

Dear Mr. L :

The Board may grant an Appeal only upon the complainant's timely request offering proof that:

- A) The APD policy or APD policies that were considered by the CPOA were the wrong policies or they were used in the wrong way; or,
- B) The APD policy or APD policies considered by the CPOA were chosen randomly or they do not address the issues in your complaint; or,
- C) The findings of the CPOA had no explanation that would lead to the conclusion made by the CPOA; or,
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*William J. Kass*

*Eric Nixon*

Diane McDermott, Interim Executive Director

January 14, 2022

Via Certified Mail

7018 1130 0002 3429 1743

Re: CPC # 175-21

Dear C ; J:

PO Box 1293

Albuquerque

NM 87103

#### **COMPLAINT:**

C. J. submitted a complaint that alleged Officer B and Officer S were standing by their patrol vehicles, with emergency lights activated, in front of his daughter's school on 08/30/2021 after being at his residence for a neighbor dispute on 08/27/2021. The officers had never been at the school before and laughed as Mr. J. drove by to drop off his daughter. Mr. J. called 911 and was told there were no police calls in the area and provided a telephone number to make a complaint. Mr. J. believed the incident was not a coincidence and the officers were harassing him as he had told the officers where his daughter went to school.

[www.cabq.gov](http://www.cabq.gov)

#### **EVIDENCE REVIEWED:**

Video(s): N/A

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer B

Other Materials:

Date Investigation Completed: November 29, 2021

## **FINDINGS**

**1. Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.

☐

**2. Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.

☐

**3. Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.

☐

**4. Exonerated.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.

☐

**5. Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.

☐

**6. Administratively Closed.** Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.

☒

### **Additional Comments:**

The complaint was withdrawn and no evidence of a violation in reference to this complaint was discovered during interviews and upon review of available documents.



**You have the right to appeal this decision.**

If you are not satisfied with the findings of the CPOA within 30 days of receipt of this letter communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

The Board may grant a Request for Reconsideration only upon the complainant offering proof that:

- A) The APD policy or APD policies that were considered by the Board were the wrong policies or they were used in the wrong way; or,
- B) The APD policy or APD policies considered by the Board were chosen randomly or they do not address the issues in your complaint; or,
- C) The findings of the Board had no explanation that would lead to the conclusion made by the Board; or,
- D) The findings by the Board were not supported by evidence that was available to the Board at the time of the investigation.

Administratively closed complaints may be re-opened if additional information becomes available.

If you are not satisfied with the final disciplinary decision of the Chief of Police you can request a review of the complaint by Albuquerque's Chief Administrative Officer. Your request must be in writing and within 30 days of receipt of this letter. Include your CPC number.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>.

Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

### Civilian Police Oversight Agency Board

*Chantal M. Galloway,*

*Jesse Crawford*

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*William J. Kass*

*Eric Nixon*

Diane McDermott, Interim Executive Director

January 14, 2022

Via Certified Mail

7018 113 0002 3429 1743

Re: CPC # 175-21

Dear C' J:

PO Box 1293

### **COMPLAINT:**

Albuquerque

C' J submitted a complaint that alleged Officer S and Officer B were standing by their patrol vehicles, with emergency lights activated, in front of his daughter's school on 08/30/2021 after being at his residence for a neighbor dispute on 08/27/2021. The officers had never been at the school before and laughed as Mr. Ji drove by to drop off his daughter. Mr. Ji called 911 and was told there were no police calls in the area and provided a telephone number to make a complaint. Mr. Ji believed the incident was not a coincidence and the officers were harassing him as he had told the officers where his daughter went to school.

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **EVIDENCE REVIEWED:**

Video(s): N/A

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: No

APD Employee Involved: Officer S

Other Materials:

Date Investigation Completed: November 29, 2021

## **FINDINGS**

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Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
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cc: Albuquerque Police Department Chief of Police

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*Diane McDermott, Interim Executive Director*

January 14, 2022

Via Certified Mail

7018 1130 0002 3429 1767

Re: CPC # 156-21

PO Box 1293

### **COMPLAINT:**

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

Ms. T reported she called 242-Cops and was on hold for 12 minutes as no one was answering. Ms. T reported she could see that the gentlemen were bouncing around in the car and were taking miniature shots. Ms. T reported she hung up with 242-Cops and called 911 because the situation was getting weird. Ms. T reported that the 911 female dispatcher advised her that her situation did not sound to her like Ms. T had any kind of emergency. Ms. T reported that the dispatcher advised that she connected Ms. T to 242-Cops and there was a 4-minute wait before the dispatcher said "bye" and hung up on Ms. T. Ms. T reported that the dispatcher completely dismissed everything that Ms. T had stated and the person in the car was a wanted fugitive.

### **EVIDENCE REVIEWED:**

Video(s): N/A

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: No

APD Employee Involved: Telecommunications Operator M

Other Materials: Audio recording of the 911 call

Date Investigation Completed: December 3, 2021

## FINDINGS

Policies Reviewed: General Order 1-1-5A.1

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.



2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.



Policies Reviewed:

3. **Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.



4. **Exonerated.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.



5. **Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.



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### Additional Comments:

After a review of the recorded phone conversation between Operator M and Ms. T , at no time did Operator M advise Ms. T that the incident did not sound like an emergency or state that Ms. T call did not sound urgent, per the complainant.

At no time did Operator M state anything about 242-Cops, per the complaint.

There was no evidence to suggest Operator M dismissed what Ms. T had to say, per the complaint, as the CAD reflected the information that Ms. T provided Operator M via phone call.

**You have the right to appeal this decision.**

If you are not satisfied with the findings of the CPOA within 30 days of receipt of this letter communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

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Administratively closed complaints may be re-opened if additional information becomes available.

If you are not satisfied with the final disciplinary decision of the Chief of Police you can request a review of the complaint by Albuquerque's Chief Administrative Officer. Your request must be in writing and within 30 days of receipt of this letter. Include your CPC number.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>.

Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

### Civilian Police Oversight Agency Board

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*William J. Kass*

*Eric Nixon*

Diane McDermott, Interim Executive Director

January 14, 2022

Via Email

Re: CPC # 177-21

PO Box 1293

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **COMPLAINT:**

Ms. K reported that the male officer threatened her by stating "make one more move or say one more thing and I'm going to arrest you." Ms. K reported that the officers were trying to get her arrested and asked about the marks on her. Ms. K reported that the male officer went into her apartment without a warrant and without permission. Ms. K reported that she advised the male officer that he did not have the right to go into her apartment and the officer stated he was going to arrest Ms. K. Ms. K reported that the male officer was a jerk.

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: N/A

APD Employee Interviewed: No

APD Employee Involved: Officer R

Other Materials:

Date Investigation Completed: December 3, 2021



## **FINDINGS**

Policies Reviewed: General Order 1-1-5A.1 and Procedural Order 2-71-3F.1.b

**1. Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.



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### **Additional Comments:**

After a review of the lapel videos, it was confirmed that at no time did officers state anything about arresting Ms. K

Officers did not enter Ms. K's apartment until Ms. K advised officer R that he could look for her phone inside her apartment. While in the apartment, officers asked Ms. K if she wanted them to leave, Ms. K stated no.

During the incident, Ms. K told the officers "you guys are so cool; you guys are like the best officers." Before officers left the apartment, Ms. K again advised officers "you guys are both cool."

**You have the right to appeal this decision.**

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cc: Albuquerque Police Department Chief of Police

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Diane McDermott, Interim Executive Director

January 14, 2022

Via Email

Re: CPC # 177-21

PO Box 1293

### **COMPLAINT:**

Albuquerque

NM 87103

Ms. K reported that the male officer threatened her by stating "make one more move or say one more thing and I'm going to arrest you." Ms. K reported that the officers were trying to get her arrested and asked about the marks on her. Ms. K reported that the male officer went into her apartment without a warrant and without permission. Ms. K reported that she advised the male officer that he did not have the right to go into her apartment and the officer stated he was going to arrest Ms. K. Ms. K reported that the male officer was a jerk.

[www.cabq.gov](http://www.cabq.gov)

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: N/A

APD Employee Interviewed: No

APD Employee Involved: Officer P

Other Materials:

Date Investigation Completed: December 3, 2021

## FINDINGS

Policies Reviewed: General Order 1-1-5A.1 and Procedural Order 2-71-3F.1.b

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.



2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.



3. **Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.



4. **Exonerated.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.



5. **Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.



6. **Administratively Closed.** Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.



### Additional Comments:

After a review of the lapel videos, it was confirmed that at no time did officers state anything about arresting Ms. K

Officers did not enter Ms. K's apartment until Ms. K advised officer R that he could look for her phone inside her apartment. While in the apartment, officers asked Ms. K if she wanted them to leave, Ms. K stated no.

During the incident, Ms. K told the officers "you guys are so cool; you guys are like the best officers." Before officers left the apartment, Ms. K again advised officers "you guys are both cool."

**You have the right to appeal this decision.**

If you are not satisfied with the findings of the CPOA within 30 days of receipt of this letter communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

The Board may grant a Request for Reconsideration only upon the complainant offering proof that:

- A) The APD policy or APD policies that were considered by the Board were the wrong policies or they were used in the wrong way; or,
- B) The APD policy or APD policies considered by the Board were chosen randomly or they do not address the issues in your complaint; or,
- C) The findings of the Board had no explanation that would lead to the conclusion made by the Board; or,
- D) The findings by the Board were not supported by evidence that was available to the Board at the time of the investigation.

Administratively closed complaints may be re-opened if additional information becomes available.

If you are not satisfied with the final disciplinary decision of the Chief of Police you can request a review of the complaint by Albuquerque's Chief Administrative Officer. Your request must be in writing and within 30 days of receipt of this letter. Include your CPC number.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>.

Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

### Civilian Police Oversight Agency Board

*Chantal M. Galloway,*

*Jesse Crawford*

*Patricia J. French*

*William J. Kass*

*Eric Nixon*

Diane McDermott, Interim Executive Director

January 14, 2022

Via Certified Mail

7018 1130 0002 3429 1736

Re: CPC # 166-21

Dear Ms R:

PO Box 1293

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **COMPLAINT:**

Complainant reported being in a car accident; the other party ran a red light and hit her vehicle. PSA T didn't take the other person's insurance, didn't put the fact that the person ran a red light in the police report and didn't include a diagram of the accident. This is causing me a delay in getting help from the insurance company. I am without a car; my body is in a lot of pain. This delay is causing me a great amount of stress. I have to ask for rides to doctor's appointments. I would like for the report to reflect that the other party that hit me ran the red light at full speed and a diagram of the accident. His failure to include accurate details in the report is making life more difficult than it needs to be. He needs to understand that his reports directly impact people's lives.

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: PSA T

Other Materials: crash report, crash video

Date Investigation Completed: December 22, 2021

## **FINDINGS**

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.

☐

2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.

☐

3. **Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.

☐

Policies Reviewed: **2-60-4 A5 ADF**

4. **Exonerated.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.

☒

5. **Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.

☐

6. **Administratively Closed.** Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.

☐

### **Additional Comments:**

R        stated she received a crash report that did not have a diagram of the crash; CPOA Investigator received the same report as R        and it also did not have a diagram of the crash (crash report provided by APD Records). However, both reports indicated that driver two did run the red light and caused the accident and also, the report indicated he did in fact have insurance. Supervisor provided to CPOA the same crash report that PSA T uploaded after he fully completed it on 08/03/2021 (report was complete with diagram). Supervisor explained that APD Records will occasionally have glitches when it comes to showing diagrams on crash reports. Supervisor said those glitches are beyond their scope and control; Supervisor said that his staff are trained to do diagrams and the report PSA T submitted had a diagram and was done appropriately. This issue will be **EXONERATED**, where the investigation determines, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training.

**You have the right to appeal this decision.**

If you are not satisfied with the findings of the CPOA within 30 days of receipt of this letter communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

The Board may grant a Request for Reconsideration only upon the complainant offering proof that:

- A) The APD policy or APD policies that were considered by the Board were the wrong policies or they were used in the wrong way; or,
- B) The APD policy or APD policies considered by the Board were chosen randomly or they do not address the issues in your complaint; or,
- C) The findings of the Board had no explanation that would lead to the conclusion made by the Board; or,
- D) The findings by the Board were not supported by evidence that was available to the Board at the time of the investigation.

Administratively closed complaints may be re-opened if additional information becomes available.

If you are not satisfied with the final disciplinary decision of the Chief of Police you can request a review of the complaint by Albuquerque's Chief Administrative Officer. Your request must be in writing and within 30 days of receipt of this letter. Include your CPC number.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>.

Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

### Civilian Police Oversight Agency Board

*Chantal M. Galloway, Chair*      *Jesse Crawford*

*William J. Kass*      *Eric Nixon*

*Patricia J. French*

Diane McDermott, Interim Executive Director

January 14, 2022

Via Certified Mail

7018 1130 0002 3429 1712

Re: CPC # 150-21

Dear F      H

PO Box 1293

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **COMPLAINT:**

P      H submitted a complaint that alleged officers were called reference an elderly couple being abused by an individual under the influence of drugs and alcohol. Officers contacted the individual who threatened children, neighbors, and Ms. F      Ms. H told officers the individual was not a resident and requested he be removed. The officers did not remove the individual and only became involved when the children's grandfather grabbed the individual by the neck. Ms. H again requested the individual be removed, but the officers left the individual there to abuse the elderly couple.

### **EVIDENCE REVIEWED:**

Video(s): Yes      APD Report(s): N/A      CAD Report(s): Yes

Complainant Interviewed: No      Witness(es) Interviewed: No

APD Employee Interviewed: No

APD Employee Involved: Officer A

Other Materials:

Date Investigation Completed: December 3, 2021

## **FINDINGS**

**1. Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.

☐

**2. Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.

☐

**3. Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.

☐

Policies Reviewed: Conduct 1-1-5A4

**4. Exonerated.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.

☒

**5. Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.

☐

**6. Administratively Closed.** Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.

☐

### **Additional Comments:**

The investigator determined, by a preponderance of the evidence, that the alleged conduct did occur by but did not violate APD policies, procedures, or training because Officer A contacted a subject who reportedly was causing a disturbance, restored the peace, and cleared the call. No evidence was located in regards to abuse of an elderly couple or officers becoming involved in an incident where a child's grandfather grabbed the individual by the neck.

**You have the right to appeal this decision.**

If you are not satisfied with the findings of the CPOA within 30 days of receipt of this letter communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

The Board may grant a Request for Reconsideration only upon the complainant offering proof that:

- A) The APD policy or APD policies that were considered by the Board were the wrong policies or they were used in the wrong way; or,
- B) The APD policy or APD policies considered by the Board were chosen randomly or they do not address the issues in your complaint; or,
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If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>.

Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

### Civilian Police Oversight Agency Board

*Chantal M. Galloway, Chair*

*Jesse Crawford*

*Patricia J. French*

*William J. Kass*

*Eric Nixon*

Diane McDermott, Interim Executive Director

January 14, 2022

Via Certified Mail

7018 1130 0002 3429 1712

Re: CPC # 150-21

Dear P H

PO Box 1293

### **COMPLAINT:**

P H submitted a complaint that alleged officers were called and an elderly couple told officers they feared for their lives, but the officers joked about the situation and left the individual there.

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer D.A.

Other Materials:

Date Investigation Completed: December 3, 2021

## FINDINGS

Policies Reviewed: Conduct 1-1-5A1

**1. Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.



**2. Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.



**3. Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.



Policies Reviewed: Domestic Violence 4-25-3A1a

**4. Exonerated.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.



**5. Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.



**6. Administratively Closed.** Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.



### Additional Comments:

The investigator determined, by clear and convincing evidence, that the alleged misconduct did not occur. No evidence was located in which Officer D.A. joked or laughed about the situation.

The investigator determined, by a preponderance of the evidence, that the alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training because Officer D.A. was the backup officer and the primary officer was unable to remove the individual because he had no charges on him and it was believed he had established residency. Officer D.A. was not told by the elderly couple that they feared for their lives.

**You have the right to appeal this decision.**

If you are not satisfied with the findings of the CPOA within 30 days of receipt of this letter communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

The Board may grant a Request for Reconsideration only upon the complainant offering proof that:

- A) The APD policy or APD policies that were considered by the Board were the wrong policies or they were used in the wrong way; or,
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Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

### Civilian Police Oversight Agency Board

*Chantal M. Galloway, Chair*

*Jesse Crawford*

*Patricia J. French*

*William J. Kass*

*Eric Nixon*

Diane McDermott, Interim Executive Director

January 14, 2022

Via Certified Mail

7018 1130 0002 3429 1712

Re: CPC # 150-21

Dear P. H.

### **COMPLAINT:**

P. H. submitted a complaint that alleged officers were called and an elderly couple told officers they feared for their lives, but the officers joked about the situation and left the individual there.

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer R

Other Materials:

Date Investigation Completed: December 3, 2021

## **FINDINGS**

Policies Reviewed: Conduct 1-1-5A1

**1. Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.



**2. Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.



**3. Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.



Policies Reviewed: Domestic Violence 4-25-3A1a

**4. Exonerated.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.



**5. Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.



**6. Administratively Closed.** Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.



### **Additional Comments:**

The investigator determined, by clear and convincing evidence, that the alleged misconduct did not occur. No evidence was located in which Officer R joked or laughed about the situation.

The investigator determined, by a preponderance of the evidence, that the alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training because Officer R was unable to remove the individual because it was believed he had established residency and Officer R had no charges on the individual. Officer R was not told by the elderly couple that they feared for their lives.



**You have the right to appeal this decision.**

If you are not satisfied with the findings of the CPOA within 30 days of receipt of this letter communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

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Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

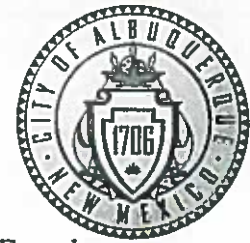
Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott Interim  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

### Civilian Police Oversight Agency Board

*Chantal M. Galloway, Chair*

*Jesse Crawford*

*Patricia J. French*

*William J. Kass*

*Eric Nixon*

Diane McDermott, Interim Executive Director

January 14, 2022

Via Certified Mail

7018 1130 0002 3429 1729

Re: CPC # 165-21

PO Box 1293

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **COMPLAINT:**

Ms. H reported that the officer did not write down the right information and took the other parties' word. Ms. H reported that Officer H put false information in the crash report. Ms. H reported that Officer H took information from both parties but did not put her narrative in the report. Ms. H reported she provided the officer with the witness's information (name and phone number) that was not put on the crash report. Ms. H reported the officer documented that Ms. H was T-Boned, which she was not as the damage was on the backside of her car. Ms. Henton reported the officer documented on the report the wrong location to where the accident occurred.

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer H

Other Materials:

Date Investigation Completed: December 3, 2021

## FINDINGS

Policies Reviewed: Procedural Order 2-40-3G.3 and General Order 1-1-5A.2

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.



2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.



3. **Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.



Policies Reviewed: 1-1-5A.4

4. **Exonerated.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.



5. **Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.



6. **Administratively Closed.** Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.



### Additional Comments:

The CPOA is recommending training for Officer H in reference to the details and accuracy of his report.

**You have the right to appeal this decision.**

If you are not satisfied with the findings of the CPOA within 30 days of receipt of this letter communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

The Board may grant a Request for Reconsideration only upon the complainant offering proof that:

- A) The APD policy or APD policies that were considered by the Board were the wrong policies or they were used in the wrong way; or,
- B) The APD policy or APD policies considered by the Board were chosen randomly or they do not address the issues in your complaint; or,
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If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>.

Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY Civilian Police Oversight Agency Board

*Chantal M. Galloway, Chair*

*Jesse Crawford*

*Patricia J. French*

*Dr. William J. Kass*

*Eric Nixon*

Diane McDermott, Interim Executive Director

January 14, 2022

Via Certified Mail

7018 1130 0002 3429 1705

..

Re: CPC # 171-21

Mr. A

PO Box 1293

### **COMPLAINT:**

Albuquerque

Complainant Aragon reported the incident took place on 08/19/2021 during a multiple-officer shooting. He said he was removed from a crime scene in which he, as a journalist and citizen, has every right to be in. Also, A reported being intimidated and threatened during the time of the incident. Aragon also wanted to report favoritism of other news media members.

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): No

CAD Report(s): No

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: DC B

Other Materials: photos, complainant's recordings

Date Investigation Completed: December 30, 2021

## **FINDINGS**

Policies Reviewed: **1-1-5C3**

**1. Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.



**2. Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.



**3. Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.



Policies Reviewed: **2-33-4 A1A**

**4. Exonerated.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.



**5. Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.



**6. Administratively Closed.** Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.



### **Additional Comments:**

**1-1-5C3:** According to lapel footage, as DC B approached A about being inside the perimeter of the crime scene, it was observed that he approached A with courtesy and professionalism. There was no indication on video that DC B ever intimidated or caused Aragon to be in fear. This issue will be **UNFOUNDED**.

**2-33-4 A1A:** According to lapel footage, DC B was seen politely asking Ar to move and even said "do me a favor". A was seen clearly acknowledging the instruction. A complied without further incident. Therefore, this issue will be **EXONERATED**.

**You have the right to appeal this decision.**

If you are not satisfied with the findings of the CPOA within 30 days of receipt of this letter communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

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If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>.

Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

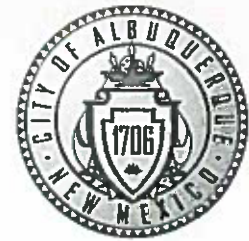
Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

### Civilian Police Oversight Agency Board

*Chantal M. Galloway, Chair*

*Jesse Crawford*

*Patricia J. French*

*William J. Kass*

*Eric Nixon*

Diane McDermott, Interim Executive Director

January 14, 2022

Via Certified Mail

7018 1130 0002 3429 1750

Re: CPC # 173-21

PO Box 1293

### **COMPLAINT:**

Ms. M reported that she wanted CYFD to be called regarding all the reports and calls because children were in danger and wanted more help from APD. Ms. M reported police never called CYFD during the following calls: (4-17-2020-Incident #200031961/CAD#P201080511) (05/19/2020- Incident #200040327/CAD#P201400579) (05/31/2020-Incident #200043702/CAD#P201520646) and (07/05/2020- Incident# 200053372/CAD# P201870933.) Ms. M reported the calls involved children in the household.

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer C

Other Materials:

Date Investigation Completed: December 15, 2021



## **FINDINGS**

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.

☐

2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.

☐

3. **Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.

☐

Policies Reviewed: Procedural Order 2-92-3B.3

4. **Exonerated.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.

☒

5. **Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.

☐

6. **Administratively Closed.** Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.

☐

### **Additional Comments:**

Although the CAD noted Mr. B had threatened the caller/spouse and 30's in the past, Mr. R advised officers that no one was harmed and his biggest concern was Mr. B, medical issue.

Mr. B ; medical issue was addressed via ambulance transport to the hospital.

Based on the interview with Officer C and the information reviewed for the date of 05/19/2020, there was not enough evidence to suggest that officers needed to notify CYFD in reference to the incident (05/19/2020) in question.

**You have the right to appeal this decision.**

If you are not satisfied with the findings of the CPOA within 30 days of receipt of this letter communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

The Board may grant a Request for Reconsideration only upon the complainant offering proof that:

- A) The APD policy or APD policies that were considered by the Board were the wrong policies or they were used in the wrong way; or,
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- D) The findings by the Board were not supported by evidence that was available to the Board at the time of the investigation.

Administratively closed complaints may be re-opened if additional information becomes available.

If you are not satisfied with the final disciplinary decision of the Chief of Police you can request a review of the complaint by Albuquerque's Chief Administrative Officer. Your request must be in writing and within 30 days of receipt of this letter. Include your CPC number.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>.

Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

### Civilian Police Oversight Agency Board

*Chantal M. Galloway, Chair*

*Jesse Crawford*

*Patricia J. French*

*William J. Kass*

*Eric Nixon*

Diane McDermott, Interim Executive Director

January 14, 2022

Via Certified Mail

7018 1130 0002 3429 1750

Re: CPC # 173-21

PO Box 1293

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **COMPLAINT:**

Ms. M. I reported that she wanted CYFD to be called regarding all the reports and calls because children were in danger and wanted more help from APD. Ms. M reported police never called CYFD during the following calls: (4-17-2020-Incident #200031961/CAD#P201080511) (05/19/2020- Incident #200040327/CAD#P201400579) (05/31/2020-Incident #200043702/CAD#P201520646) and (07/05/2020- Incident# 200053372/CAD# P201870933.) Ms. M. reported the calls involved children in the household.

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: N/A

APD Employee Involved: Officer R

Other Materials:

Date Investigation Completed: December 10, 2021

## **FINDINGS**

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.

☐

2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.

☐

3. **Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.

☐

4. **Exonerated.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.

☐

5. **Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.

☐

Policies Reviewed: Procedural Order 2-92-3B.3

6. **Administratively Closed.** Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.

☒

### **Additional Comments:**

**Officer R no longer worked for APD and was not working for APD at the time the complaint was received. It should also be noted the SOP related to the allegation against Officer R was a level 7 sanction and if there were violations of the SOP in question, the policy violations would have been minor in nature.**

**The Complaint against Officer R was Administratively closed via no jurisdiction**

**You have the right to appeal this decision.**

If you are not satisfied with the findings of the CPOA within 30 days of receipt of this letter communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

### Civilian Police Oversight Agency Board

*Chantal M. Galloway, Chair*

*Jesse Crawford*

*Patricia J. French*

*William J. Kass*

*Eric Nixon*

*Diane McDermott, Interim Executive Director*

January 14, 2022

Via Certified Mail

7018 1130 0002 3429 1750

Re: CPC # 173-21

PO Box 1293

Albuquerque

NM 87103

### **COMPLAINT:**

Ms. M reported that she wanted CYFD to be called regarding all the reports and calls because children were in danger and wanted more help from APD. Ms. M reported police never called CYFD during the following calls: (4-17-2020-Incident #200031961/CAD#P201080511) (05/19/2020- Incident #200040327/CAD#P201400579) (05/31/2020-Incident #200043702/CAD#P201520646) and (07/05/2020- Incident# 200053372/CAD# P201870933.) Ms. M reported the calls involved children in the household.

[www.cabq.gov](http://www.cabq.gov)

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: No

APD Employee Involved: Officer R

Other Materials:

Date Investigation Completed: December 15, 2021

## **FINDINGS**

Policies Reviewed: Procedural Order 2-92-3B.3

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.



2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.



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### **Additional Comments:**

Based on the information reviewed for the date of 04/17/2020, there was no evidence to suggest that officers needed to notify CYFD in reference to the incident (04/17/2020) in question.

**You have the right to appeal this decision.**

If you are not satisfied with the findings of the CPOA within 30 days of receipt of this letter communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

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The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



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### Civilian Police Oversight Agency Board

*Chantal M. Galloway, Chair*

*Jesse Crawford*

*Patricia J. French*

*William J. Kass*

*Eric Nixon*

Diane McDermott, Interim Executive Director

January 14, 2022

Via Certified Mail

7018 1130 0002 3429 1750

Re: CPC # 173-21

PO Box 1293

### **COMPLAINT:**

Albuquerque

Ms. M reported that she wanted CYFD to be called regarding all the reports and calls because children were in danger and wanted more help from APD. Ms. M reported police never called CYFD during the following calls: (4-17-2020-Incident #200031961/CAD#P201080511) (05/19/2020- Incident #200040327/CAD#P201400579) (05/31/2020-Incident #200043702/CAD#P201520646) and (07/05/2020- Incident# 200053372/CAD# P201870933.) Ms. M reported the calls involved children in the household.

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: No

APD Employee Involved: Officer D

Other Materials:

Date Investigation Completed: December 15, 2021

## **FINDINGS**

Policies Reviewed: Procedural Order 2-92-3B.3

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.



2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.



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Policies Reviewed:

6. **Administratively Closed.** Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.



### **Additional Comments:**

Based on the information reviewed for the date of 07/05/2020, there was no evidence to suggest that officers needed to notify CYFD in reference to the incident (07/05/2020) in question.

**You have the right to appeal this decision.**

If you are not satisfied with the findings of the CPOA within 30 days of receipt of this letter communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

### Civilian Police Oversight Agency Board

*Chantal M. Galloway, Chair*

*Jesse Crawford*

*Patricia J. French*

*William J. Kass*

*Eric Nixon*

Diane McDermott, Interim Executive Director

January 14, 2022

Via Certified Mail

7018 1130 0002 3429 1125

Re: CPC # 151-21

Dear Mrs. K

PO Box 1293

### **COMPLAINT:**

You reported being upset about an interaction with Officer G on 07/31/2021. He went to your home to look at an item you had for sale on Craigslist; you reported he was in uniform and drove a marked vehicle. You reported Officer G went left his work to see you during work hours.

Albuquerque

Also, you reported later receiving an email from Officer G. You felt the email was rude and degrading as it stated, "There's something wrong with you mentally; business is first come first serve! Please learn this! Learn how to talk to people, you're very rude and unprofessional and pushy! You're very "sketchy" and unpleasant! I hope you find help!"

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **EVIDENCE REVIEWED:**

Video(s): N/A

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer G

Other Materials: emails, payroll records, work schedules

Date Investigation Completed: December 9, 2021

## **FINDINGS**

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.

☐

Policies Reviewed: *1-1-5 C2, 1-1-5 D5*

2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.

☒

3. **Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.

☐

4. **Exonerated.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.

☐

5. **Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.

☐

6. **Administratively Closed.** Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.

☐

### **Additional Comments:**

Though Officer G stated he was on break, he did not obtain permission from his supervisor to leave his work jurisdiction. Officer G admitted that his supervisors were unaware of his departure, therefore, *1-1-5 D5* is "**Sustained**," where the investigation determines, by a preponderance of the evidence, that the alleged misconduct did occur.

Also, evidence obtained via email shows that Officer G took his time in creating an email with the use of contemptuous and disrespectful language and intentionally directed it at Krueger. Therefore, *1-1-5 C2* is "**Sustained**," where the investigation determines, by a preponderance of the evidence, that the alleged misconduct did occur.

**You have the right to appeal this decision.**

If you are not satisfied with the findings of the CPOA within 30 days of receipt of this letter communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

The Board may grant a Request for Reconsideration only upon the complainant offering proof that:

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- B) The APD policy or APD policies considered by the Board were chosen randomly or they do not address the issues in your complaint; or,
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Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

### Civilian Police Oversight Agency Board

*Chantal M. Galloway, Chair*

*Jesse Crawford*

*Patricia J. French*

*William J. Kass*

*Eric Nixon*

Diane McDermott, Interim Executive Director

January 14, 2022

Via Certified Mail

7018 1130 0002 3429 1781

Re: CPC # 214-21

Dear Mr. R. V.

PO Box 1293

### **COMPLAINT:**

R. V. submitted a complaint that alleged he was chased by a male with a machete and when he called 911 the operator scolded him about the size description given, disconnected, and no one responded. Mr. V. called 242-COPS but received no answer or call back.

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **EVIDENCE REVIEWED:**

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Operator G

Other Materials: Event Detail Reports & Operator Audio Recording

Date Investigation Completed: December 6, 2021

## **FINDINGS**

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.

☐

Policies Reviewed: Communications 2-01-10D4a

2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.

☒

Policies Reviewed:

3. **Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.

☐

Policies Reviewed: Conduct 1-1-5A4

4. **Exonerated.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.

☒

5. **Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.

☐

6. **Administratively Closed.** Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.

☐

### **Additional Comments:**

The investigator determined, by a preponderance of the evidence, the alleged misconduct did occur as Operator G failed to create an event after obtaining the pertinent information from Mr. V: and determining the call was an emergency.

The investigator determined, by a preponderance of the evidence, that the alleged conduct did occur by Operator G but did not violate APD policies, procedures, or training. Operator G did not scold Mr. V but attempted to clarify the information given by Mr. V. Mr. V told Operator G he had to go, said bye, and disconnected the call first.



**You have the right to appeal this decision.**

If you are not satisfied with the findings of the CPOA within 30 days of receipt of this letter communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

The Board may grant a Request for Reconsideration only upon the complainant offering proof that:

- A) The APD policy or APD policies that were considered by the Board were the wrong policies or they were used in the wrong way; or,
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- C) The findings of the Board had no explanation that would lead to the conclusion made by the Board; or,
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Administratively closed complaints may be re-opened if additional information becomes available.

If you are not satisfied with the final disciplinary decision of the Chief of Police you can request a review of the complaint by Albuquerque's Chief Administrative Officer. Your request must be in writing and within 30 days of receipt of this letter. Include your CPC number.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>.

Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

### Civilian Police Oversight Agency Board

*Chantal M. Galloway, Chair*

*Jesse Crawford*

*Patricia J. French*

*William J. Kass*

*Eric Nixon*

Diane McDermott, Interim Executive Director

January 14, 2022

Via Certified Mail

7018 1130 0002 3429 1118



Re: CPC # 159-21

Dear C      I

PO Box 1293

### **COMPLAINT:**

C      F submitted a complaint alleging she was brutally attacked, and when she contacted the district attorney's office, she was told nothing had been filed. Ms. F alleged Officer F did not talk to her and reported she was the primary aggressor.

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer F

Other Materials: N/A

Date Investigation Completed: December 15, 2021

## **FINDINGS**

**1. Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.

☐

Policies Reviewed: Investigations 2-60-4A5b,d,f

**2. Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.

☒

**3. Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.

☐

**4. Exonerated.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.

☐

**5. Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.

☐

**6. Administratively Closed.** Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.

☐

### **Additional Comments:**

The investigator determined, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. Officer F did speak with Ms. H , Officer F determined Ms. H was the primary aggressor and requested a summons for her. Officer F did not articulate the injuries observed, and did not document any information about the available video footage. Officer F reported incorrectly that, "Due to A : being the primary aggressor, a summons is being issued to C ,

**You have the right to appeal this decision.**

If you are not satisfied with the findings of the CPOA within 30 days of receipt of this letter communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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### Civilian Police Oversight Agency Board

*Chantal M. Galloway,*

*Jesse Crawford*

*Patricia J. French*

*Chair William J. Kass*

*Eric Nixon*

Diane McDermott, Interim Executive Director

January 14, 2022

Via Certified Mail

7018 1130 0002 3429 1118

Re: CPC # 159-21

Dear C H :

PO Box 1293

#### **COMPLAINT:**

Albuquerque

C H submitted a complaint alleging Officer H was incapable of doing his job and should be fired or the case turned over to someone who would do their job. Officer H showed no empathy for her, never asked if she was okay, never asked how she was feeling, or cared about her no trespassing sign. Officer H told Ms. H to put the video on a flash drive and drop it off at the station and did not contact her when requested.

NM 87103

[www.cabq.gov](http://www.cabq.gov)

#### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: No

APD Employee Involved: Officer H

Other Materials: N/A

Date Investigation Completed: December 15, 2021

## FINDINGS

Policies Reviewed: Investigations 2-60-4A1

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.



2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.



3. **Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.



Policies Reviewed: Conduct 1-1-5A1

4. **Exonerated.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.



5. **Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.



6. **Administratively Closed.** Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.



### Additional Comments:

The investigator determined, by a preponderance of the evidence, the conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. Officer H asked Ms. H where she had been hit and asked Ms. H what was hurting. AFR was called to the scene and Officer H escorted them into the residence to care for Ms. H. The lack of empathy alleged by Ms. H was not observed during a review of the lapel videos.

The investigator determined, by clear and convincing evidence, the alleged misconduct did not involve the subject officer. Officer H was not the primary investigating/reporting officer and no evidence was located showing Officer H told Ms. H to put a video on a flash drive and drop it off at a station. Officer H is no longer employed by APD.

**You have the right to appeal this decision.**

If you are not satisfied with the findings of the CPOA within 30 days of receipt of this letter communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

### Civilian Police Oversight Agency Board

*Chantal M. Galloway, Chair*

*Jesse Crawford*

*Patricia J. French*

*William J. Kass*

*Eric Nixon*

Diane McDermott, Interim Executive Director

January 14, 2022

Via Certified Mail

7018 1130 0002 3429 1101

K,

...

Re: CPC # 224-21

Dear K,

PO Box 1293

### **COMPLAINT:**

Albuquerque

Mr. C submitted a complaint alleging Officer G took two puffs from an e-cigarette while inside a patrol vehicle and while transporting Mr. C. Mr. C alleged Officer G lied to the supervisor about the patrol vehicle window being down. Though not reported, the investigator noted that Mr. C complained about being handcuffed behind his back and about not eating.

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer G

Other Materials: N/A

Date Investigation Completed: December 20, 2021



## **FINDINGS**

Policies Reviewed: Conduct 1-1-6A3a

**1. Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.



Policies Reviewed: Department Vehicles 2-5-4G4

**2. Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.



**3. Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.



Policies Reviewed: Handcuffing 2-82-4A1a

**4. Exonerated.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.



**5. Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.



**6. Administratively Closed.** Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.



### **Additional Comments:**

The investigator determined, by clear and convincing evidence, that the alleged misconduct did not occur as Officer G did not lie to the supervisor about the window position.

The investigator determined, by a preponderance of the evidence, the alleged misconduct did occur by Officer G. Officer G did utilize an electronic cigarette inside a department issued vehicle while transporting Mr. C

The investigator determined, by a preponderance of the evidence, the alleged misconduct did occur, but did not violate APD policies, procedures, or training. Officer G did have Mr. C handcuffed behind his back while Mr. C was in his custody, but no violation occurred as policy states, "Detained individuals will be handcuffed behind their back." There are exceptions to the policy, but no exception was known to apply to Mr. C

No policy was located in regards to the required feeding of Mr. C and therefore it was not addressed in the findings.

**You have the right to appeal this decision.**

If you are not satisfied with the findings of the CPOA within 30 days of receipt of this letter communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY Civilian Police Oversight Agency Board

*Chantal M. Galloway, Chair*

*Jesse Crawford*

*Patricia J. French*

*Dr. William J. Kass*

*Eric Nixon*

*Diane McDermott, Interim Executive Director*

January 14, 2022

Via Certified Mail

7018 1130 0002 3429 1149

1  
A

Re: CPC # 174-21

Dear Mr. L:

PO Box 1293

### **COMPLAINT:**

Albuquerque

PIO A has violated Campbell v. Reisch and Knight First Amendment Institute v. Trump. She is a public official that cannot block people from her social media when she is using the social media in an official capacity. PIO A also violated my rights on June 27th, 2021 at a news press conference when I was trying to get information from C G (separate complaint filed with facts). PIO A failed to identify herself and got in my face and stepped in between me and Mr. G. At the in person encounter I felt attacked as a member of the press and felt my safety was in danger with her aggressively interfering with my interaction with G

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: PIO A

Other Materials: emails, Twitter images, court cases

Date Investigation Completed: December 30, 2021

## FINDINGS

Policies Reviewed: *1-2-5N*

**1. Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.



Policies Reviewed: *1-1-4A, 1-2-4 A1*

**2. Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.



**3. Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.



Policies Reviewed: *1-1-5 C3*

**4. Exonerated.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.



**5. Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.



**6. Administratively Closed.** Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.



### Additional Comments:

*1-1-4A, 1-2-4 A1:* PIO A did violate L \_\_\_\_\_ 1st Amendment rights by assuming the role of "government actor". The personal account was deemed professional as PIO A blended APD content. In doing so, she could not block Layman from her personal account, which she confirmed doing. This issue is **SUSTAINED**.

*1-2-5N:* There is no evidence linking PIO As' personal Twitter accounts to her City email account. This issue will be **UNFOUNDED**.

*1-1-5 C3:* Video shows PIO A never got in L \_\_\_\_\_ face in an aggressive manner nor was she ever threatening towards him. PIO A was seen talking face-to-face with L \_\_\_\_\_ and he never showed he was scared or demonstrated he felt threatened during their conversation; PIO A remained professional the entire duration of their conversation and respectfully answered L \_\_\_\_\_ questions when asked. This issue will be **EXONERATED**

**You have the right to appeal this decision.**

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Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

### Civilian Police Oversight Agency Board

*Chantal M. Galloway, Chair*

*Jesse Crawford*

*Patricia J. French*

*William J. Kass*

*Eric Nixon*

*Diane McDermott, Interim Executive Director*

January 14, 2022

Via Certified Mail

7018 1130 0002 3429 1132

Re: CPC # 170-21

PO Box 1293

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **COMPLAINT:**

Mr. G reported that the accident investigation was not fair. Mr. G reported that the PSA (later identified as officers) was talking to the other driver (later identified as Mr. D z) who ran a red light and Mr. G thought that the Officer and Mr. D knew each other. Mr. G reported that the officer told Mr. D that he better take care of those warrants and they were laughing. Mr. G reported he was having trouble talking and did not remember the officers talking to him. Mr. G reported that he felt the other guy should have been cited for speeding and running a red light. Mr. G reported that he would like the accident report changed as he was not at fault for the accident.

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer P

Other Materials:

Date Investigation Completed: December 15, 2021

## FINDINGS

Policies Reviewed: General Order 1-1-5C.3

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.



2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.



Policies Reviewed: General Order 1-1-5A.4

3. **Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.



4. **Exonerated.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.



5. **Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.



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### Additional Comments:

In reference to SOP 1-1-5C.3, after interviews with officers and a review of the lapel videos, there was no evidence to suggest that the officers knew any of the subjects involved in the accident.

In reference to SOP 1-1-5A.4, after interviews with both officers and a review of the lapel videos, it could not be determined if Officer P provided the witness's information to the Primary Officer (Officer C.)

**You have the right to appeal this decision.**

If you are not satisfied with the findings of the CPOA within 30 days of receipt of this letter communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



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*Eric Nixon*

*Diane McDermott, Interim Executive Director*

January 14, 2022

Via Certified Mail

7018 1130 0002 3429 1132

Re: CPC # 170-21

PO Box 1293

### **COMPLAINT:**

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

Mr. G reported that the accident investigation was not fair. Mr. G reported that the PSA (later identified as officers) was talking to the other driver (later identified as Mr. D) who ran a red light and Mr. G thought that the Officer and Mr. D knew each other. Mr. G reported that the officer told Mr. D that he better take care of those warrants and they were laughing. Mr. G reported he was having trouble talking and did not remember the officers talking to him. Mr. G reported that he felt the other guy should have been cited for speeding and running a red light. Mr. C reported that he would like the accident report changed as he was not at fault for the accident.

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer C

Other Materials:

Date Investigation Completed: December 15, 2021

## **FINDINGS**

Policies Reviewed: General Order 1-1-5C.3

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.



Policies Reviewed: Procedural Order 2-40-3G.1

2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.



3. **Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.



Policies Reviewed: Procedural Order 2-40-3G.3

4. **Exonerated.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.



5. **Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.



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### **Additional Comments:**

In reference to SOP 2-40-3G.3, the CPOA is recommending training for Officer C regarding conducting more thorough and complete reports

In reference to SOP 1-1-5C.3, after interviews with officers and a review of the lapel videos, there was no evidence to suggest that the officers knew any of the subjects involved in the accident.

In reference to SOP 2-40-3G.1, Officer C confirmed he used his discretion to not arrest Mr. D for his warrant due to the call volume on the date of incident being high, however Officer C did not give a valid reason as to why there was no enforcement action taken against Mr. D for not having a valid driver's license.

**You have the right to appeal this decision.**

If you are not satisfied with the findings of the CPOA within 30 days of receipt of this letter communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

The Board may grant a Request for Reconsideration only upon the complainant offering proof that:

- A) The APD policy or APD policies that were considered by the Board were the wrong policies or they were used in the wrong way; or,
- B) The APD policy or APD policies considered by the Board were chosen randomly or they do not address the issues in your complaint; or,
- C) The findings of the Board had no explanation that would lead to the conclusion made by the Board; or,
- D) The findings by the Board were not supported by evidence that was available to the Board at the time of the investigation.

Administratively closed complaints may be re-opened if additional information becomes available.

If you are not satisfied with the final disciplinary decision of the Chief of Police you can request a review of the complaint by Albuquerque's Chief Administrative Officer. Your request must be in writing and within 30 days of receipt of this letter. Include your CPC number.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>.

Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# Force Review Board-Chief's Report

## CHIEF'S REPORT

MARCH 26, 2020

TIME: 1008 TO 1045  
HOURS

APD HEADQUARTERS - CHIEF'S  
CONFERENCE ROOM

FRB CHAIR	Chief of Staff John Ross
VOTING MEMBERS	DCOP [REDACTED] DCOP [REDACTED] Commander [REDACTED]
NON-VOTING MEMBERS	Lindsay Van Meter (City Legal)- via teleconference Edward Harness (CPOA)- via teleconference Lieutenant [REDACTED] (FRB Admin Personnel/AOD) Julie Jaramillo (FRB Admin Personnel/AOD)- via teleconference
REPRESENTATIVES	Sergeant [REDACTED] (IAFD)
OBSERVERS	Detective [REDACTED] (Presenter/IAFD) Detective [REDACTED] (Presenter/IAFD) DCOP [REDACTED] (Compliance)- via teleconference Commander [REDACTED] (AOD)- via teleconference Elizabeth Martinez (DOJ)- via teleconference
PREVIOUS MINUTES	March 12, 2020 approved
UNFINISHED BUSINESS	19-0051831 (SUoF) 18-0122233 (SUoF/OIS)

CASE #: 19-0051831		DATE OF INCIDENT: JUNE 6, 2019		LOCATION: [REDACTED]		TIME: 0230 HOURS	
TYPE: SERIOUS							
CASE PRESENTER				DETECTIVE [REDACTED]			
INJURIES SUSTAINED				YES			
DAMAGE TO PROPERTY				NO			
DID THE BOARD REVIEW THE CASE WITHIN 30 DAYS OF RECEIVING THE CASE INFORMATION?				YES			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				DID THE FRB, BY A MAJORITY VOTE, IDENTIFY CONCERNS, DEFICIENCIES, OR SUCCESSES NOT IDENTIFIED BY THE CASE PRESENTER FOR:			
POLICY	TACTICS	EQUIPMENT	TRAINING	SUPERVISION	SUCCESSES		
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		

DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	FOR TACTICAL ACTIVATIONS ONLY: WAS THE TACTICAL ACTIVATION IN ACCORDANCE WITH THE DEPARTMENT'S SPECIALIZED RESPONSE PROTOCOLS?
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MAJORITY VOTE	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NOT A TACTICAL ACTIVATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	FOR TACTICAL ACTIVATIONS ONLY: ARE THERE ANY OTHER CONCERNS, DEFICIENCIES, OR SUCCESSES RELATED TO THE UNITS THAT REQUESTED TACTICAL SUPPORT NOT IDENTIFIED BY THE CASE PRESENTER?
MAJORITY VOTE	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NOT A TACTICAL ACTIVATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, VOTE THAT THE IAFD INVESTIGATION WAS THOROUGH AND COMPLETE?
MAJORITY VOTE	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT AN IAFD INVESTIGATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THAT THE UOF IS CONSISTENT WITH DEPARTMENT POLICY?
MAJORITY VOTE	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT AN IAFD INVESTIGATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THAT THE IAFD INVESTIGATOR'S FINDINGS ARE SUPPORTED BY THE PREPONDERANCE OF EVIDENCE?
MAJORITY VOTE	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT AN IAFD INVESTIGATION
DISCUSSION	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

DID THE CPOA EXECUTIVE DIRECTOR HAVE THE OPPORTUNITY TO ASK QUESTIONS OR MAKE A STATEMENT TO THE PRESENTER?  
☒ YES ☐ NO

CASE #: 18-0122233	DATE OF INCIDENT: DECEMBER 23, 2018	LOCATION: [REDACTED]	TIME: 1855 HOURS
TYPE: SERIOUS-OIS			
CASE PRESENTER	DETECTIVE [REDACTED]		
INJURIES SUSTAINED	YES		
DAMAGE TO PROPERTY	YES		
DID THE BOARD REVIEW THE CASE WITHIN 30 DAYS OF RECEIVING THE CASE INFORMATION?	YES		

<b>DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		<b>DID THE FRB, BY A MAJORITY VOTE, IDENTIFY CONCERNS, DEFICIENCIES, OR SUCCESSES NOT IDENTIFIED BY THE CASE PRESENTER FOR:</b>			
<b>POLICY</b>	<b>TACTICS</b>	<b>EQUIPMENT</b>	<b>TRAINING</b>	<b>SUPERVISION</b>	<b>SUCCESSES</b>
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

<b>DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<b>FOR TACTICAL ACTIVATIONS ONLY: WAS THE TACTICAL ACTIVATION IN ACCORDANCE WITH THE DEPARTMENT'S SPECIALIZED RESPONSE PROTOCOLS?</b>
<b>MAJORITY VOTE</b>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NOT A TACTICAL ACTIVATION
<b>DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<b>FOR TACTICAL ACTIVATIONS ONLY: ARE THERE ANY OTHER CONCERNS, DEFICIENCIES, OR SUCCESSES RELATED TO THE UNITS THAT REQUESTED TACTICAL SUPPORT NOT IDENTIFIED BY THE CASE PRESENTER?</b>
<b>MAJORITY VOTE</b>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NOT A TACTICAL ACTIVATION
<b>DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<b>FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, VOTE THAT THE IAFD INVESTIGATION WAS THOROUGH AND COMPLETE?</b>
<b>MAJORITY VOTE</b>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT AN IAFD INVESTIGATION
<b>DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<b>FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THAT THE UOF IS CONSISTENT WITH DEPARTMENT POLICY?</b>
<b>MAJORITY VOTE</b>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT AN IAFD INVESTIGATION
<b>DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<b>FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THAT THE IAFD INVESTIGATOR'S FINDINGS ARE SUPPORTED BY THE PREPONDERANCE OF EVIDENCE?</b>
<b>MAJORITY VOTE</b>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT AN IAFD INVESTIGATION
<b>DISCUSSION</b>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

<b>DID THE CPOA EXECUTIVE DIRECTOR HAVE THE OPPORTUNITY TO ASK QUESTIONS OR MAKE A STATEMENT TO THE PRESENTER?</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
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Approved: Michael J. Geier, Chief of Police

Next FRB meeting: April 2, 2020



# Force Review Board – Chief's Report

## CHIEF'S REPORT (P78F)

DECEMBER 10, 2020 TIME: 1004 TO 1220  
HOURS

APD HEADQUARTERS - CHIEF'S  
CONFERENCE ROOM (VIA  
TELECONFERENCE)

### FRB CHAIR (P78)

DCOP [REDACTED] (Management Services and Support Bureau) – via teleconference

### VOTING MEMBERS (P78)

DCOP [REDACTED] (Special Operations Bureau) – via teleconference

DCOP [REDACTED] (Investigative Bureau) – via teleconference

DCOP [REDACTED] (Field Services Bureau) – via teleconference

Commander [REDACTED] (Foothills Area Command) – via teleconference

Lieutenant [REDACTED] (Training Academy) – via teleconference

Lindsay Van Meter (City Legal) – via teleconference

### NON-VOTING MEMBERS (P78)

Judge Rod Kennedy (Legal) – via teleconference

Edward Harness (CPOA Director) – via teleconference

Lieutenant [REDACTED] (FRB Admin Personnel/IAFD) – via teleconference

Julie Jaramillo (FRB Admin Personnel/AOD) – via teleconference

Commander [REDACTED] (SOD) – via teleconference

Deputy Commander [REDACTED] (IAFD) – via teleconference

Lieutenant [REDACTED] (IAFD) – via teleconference

### REPRESENTATIVES

Lieutenant [REDACTED] (CIT) – via teleconference

Sergeant [REDACTED] (SOD) – via teleconference

Sergeant [REDACTED] (Training Academy) – via teleconference

Detective [REDACTED] (IAFD) – via teleconference

Patricia Serna (OPA) – via teleconference

Sergeant [REDACTED] (Presenter/SOD) – via teleconference

Detective [REDACTED] (Presenter/IAFD) – via teleconference

DCOP [REDACTED] (Compliance) – via teleconference

Sergeant [REDACTED] (IAFD) – via teleconference

Sergeant [REDACTED] (IAFD) – via teleconference

### OBSERVERS (P78b)

Sergeant [REDACTED] (IAFD) – via teleconference

Sergeant [REDACTED] (SOD) – via teleconference

Detective [REDACTED] (IAFD) – via teleconference

Elizabeth Martinez (USDOJ) – via teleconference

Patrick Kent (USDOJ) – via teleconference

Stephen Ryals (USDOJ) – via teleconference

Yvonne Demmeritte (USDOJ) – via teleconference

Andrea Jones (Tactical Support Specialist) – via teleconference

PREVIOUS MINUTES December 3, 2020 - approved

### UNFINISHED BUSINESS

- None

**REFERRAL RESPONSE(S)**

CASE NUMBER	MEETING DATE	REFERRAL	REFERRAL PARTY	ACTION TAKEN	STATUS
20-0007881	9/17/2020	The Training Academy will create and conduct refresher training regarding the good faith exception and how it is addressed in NM along with applicable case law and officers articulating their known facts regarding search and seizure.	A/Commander [REDACTED]	Sergeant [REDACTED] completed an extension request memo for an update on December 31, 2020	Update due 12/31/2020

**CASE #: 20-0055908**
**DATE OF INCIDENT: JULY 14, 2020**
**LOCATION: [REDACTED]**
**TIMES:**  
**DISPATCH / ON SITE:** 1911 HOURS  
**CALL TO TACTICAL:** 2100 HOURS  
**SWAT ACTIVATION:** 2216 HOURS

**TYPE: SOD**  
(P78)

<b>CASE PRESENTER</b>	<b>SERGEANT [REDACTED]</b>
<b>DID THE LEAD DETECTIVE PRESENT THE CASE?</b> (P78b)	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NOT APPLICABLE
<b>WHY DID THE LEAD INVESTIGATOR NOT PRESENT THE CASE?</b>	<input type="checkbox"/> LEAD INVESTIGATOR NO LONGER IN UNIT <input type="checkbox"/> LEAD INVESTIGATOR NOT AVAILABLE TO PRESENT <input type="checkbox"/> LEAD INVESTIGATOR WAS CASE PRESENTER <input checked="" type="checkbox"/> NOT AN IAFD PRESENTATION
<b>INJURIES SUSTAINED</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
<b>DAMAGE TO PROPERTY</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
<b>DID EACH VOTING MEMBER OF THE FORCE REVIEW BOARD REVIEW THE MATERIAL PRIOR TO THE MEETING?</b> (IN THE EVENT A VOTING MEMBER DID NOT REVIEW THE MATERIAL, THEY WILL BE INELIGIBLE TO VOTE ON THE CASE. THIS WILL RESULT IN THE BELOW QUESTION. DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE " TO BE ANSWERED "YES" )	<b>FIELD SERVICES DEPUTY CHIEF REPRESENTATIVE</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT  <b>ADMINISTRATIVE DEPUTY CHIEF REPRESENTATIVE</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT  <b>INVESTIGATIVE DEPUTY CHIEF REPRESENTATIVE</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT  <b>TRAINING ACADEMY REPRESENTATIVE</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT  <b>FIELD SERVICES COMMANDER REPRESENTATIVE</b>



			<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT			
DID THE BOARD REVIEW THE CASE WITHIN 30 DAYS OF RECEIVING THE CASE INFORMATION? (P78a)			<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
DID THE BOARD GENERATE A REFERRAL REQUESTING ADDITIONAL INVESTIGATION TO IMPROVE THE FORCE INVESTIGATION FINDINGS? (P78c)			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			DID THE FRB, BY A MAJORITY VOTE, IDENTIFY CONCERNS, DEFICIENCIES, OR SUCCESSES NOT IDENTIFIED BY THE CASE PRESENTER FOR:			
(P78e)	POLICY	TACTICS	EQUIPMENT	TRAINING	SUPERVISION	SUCCESSES
	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
WAS A POLICY VIOLATION IDENTIFIED BY THE BOARD?			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
PERSONNEL RESPONSIBLE FOR ENTERING THE INTERNAL AFFAIRS REQUEST (IAR)			N/A			
SOP TITLE OF VIOLATION			N/A			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			FOR TACTICAL ACTIVATIONS ONLY: WAS THE TACTICAL ACTIVATION IN ACCORDANCE WITH THE DEPARTMENT'S SPECIALIZED RESPONSE PROTOCOLS?			
MAJORITY VOTE			<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT A TACTICAL ACTIVATION			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			FOR TACTICAL ACTIVATIONS ONLY: ARE THERE ANY OTHER CONCERNS, DEFICIENCIES, OR SUCCESSES RELATED TO THE UNITS THAT REQUESTED TACTICAL SUPPORT NOT IDENTIFIED BY THE CASE PRESENTER?			
MAJORITY VOTE			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> NOT A TACTICAL ACTIVATION			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, VOTE THAT THE IAFD INVESTIGATION WAS THOROUGH AND COMPLETE? (P73a)			
MAJORITY VOTE			<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NOT AN IAFD INVESTIGATION			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THAT THE UOF IS CONSISTENT WITH DEPARTMENT POLICY? (P78d)			
MAJORITY VOTE						

	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NOT AN IAFD INVESTIGATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THAT THE IAFD INVESTIGATOR'S FINDINGS ARE SUPPORTED BY THE PREPONDERANCE OF EVIDENCE? (P78a)
MAJORITY VOTE	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NOT AN IAFD INVESTIGATION
DISCUSSION	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
DISCUSSION TOPICS	<ol style="list-style-type: none"> <li>1. COMMENDED SOD'S EFFORTS ON SELF-CRITIQUE</li> <li>2. INQUIRY OF CNT/ECIT CERTIFICATION OF SOD</li> <li>3. VERIFICATION OF DATE OF SOD'S CIT TRAINING AND IMPROVEMENT OF TACTICS SINCE TRAINING</li> <li>4. PLANS FOR IMPROVEMENT ON FUTURE TRAINING REGARDING CIT COMMUNICATION DURING CRITICAL INCIDENT</li> <li>5. TIMELINE FOR SOD'S SECONDARY REVIEWS TO BE COMPLETED</li> <li>6. PROCESS OF REVIEWING OBRD'S FOLLOWING TACTICAL ACTIVATION WHERE NO FORCE IS USED</li> <li>7. POTENTIAL USE OF FORCE IDENTIFIED AND INVESTIGATION UNDERWAY</li> <li>8. PROCESS/POLICY FOR UNREPORTED/UNIDENTIFIED USE OF FORCE AND OBRD REVIEW OF ENTRY TEAM ON TACTICAL ACTIVATION</li> <li>9. CONSIDERATION OF RELOCATING A PSD WHEN VERBAL COMMANDS ARE BEING GIVEN TO AN INDIVIDUAL</li> </ol>

DID THE CPOA EXECUTIVE DIRECTOR HAVE THE OPPORTUNITY TO ASK QUESTIONS OR MAKE A STATEMENT TO THE PRESENTER? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
DISCUSSION TOPICS	<ol style="list-style-type: none"> <li>1. AFFIRMED SAME CONSIDERATION OF RELOCATING A PSD WHEN VERBAL COMMANDS ARE BEING GIVEN TO AN INDIVIDUAL</li> </ol>

CASE #: 20-0007132 / 20-0007386	DATE OF INCIDENT: JANUARY 23, 2020	LOCATION: [REDACTED]	TIMES: DISPATCH / ON SITE: 2250 HOURS
TYPE: LEVEL 3 - OIS (P78)			
CASE PRESENTER	DETECTIVE		

<b>DID THE LEAD DETECTIVE PRESENT THE CASE?</b> (P78b)		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> NOT APPLICABLE				
<b>WHY DID THE LEAD INVESTIGATOR NOT PRESENT THE CASE?</b>		<input type="checkbox"/> LEAD INVESTIGATOR NO LONGER IN UNIT <input checked="" type="checkbox"/> LEAD INVESTIGATOR NOT AVAILABLE TO PRESENT <input type="checkbox"/> LEAD INVESTIGATOR WAS CASE PRESENTER <input type="checkbox"/> NOT AN IAFD PRESENTATION				
<b>INJURIES SUSTAINED</b>		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO				
<b>DAMAGE TO PROPERTY</b>		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO				
<b>DID EACH VOTING MEMBER OF THE FORCE REVIEW BOARD REVIEW THE MATERIAL PRIOR TO THE MEETING?</b> (IN THE EVENT A VOTING MEMBER DID NOT REVIEW THE MATERIAL, THEY WILL BE INELIGIBLE TO VOTE ON THE CASE. THIS WILL RESULT IN THE BELOW QUESTION. DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE. TO BE ANSWERED "YES".)		<b>FIELD SERVICES DEPUTY CHIEF REPRESENTATIVE</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT  <b>ADMINISTRATIVE DEPUTY CHIEF REPRESENTATIVE</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT  <b>INVESTIGATIVE DEPUTY CHIEF REPRESENTATIVE</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT  <b>TRAINING ACADEMY REPRESENTATIVE</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT  <b>FIELD SERVICES COMMANDER REPRESENTATIVE</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT				
<b>DID THE BOARD REVIEW THE CASE WITHIN 30 DAYS OF RECEIVING THE CASE INFORMATION?</b> (P78a)		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO				
<b>DID THE BOARD GENERATE A REFERRAL REQUESTING ADDITIONAL INVESTIGATION TO IMPROVE THE FORCE INVESTIGATION FINDINGS?</b> (P78c)		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				
<b>DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		<b>DID THE FRB, BY A MAJORITY VOTE, IDENTIFY CONCERNS, DEFICIENCIES, OR SUCCESSES NOT IDENTIFIED BY THE CASE PRESENTER FOR:</b>				
(P78e)	<b>POLICY</b>	<b>TACTICS</b>	<b>EQUIPMENT</b>	<b>TRAINING</b>	<b>SUPERVISION</b>	<b>SUCCESSES</b>
	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
<b>WAS A POLICY VIOLATION IDENTIFIED BY THE BOARD?</b>			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
<b>PERSONNEL RESPONSIBLE FOR ENTERING THE INTERNAL AFFAIRS REQUEST (IAR)</b>			N/A			
<b>SOP TITLE OF VIOLATION</b>			N/A			

<b>DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<b>FOR TACTICAL ACTIVATIONS ONLY: WAS THE TACTICAL ACTIVATION IN ACCORDANCE WITH THE DEPARTMENT'S SPECIALIZED RESPONSE PROTOCOLS?</b>
<b>MAJORITY VOTE</b>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NOT A TACTICAL ACTIVATION
<b>DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<b>FOR TACTICAL ACTIVATIONS ONLY: ARE THERE ANY OTHER CONCERNS, DEFICIENCIES, OR SUCCESSES RELATED TO THE UNITS THAT REQUESTED TACTICAL SUPPORT NOT IDENTIFIED BY THE CASE PRESENTER?</b>
<b>MAJORITY VOTE</b>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NOT A TACTICAL ACTIVATION
<b>DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<b>FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, VOTE THAT THE IAFD INVESTIGATION WAS THOROUGH AND COMPLETE? (P78a)</b>
<b>MAJORITY VOTE</b>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT AN IAFD INVESTIGATION
<b>DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<b>FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THAT THE UOF IS CONSISTENT WITH DEPARTMENT POLICY? (P78d)</b>
<b>MAJORITY VOTE</b>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT AN IAFD INVESTIGATION
<b>DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<b>FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THAT THE IAFD INVESTIGATOR'S FINDINGS ARE SUPPORTED BY THE PREPONDERANCE OF EVIDENCE? (P78a)</b>
<b>MAJORITY VOTE</b>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT AN IAFD INVESTIGATION
<b>DISCUSSION</b>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
<b>DISCUSSION TOPICS</b>	<ol style="list-style-type: none"> <li>1. NEED FOR SPECIALIZED UNITS TO PROVIDE NOTIFICATION TO COMMUNICATIONS OF THE LOCATION OF THEIR ONGOING OPERATIONS AND THE INFORMATION TO BE PROVIDED TO THE FIELD SUPERVISOR</li> <li>2. DEBRIEF/AAR PROCESS AFTER CRITICAL INCIDENT</li> <li>3. ABILITY TO ACCOUNT FOR ROUNDS FIRED DURING OFFICER INVOLVED SHOOTING</li> <li>4. POLICY REQUIREMENTS FOR SHOOTING THROUGH A WINDSHIELD UNDER EXTREME CIRCUMSTANCES</li> <li>5. EDUCATION FOR OFFICERS ON HOW TO COMMUNICATE WITH INDIVIDUALS SUFFERING FROM DRUG INDUCED PSYCHOSIS AND STATISTICS ON THE RELATION</li> </ol>

	<p>BETWEEN OFFICER INVOLVED SHOOTINGS AND DRUG INDUCED PSYCHOSIS</p> <p>6. OFFICER AWARENESS OF THE OPTICS OF THEIR ACTIONS AT THE SCENE OF A CRITICAL INCIDENT</p>
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<p>DID THE CPOA EXECUTIVE DIRECTOR HAVE THE OPPORTUNITY TO ASK QUESTIONS OR MAKE A STATEMENT TO THE PRESENTER?</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p>	
DISCUSSION TOPICS	<p>1. OPTIONS OF DEPLOYING K-9 THROUGHOUT A CRITICAL INCIDENT/ACTIVE SHOOTER</p>

<p>DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE FOR THE REFERRAL?</p> <p><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p>	REFERRAL INFORMATION
<p>TYPE OF REFERRAL(S):</p> <p>(P78e)</p>	<p><input type="checkbox"/> POLICY</p> <p><input type="checkbox"/> POLICY VIOLATION (IAR)</p> <p><input type="checkbox"/> TRAINING</p> <p><input type="checkbox"/> SUPERVISION</p> <p><input type="checkbox"/> EQUIPMENT</p> <p><input checked="" type="checkbox"/> TACTICS</p> <p><input type="checkbox"/> SUCCESS (IAR)</p>
<p>REFERRAL(S):</p> <p>(P78e)</p>	<p>THE FRB HAS IDENTIFIED A CONCERN RELATED TO TACTICS SPECIFIC TO THE NEED TO IDENTIFY BEST PRACTICES BETWEEN DISPATCH, SPECIALIZED UNITS, AND FIELD SERVICES DURING A CRITICAL INCIDENT. COMMANDER [REDACTED] WILL CREATE A TASK FORCE TO STUDY BEST PRACTICES FOR COMMUNICATION BETWEEN DISPATCH, SPECIALIZED UNITS, AND FIELD SERVICES DURING A CRITICAL INCIDENT.</p>
<p>EMPLOYEE RESPONSIBLE FOR RESPONDING TO REFERRAL(S):</p> <p>(P78e)</p>	<p>COMMANDER [REDACTED]</p>
<p>DEADLINE:</p> <p>(P78e)</p>	<p>DECEMBER 31, 2020</p>

<b>DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE FOR THE REFERRAL?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<b>REFERRAL INFORMATION</b>
<b>TYPE OF REFERRAL(S):</b> (P78e)	<input type="checkbox"/> POLICY <input type="checkbox"/> POLICY VIOLATION (IAR) <input type="checkbox"/> TRAINING <input checked="" type="checkbox"/> SUPERVISION <input type="checkbox"/> EQUIPMENT <input type="checkbox"/> TACTICS <input type="checkbox"/> SUCCESS (IAR)
<b>REFERRAL(S):</b> (P78e)	THE FRB HAS IDENTIFIED A CONCERN RELATED TO SUPERVISION SPECIFIC TO THE NEED TO COMMUNICATE TO OFFICERS TO BE AWARE OF THE OPTICS OF THEIR ACTIONS AFTER A CRITICAL INCIDENT (EX. LAUGHING AT THE SCENE, HIGH-FIVING EACH OTHER, ETC.) IAFD SERGEANT [REDACTED] WILL ADD AN EXCERPT TO THE IAFD BULLETIN TO REMIND OFFICERS TO BE COGNIZANT OF THE OPTICS OF THEIR ACTIONS AFTER A CRITICAL INCIDENT (EX. LAUGHING AT THE SCENE, HIGH-FIVING EACH OTHER, ETC.)
<b>EMPLOYEE RESPONSIBLE FOR RESPONDING TO REFERRAL(S):</b> (P78e)	SERGEANT [REDACTED]
<b>DEADLINE:</b> (P78e)	DECEMBER 31, 2020

Next FRB Meeting: December 17, 2020

Signed: [REDACTED]

Interim Chief of Police



# Force Review Board- Chief's Report

## CHIEF'S REPORT

JULY 9, 2020

TIME: 1010 TO 1210  
HOURS

APD HEADQUARTERS - CHIEF'S  
CONFERENCE ROOM (VIA  
TELECONFERENCE)

FRB CHAIR	Deputy Chief of Staff [REDACTED]
VOTING MEMBERS	DCOP [REDACTED] via teleconference DCOP [REDACTED] (present for 1 <sup>st</sup> presentation voting only) – via teleconference DCOP [REDACTED] – via teleconference Commander [REDACTED] – via teleconference Commander [REDACTED] – via teleconference
NON-VOTING MEMBERS	Robyn Rose (City Legal/observer only) – via teleconference Lindsay Van Meter (City Legal) – via teleconference Edward Harness (CPOA) – via teleconference Lieutenant [REDACTED] (FRB Admin Personnel/IAFD) Julie Jaramillo (FRB Admin Personnel/AOD)
REPRESENTATIVES	Commander [REDACTED] (IAFD) – via teleconference Deputy Commander [REDACTED] (IAPS) – via teleconference Lieutenant [REDACTED] (CIT) – via teleconference Patricia Serna (OPA) – via teleconference
OBSERVERS	Detective [REDACTED] (Presenter/IAFD) – via teleconference Detective [REDACTED] (Presenter/IAFD) – via teleconference DCOP [REDACTED] (Compliance) Commander [REDACTED] (AOD) – via teleconference Sergeant [REDACTED] (IAFD) – via teleconference Detective [REDACTED] (IAFD) – via teleconference Detective [REDACTED] (IAFD) – via teleconference Detective [REDACTED] (IAFD) – via teleconference Corey Sanders (USDOJ) – via teleconference Stephen Ryals (USDOJ) – via teleconference
PREVIOUS MINUTES	July 2, 2020 - approved
UNFINISHED BUSINESS	<ul style="list-style-type: none"><li>None</li></ul>

CASE #: 20-0009417	DATE OF INCIDENT: JANUARY 30, 2020	LOCATION: [REDACTED]	TIME: 0933 HOURS
TYPE: SUOF - LEVEL 3			
CASE PRESENTER	DETECTIVE [REDACTED]		
INJURIES SUSTAINED	YES		
DAMAGE TO PROPERTY	NO		
DID THE BOARD REVIEW THE CASE WITHIN 30 DAYS OF	YES		

<b>RECEIVING THE CASE INFORMATION?</b>					
<b>DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		<b>DID THE FRB, BY A MAJORITY VOTE, IDENTIFY CONCERNS, DEFICIENCIES, OR SUCCESSES NOT IDENTIFIED BY THE CASE PRESENTER FOR:</b>			
<b>POLICY</b>	<b>TACTICS</b>	<b>EQUIPMENT</b>	<b>TRAINING</b>	<b>SUPERVISION</b>	<b>SUCCESSES</b>
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
<b>DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		<b>FOR TACTICAL ACTIVATIONS ONLY: WAS THE TACTICAL ACTIVATION IN ACCORDANCE WITH THE DEPARTMENT'S SPECIALIZED RESPONSE PROTOCOLS?</b>			
<b>MAJORITY VOTE</b>		<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NOT A TACTICAL ACTIVATION			
<b>DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		<b>FOR TACTICAL ACTIVATIONS ONLY: ARE THERE ANY OTHER CONCERNS, DEFICIENCIES, OR SUCCESSES RELATED TO THE UNITS THAT REQUESTED TACTICAL SUPPORT NOT IDENTIFIED BY THE CASE PRESENTER?</b>			
<b>MAJORITY VOTE</b>		<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NOT A TACTICAL ACTIVATION			
<b>DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		<b>FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, VOTE THAT THE IAFD INVESTIGATION WAS THOROUGH AND COMPLETE?</b>			
<b>MAJORITY VOTE</b>		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT AN IAFD INVESTIGATION			
<b>DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		<b>FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THAT THE UOF IS CONSISTENT WITH DEPARTMENT POLICY?</b>			
<b>MAJORITY VOTE</b>		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT AN IAFD INVESTIGATION			
<b>DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		<b>FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THAT THE IAFD INVESTIGATOR'S FINDINGS ARE SUPPORTED BY THE PREPONDERANCE OF EVIDENCE?</b>			
<b>MAJORITY VOTE</b>		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT AN IAFD INVESTIGATION			
<b>DISCUSSION</b>		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			

<b>DID THE CPOA EXECUTIVE DIRECTOR HAVE THE OPPORTUNITY TO ASK QUESTIONS OR MAKE A STATEMENT TO THE PRESENTER?</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
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CASE #: 20-0005183		DATE OF INCIDENT: JANUARY 17, 2020		LOCATION: [REDACTED]		TIME: 0905 HOURS	
TYPE: 10% - LEVEL 2							
CASE PRESENTER				DETECTIVE [REDACTED]			
INJURIES SUSTAINED				NO			
DAMAGE TO PROPERTY				NO			
DID THE BOARD REVIEW THE CASE WITHIN 30 DAYS OF RECEIVING THE CASE INFORMATION?				YES			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				DID THE FRB, BY A MAJORITY VOTE, IDENTIFY CONCERNS, DEFICIENCIES, OR SUCCESSES NOT IDENTIFIED BY THE CASE PRESENTER FOR:			
POLICY		TACTICS		EQUIPMENT		TRAINING	
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				FOR TACTICAL ACTIVATIONS ONLY: WAS THE TACTICAL ACTIVATION IN ACCORDANCE WITH THE DEPARTMENT'S SPECIALIZED RESPONSE PROTOCOLS?			
MAJORITY VOTE				<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NOT A TACTICAL ACTIVATION			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				FOR TACTICAL ACTIVATIONS ONLY: ARE THERE ANY OTHER CONCERNS, DEFICIENCIES, OR SUCCESSES RELATED TO THE UNITS THAT REQUESTED TACTICAL SUPPORT NOT IDENTIFIED BY THE CASE PRESENTER?			
MAJORITY VOTE				<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NOT A TACTICAL ACTIVATION			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, VOTE THAT THE IAFD INVESTIGATION WAS THOROUGH AND COMPLETE?			
MAJORITY VOTE				<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT AN IAFD INVESTIGATION			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THAT THE UOF IS CONSISTENT WITH DEPARTMENT POLICY?			
MAJORITY VOTE				<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT AN IAFD INVESTIGATION			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THAT THE IAFD INVESTIGATOR'S FINDINGS ARE SUPPORTED BY THE PREPONDERANCE OF EVIDENCE?			
MAJORITY VOTE							

	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT AN IAFD INVESTIGATION
DISCUSSION	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

**DID THE CPOA EXECUTIVE DIRECTOR HAVE THE OPPORTUNITY TO ASK QUESTIONS OR MAKE A STATEMENT TO THE PRESENTER?**

☒ YES ☐ NO

<b>DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE FOR THE REFERRAL?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<b>REFERRAL INFORMATION</b>
<b>TYPE OF REFERRAL(S):</b>	<input checked="" type="checkbox"/> POLICY DEFICIENCY <input type="checkbox"/> POLICY VIOLATION (IAR) <input type="checkbox"/> TRAINING <input type="checkbox"/> SUPERVISION <input type="checkbox"/> EQUIPMENT <input type="checkbox"/> TACTICS <input type="checkbox"/> SUCCESS (IAR)
<b>REFERRAL(S)</b>	<p>THE FRB HAS IDENTIFIED A DEFICIENCY RELATED TO THE POLICY SPECIFIC TO HOW THE DEPARTMENT CONDUCTS TACTICAL OPERATIONS, TO INCLUDE DEPLOYMENT OF RESOURCES AND HOW EACH RESOURCE AND/OR PERSONNEL (E.G. UNDERCOVER OFFICERS VS. PLAIN CLOTHES OFFICERS) ARE UTILIZED. INVESTIGATIONS BUREAU WILL REVIEW THE POLICIES SPECIFIC TO HOW THE DEPARTMENT CONDUCTS TACTICAL OPERATIONS, TO INCLUDE DEPLOYMENT OF RESOURCES AND HOW EACH RESOURCE AND/OR PERSONNEL (E.G. UNDERCOVER OFFICERS VS. PLAIN CLOTHES OFFICERS) ARE UTILIZED.</p>
<b>EMPLOYEE RESPONSIBLE FOR RESPONDING TO REFERRAL(S)</b>	COMMANDER [REDACTED]
<b>DEADLINE</b>	AUGUST 20, 2020

<b>CASE #:</b> 20-0004664	<b>DATE OF INCIDENT:</b> JANUARY 15, 2020	<b>LOCATION:</b> [REDACTED]	<b>TIME:</b> 1510 HOURS
<b>TYPE:</b> 10% - LEVEL 2			
<b>CASE PRESENTER</b>	DETECTIVE [REDACTED]		
<b>INJURIES SUSTAINED</b>	YES		
<b>DAMAGE TO PROPERTY</b>	NO		
<b>DID THE BOARD REVIEW THE CASE WITHIN 30 DAYS OF RECEIVING THE CASE INFORMATION?</b>	YES		
<b>DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE?</b>	DID THE FRB, BY A MAJORITY VOTE, IDENTIFY CONCERNS, DEFICIENCIES, OR SUCCESSES NOT IDENTIFIED BY THE CASE PRESENTER FOR:		

<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
<b>POLICY</b>	<b>TACTICS</b>	<b>EQUIPMENT</b>	<b>TRAINING</b>	<b>SUPERVISION</b>	<b>SUCCESSSES</b>
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		FOR TACTICAL ACTIVATIONS ONLY: WAS THE TACTICAL ACTIVATION IN ACCORDANCE WITH THE DEPARTMENT'S SPECIALIZED RESPONSE PROTOCOLS?			
MAJORITY VOTE		<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NOT A TACTICAL ACTIVATION			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		FOR TACTICAL ACTIVATIONS ONLY: ARE THERE ANY OTHER CONCERNS, DEFICIENCIES, OR SUCCESSSES RELATED TO THE UNITS THAT REQUESTED TACTICAL SUPPORT NOT IDENTIFIED BY THE CASE PRESENTER?			
MAJORITY VOTE		<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NOT A TACTICAL ACTIVATION			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, VOTE THAT THE IAFD INVESTIGATION WAS THOROUGH AND COMPLETE?			
MAJORITY VOTE		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT AN IAFD INVESTIGATION			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THAT THE UOF IS CONSISTENT WITH DEPARTMENT POLICY?			
MAJORITY VOTE		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT AN IAFD INVESTIGATION			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THAT THE IAFD INVESTIGATOR'S FINDINGS ARE SUPPORTED BY THE PREPONDERANCE OF EVIDENCE?			
MAJORITY VOTE		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT AN IAFD INVESTIGATION			
DISCUSSION		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
DID THE CPOA EXECUTIVE DIRECTOR HAVE THE OPPORTUNITY TO ASK QUESTIONS OR MAKE A STATEMENT TO THE PRESENTER? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO					
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE FOR THE REFERRAL? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		REFERRAL INFORMATION			

TYPE OF REFERRAL(S):	<input type="checkbox"/> POLICY DEFICIENCY <input type="checkbox"/> POLICY VIOLATION (IAR) <input checked="" type="checkbox"/> TRAINING <input type="checkbox"/> SUPERVISION <input type="checkbox"/> EQUIPMENT <input type="checkbox"/> TACTICS <input type="checkbox"/> SUCCESS (IAR)
REFERRAL(S)	THE FRB HAS IDENTIFIED A DEFICIENCY RELATED TO TRAINING, SPECIFIC TO THE RETRAINING OF OFFICER [REDACTED] (MAN # [REDACTED]) REGARDING SAFETY AND SECURING OF HIS EQUIPMENT. THE TRAINING ACADEMY WILL PROVIDE RETRAINING TO OFFICER [REDACTED] (MAN # [REDACTED]) REGARDING SAFETY AND SECURING OF HIS EQUIPMENT.
EMPLOYEE RESPONSIBLE FOR RESPONDING TO REFERRAL(S)	COMMANDER [REDACTED]
DEADLINE	AUGUST 20, 2020

DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE FOR THE REFERRAL? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	REFERRAL INFORMATION
TYPE OF REFERRAL(S):	<input type="checkbox"/> POLICY DEFICIENCY <input type="checkbox"/> POLICY VIOLATION (IAR) <input checked="" type="checkbox"/> TRAINING <input type="checkbox"/> SUPERVISION <input type="checkbox"/> EQUIPMENT <input type="checkbox"/> TACTICS <input type="checkbox"/> SUCCESS (IAR)
REFERRAL(S)	THE FRB HAS IDENTIFIED A CONCERN RELATED TO TRAINING, SPECIFIC TO USE OF FORCE ANNOUNCEMENTS AND WARNINGS. THE TRAINING ACADEMY WILL TO RESEARCH USE OF FORCE ANNOUNCEMENTS AND WARNINGS AND ENSURE THEY ARE ENFORCED DURING TIER 4 USE OF FORCE TRAINING AND REINFORCED DURING TASER 7 RECERTIFICATION.
EMPLOYEE RESPONSIBLE FOR RESPONDING TO REFERRAL(S)	COMMANDER [REDACTED]
DEADLINE	AUGUST 20, 2020

Next FRB Meeting: July 16, 2020

Approved: [REDACTED]

Michael J. Geler, Chief of Police



# Force Review Board

CHIEF'S  
REPORT  
(P78F)

APRIL 15, 2021

TIME: 1007 TO 1200  
HOURS

APD HEADQUARTERS - CHIEF'S  
CONFERENCE ROOM (VIA  
TELECONFERENCE)

**FRB CHAIR**  
(P78)

DCOP JJ Griego (Management Services and Support Bureau) – via teleconference

**VOTING MEMBERS**  
(P78)

DCOP Michael Smathers (Special Operations Bureau) – via teleconference

DCOP Donny Olvera (Field Services Bureau) – via teleconference

Commander Luke Languit (Investigative Bureau designee) – via teleconference

Commander James Collins (Foothills Area Command) – via teleconference

A/Commander [REDACTED] (Training Academy) – via teleconference

**NON-VOTING  
MEMBERS**  
(P78)

Judge Rod Kennedy (Legal) – via teleconference

Edward Harness (CPOA Director) – via teleconference

Lieutenant [REDACTED] (FRB Admin Personnel/IAFD) – via teleconference

Julie Jaramillo (FRB Admin Personnel/AOD) – via teleconference

A/Commander [REDACTED] (SOD) – via teleconference

**REPRESENTATIVES**

Lieutenant [REDACTED] (CIT) – via teleconference

Patricia Serna (OPA) – via teleconference

Lieutenant [REDACTED] (Presenter / SOD) – via teleconference

Detective [REDACTED] (Presenter / IAFD) – via teleconference

Sergeant [REDACTED] (IAFD) – via teleconference

Sergeant [REDACTED] (IAFD) – via teleconference

Sergeant [REDACTED] (Observing for IAFD) – via teleconference

**OBSERVERS**  
(P78b)

Christine Bodo (DOJ Policy and Training) – via teleconference

Andrea Jones (SOD – Tactical Support Specialist) – via teleconference

Elizabeth Martinez (USDOJ) – via teleconference

Corey Sanders (USDOJ) – via teleconference

Stephen Ryals (USDOJ) – via teleconference

Patrick Kent (USDOJ) – via teleconference

Sarah Lopez (USDOJ) – via teleconference

Yvonne Demmeritte (USDOJ) – via teleconference

PREVIOUS MINUTES April 8, 2021

**UNFINISHED  
BUSINESS**

- None

**REFERRAL RESPONSE(S)**

CASE NUMBER	MEETING DATE	REFERRAL	REFERRAL PARTY	ACTION TAKEN	STATUS
19-0044654	5/7/2020	The Training Academy will develop a module on Miranda training, which will be provided via PowerDMS.	Lieutenant [REDACTED]	Sergeant [REDACTED] provided the following update: The training was turned into the CTU on 4/7/21. CTU is in the process of completing their review.	Update due June 14, 2021

20-0072103	1/26/2021	The Training Academy will create a PowerDMS training discussing the different types of restraining orders and the process for serving them.	Lieutenant [REDACTED]	Sergeant [REDACTED] completed a memo informing the board as of April 13, 2021, the training has been developed and uploaded to PowerDMS for review by all sworn personnel.	Closed
20-0055810	3/25/2021	Commander [REDACTED] will provide an update on the MOU language regarding the collaboration between the Auto Theft Unit and New Mexico State Police.	Commander [REDACTED]	Commander [REDACTED] provided the draft of the MOU with State Police, which will be submitted to City Legal on 4/15/2021. The board will be provided the draft for review and the update will be provided on 4/22/2021.	Update to board on April 22, 2021.

CASE #: 20-0031830		DATE OF INCIDENT: APRIL 16, 2020	LOCATION: [REDACTED]	TIMES: DISPATCH / ON SITE: 2233 HOURS
TYPE: LEVEL 3 (P7B)				
CASE PRESENTER	DETECTIVE [REDACTED]			
DID THE LEAD DETECTIVE PRESENT THE CASE? (P78b)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> NOT APPLICABLE			
WHY DID THE LEAD INVESTIGATOR NOT PRESENT THE CASE?	<input type="checkbox"/> LEAD INVESTIGATOR NO LONGER IN UNIT <input type="checkbox"/> LEAD INVESTIGATOR NOT AVAILABLE TO PRESENT <input type="checkbox"/> LEAD INVESTIGATOR WAS CASE PRESENTER <input checked="" type="checkbox"/> FRB DETECTIVE PRESENTER AND LEAD INVESTIGATOR PRESENT AS SME <input type="checkbox"/> NOT AN IAFD PRESENTATION			
INJURIES SUSTAINED	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
DAMAGE TO PROPERTY	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
DID EACH VOTING MEMBER OF THE FORCE REVIEW BOARD REVIEW THE MATERIAL PRIOR TO THE MEETING? (IN THE EVENT A VOTING MEMBER DID NOT REVIEW THE MATERIAL THEY WILL BE INELIGIBLE TO VOTE ON THE CASE. THIS WILL RESULT IN THE BELOW QUESTION. "DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE." TO BE ANSWERED "YES")	FIELD SERVICES DEPUTY CHIEF REPRESENTATIVE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT  ADMINISTRATIVE DEPUTY CHIEF REPRESENTATIVE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT  INVESTIGATIVE DEPUTY CHIEF REPRESENTATIVE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT  TRAINING ACADEMY REPRESENTATIVE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT  FIELD SERVICES COMMANDER REPRESENTATIVE			

			<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT			
DID THE FRB REVIEW THE CASE WITHIN 30 DAYS OF THE COMPLETION OF THE INVESTIGATION? (P78a)			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
DID THE BOARD GENERATE A REFERRAL REQUESTING ADDITIONAL INVESTIGATION TO IMPROVE THE FORCE INVESTIGATION FINDINGS? (P78c)			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			DID THE FRB, BY A MAJORITY VOTE, IDENTIFY CONCERNS, DEFICIENCIES, OR SUCCESSES NOT IDENTIFIED BY THE CASE PRESENTER FOR:			
(P78e)	POLICY	TACTICS	EQUIPMENT	TRAINING	SUPERVISION	SUCCESSES
	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
WAS A POLICY VIOLATION IDENTIFIED BY THE BOARD?			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
PERSONNEL RESPONSIBLE FOR ENTERING THE INTERNAL AFFAIRS REQUEST (IAR)			N/A			
SOP TITLE OF VIOLATION			N/A			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			FOR TACTICAL ACTIVATIONS ONLY: WAS THE TACTICAL ACTIVATION IN ACCORDANCE WITH THE DEPARTMENT'S SPECIALIZED RESPONSE PROTOCOLS?			
MAJORITY VOTE			<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NOT A TACTICAL ACTIVATION			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			FOR TACTICAL ACTIVATIONS ONLY: ARE THERE ANY OTHER CONCERNS, DEFICIENCIES, OR SUCCESSES RELATED TO THE UNITS THAT REQUESTED TACTICAL SUPPORT NOT IDENTIFIED BY THE CASE PRESENTER?			
MAJORITY VOTE			<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NOT A TACTICAL ACTIVATION			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, VOTE THAT THE IAFD INVESTIGATION WAS THOROUGH AND COMPLETE? (P78a)			
MAJORITY VOTE			<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT AN IAFD INVESTIGATION			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THAT THE UOF IS CONSISTENT WITH DEPARTMENT POLICY? (P78d)			
MAJORITY VOTE			<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT AN IAFD INVESTIGATION			

DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<b>FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A  MAJORITY VOTE, DETERMINE THAT THE IAFD INVESTIGATOR'S  FINDINGS ARE SUPPORTED BY THE PREPONDERANCE OF  EVIDENCE? (P78a)</b>
MAJORITY VOTE	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT AN IAFD INVESTIGATION
DISCUSSION	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
DISCUSSION TOPICS	<ol style="list-style-type: none"> <li>1. IS IT IAFD'S OPINION THE USE OF K-9 IS A FORM OF DE-  ESCALATION?  A. NO, IT WAS A POOR CHOICE OF WORDING.</li> <li>2. HOW DID OFFICERS CONFIRM THE INDIVIDUAL THEY  WERE TRYING TO CONTACT WAS THE SAME SUBJECT  WHO HAD THE OUTSTANDING WARRANTS?  A. PERSONAL KNOWLEDGE FROM THE CLERK AT  THE CONVENIENCE STORE AND CONFIRMATION  WITH THE FEMALE WHO WAS WITH THE  INDIVIDUAL.</li> <li>3. CONCERNS EXPRESSED REGARDING OFFICER'S  STATEMENT IN REPORT ADVISING THEY BELIEVED THE  INDIVIDUAL IS TRYING TO LURE THE OFFICERS.  A. IAFD'S INVESTIGATIVE CHANGES WOULD HAVE  COMPLETED A MORE IN DEPTH INTERVIEW,  REQUIRING THE OFFICER TO PROVIDE A BETTER  EXPLANATION.</li> <li>4. WOULD CHEMICAL MUNITIONS HAVE BEEN  REASONABLE TO TRY?  A. THERE WAS A STRUGGLE TO GAIN  CONTAINMENT ON THIS CALL DUE TO LACK OF  MANPOWER, WHICH CAUSED THE NEED FOR A  QUICK RESPONSE.  B. IF DONE TODAY, SOD WOULD UTILIZE  ADDITIONAL SOD PERSONNEL IN ORDER TO  SLOW THE RESPONSE DOWN, DRONE, AND USE  OF CHEMICAL MUNITIONS TO EXHAUST ALL  OPTIONS IN PROGRESSION.</li> <li>5. WHY WAS AIR SUPPORT NOT USED TO ILLUMINATE THE  AREA?  A. NOT AVAILABLE AT THE TIME.  B. NOW SOD HAS THE OPTION TO USE THE DRONE.</li> <li>6. THE USE OF K-9 WAS DESCRIBED AS A "SAFE AND  MOST EFFECTIVE" WAY TO TAKE THE INDIVIDUAL INTO  CUSTODY. WHY WAS THIS THE CASE?  A. SOD IS CONSTANTLY WORKING TO IMPROVE THE  USE OF FORCE NARRATIVES FOR OFFICERS TO  USE FIRST PERSON LANGUAGE IN LIEU OF  TRAINING/POLICY JARGON.</li> <li>7. WHEN THERE IS CONCLUSIONARY AND/OR  BOILERPLATE LANGUAGE IN A NARRATIVE, WILL IAFD  CLARIFY THE STATEMENTS WITH THE OFFICERS?</li> </ol>



- A. YES. ALL INVOLVED AND WITNESS OFFICERS ARE NOW INTERVIEWED ON EVERY INVESTIGATION.
8. COMMENDED WHEN OFFICER [REDACTED] PSD DID A GUARD AND BARK WHEN IT LOCATED THE INDIVIDUAL, OFFICER [REDACTED] WAS LOUD TO ANNOUNCE THE INDIVIDUAL WAS LOCATED.
9. TIME FROM WHEN K-9 ARRIVED TO WHEN THE BITE OCCURRED?
- A. ON CAD, K-9 ARRIVED AT 2153 HOURS AND CONTACT WITH THE INDIVIDUAL AT 2233 HOURS.
10. IS A CHECKLIST USED TO DETERMINE WHEN A PSD IS USED?
- A. THE SERIES OF PROGRESSION USED BY SOD IS AS FOLLOWS: CONTAIN, VERBAL COMMANDS AND DE-ESCALATION, ELICIT A RESPONSE (NFDD), USE PSD AS A LOCATING TOOL, WHEN LOCATED RECALL AND ATTEMPT TO GAIN A RESPONSE, THEN MOVE TO PSD.
11. WERE THE OFFICERS FAMILIAR WITH THE INDIVIDUALS?
- A. UNKNOWN; HOWEVER, NO REPORTS INDICATE THEY HAD PRIOR CONTACTS.
12. HOW IS SOD MOVING FORWARD IN THEIR RESPONSE, OTHER THAN THE DE-ESCALATION OF TIME, DISTANCE, AND TALKING AN INDIVIDUAL INTO SURRENDERING?
- A. NOW SOD GAINS AS MUCH INTEL AS POSSIBLE ON AN INDIVIDUAL.
- I. THEY USE THEIR NAME WHILE SPEAKING TO THEM, USING VERBAL HOOKS, DIALOGUE, BUILDING RAPPORT TO ELICIT A RESPONSE AND GET THE INDIVIDUAL TO SURRENDER.
13. COMMENDED EFFORTS MADE BY OFFICERS OF EVEN IF THE INDIVIDUAL DOES NOT RESPOND, ATTEMPTS ARE MADE.
14. KNOWING THE IDENTIFICATION OF THE INDIVIDUAL, WHY NOT ARREST HIM LATER?
- A. SOD MAKES DETERMINATION BY COMPARING THE IMPACT ON THE COMMUNITY AND POTENTIAL OF DANGER TO COMMUNITY VERSUS THE INTRUSION TO THE INDIVIDUAL.
- I. DUE TO THIS INDIVIDUAL BEING AN ARMED ROBBERY SUSPECT WITH A VIOLENT HISTORY, SOD DETERMINED IT NECESSARY TO RESPOND.
15. ANY INFORMATION TO CONFIRM THE INDIVIDUAL WAS ARMED AT THE TIME OF THE CALL?
- A. NO.
16. IF K-9 LOCATES THE INDIVIDUAL, WOULD K-9 BACK OUT, TREAT IT AS AN OPEN-AIR BARRICADE, AND INITIATE A TACTICAL ACTIVATION?
- A. YES. DUE TO THE LACK OF MANPOWER AND INFORMATION KNOWN ABOUT THE INDIVIDUAL, THIS WOULD FIT THE CRITERIA FOR A FULL TACTICAL ACTIVATION TO PROVIDE THE ABILITY

	<p>TO GAIN CONTAINMENT, USE THE ROBOT FOR CHEMICAL MUNITION DEPLOYMENT, DRONE, ETC.</p> <p>17. AAR EXPLAINS FIRST PSD DID A GUARD AND BARK DUE TO THE INDIVIDUAL BEING PASSIVE. WOULD PSD BITE IF THE INDIVIDUAL BECAME ACTIVELY RESISTANT?</p> <p>A. THE K-9 WARNING IS CLEAR REGARDING THE PSD'S ACTIONS, "IF YOU MOVE, IT WILL BITE".</p> <p>18. WHY NOT MOVE UP WHILE PSD IS COMPLETING GUARD AND BARK TO CONTACT INDIVIDUAL?</p> <p>A. WITHOUT BEING ABLE TO CLEAR THE INDIVIDUAL'S HANDS, IF OFFICERS MOVE UP, THIS LIMITS THE OFFICERS' REACTIONARY GAP TO USE LESS LETHAL OPTIONS.</p> <p>19. IS IT NORMAL FOR AN INDIVIDUAL NOT TO REACT TO EFFORTS MADE TO ELICIT A RESPONSE?</p> <p>A. NO, NFDD HAS AN 83% SUCCESS RATE.</p> <p>B. THIS CALL IS CONSIDERED TO BE A STATISTICAL OUTLIER FOR THERE BEING NO RESPONSE.</p> <p>20. HOW WAS IT DETERMINED THE PSD'S MOUTH ON THE INDIVIDUAL'S FOOT WAS NOT A USE OF FORCE?</p> <p>A. WATCHING THE OBRD, THERE WAS NO INDICATION THE PSD BITES THE FOOT.</p> <p>I. MOVING FORWARD, HANDLER WOULD BE INTERVIEWED TO CLARIFY WHAT HE MEANT WHEN HE SAID "CONTACT" WITH THE FOOT.</p>
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DID THE CPOA EXECUTIVE DIRECTOR HAVE THE OPPORTUNITY TO ASK QUESTIONS OR MAKE A STATEMENT TO THE PRESENTER?

☒ YES ☐ NO

DISCUSSION TOPICS	<p>1. VERIFICATION THE INDIVIDUAL WAS NOT ON SCENE WHEN OFFICERS ARRIVED.</p> <p>A. CORRECT.</p> <p>2. HAD THE INDIVIDUAL BEEN ON SCENE, WOULD OFFICERS HAVE ARRESTED HIM?</p> <p>A. YES DUE TO THE WARRANTS KNOWN PRIOR TO OFFICERS' ARRIVAL,</p> <p>3. ONCE LOCATED BY AIR SUPPORT AND K-9, WHAT WAS THE FORCE ARRAY?</p> <p>A. PERSONNEL ON SCENE WITH LESS LETHAL (TO INCLUDE A 40MM), AND CHEMICAL MUNITIONS; HOWEVER, THEY WERE DETERMINED NOT TO BE APPROPRIATE FOR THE CALL.</p> <p>4. OUT OF POLICY FOR TOTALITY OF CIRCUMSTANCES DUE TO THERE NOT BEING ANY DE-ESCALATION. NOT APPROPRIATE TO MOVE TO A LEVEL 3 WHEN THERE IS NO IMMEDIATE THREAT.</p>
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<b>TYPE: SOD</b> (P78)		<b>DATE OF INCIDENT:</b> JULY 28, 2020		<b>LOCATION:</b> [REDACTED]		<b>0110 HOURS</b> <b>CALL TO TACTICAL:</b> <b>0236 HOURS</b> <b>SWAT ACTIVATION:</b> <b>0423 HOURS</b>	
<b>CASE PRESENTER</b>		<b>LIEUTENANT</b> [REDACTED]					
<b>DID THE LEAD DETECTIVE PRESENT THE CASE?</b> (P78b)		<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NOT APPLICABLE					
<b>WHY DID THE LEAD INVESTIGATOR NOT PRESENT THE CASE?</b>		<input type="checkbox"/> LEAD INVESTIGATOR NO LONGER IN UNIT <input type="checkbox"/> LEAD INVESTIGATOR NOT AVAILABLE TO PRESENT <input type="checkbox"/> LEAD INVESTIGATOR WAS CASE PRESENTER <input type="checkbox"/> FRB DETECTIVE PRESENTER AND LEAD INVESTIGATOR PRESENT AS SME <input checked="" type="checkbox"/> NOT AN IAFD PRESENTATION					
<b>INJURIES SUSTAINED</b>		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
<b>DAMAGE TO PROPERTY</b>		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO					
<b>DID EACH VOTING MEMBER OF THE FORCE REVIEW BOARD REVIEW THE MATERIAL PRIOR TO THE MEETING?</b> <small>(IN THE EVENT A VOTING MEMBER DID NOT REVIEW THE MATERIAL, THEY WILL BE INELIGIBLE TO VOTE ON THE CASE. THIS WILL RESULT IN THE BELOW QUESTION DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? TO BE ANSWERED "YES")</small>		FIELD SERVICES DEPUTY CHIEF REPRESENTATIVE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT  ADMINISTRATIVE DEPUTY CHIEF REPRESENTATIVE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT  INVESTIGATIVE DEPUTY CHIEF REPRESENTATIVE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT  TRAINING ACADEMY REPRESENTATIVE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT  FIELD SERVICES COMMANDER REPRESENTATIVE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT					
<b>DID THE FRB REVIEW THE CASE WITHIN 30 DAYS OF THE COMPLETION OF THE INVESTIGATION?</b> (P78a)		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
<b>DID THE BOARD GENERATE A REFERRAL REQUESTING ADDITIONAL INVESTIGATION TO IMPROVE THE FORCE INVESTIGATION FINDINGS?</b> (P78c)		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
<b>DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		<b>DID THE FRB, BY A MAJORITY VOTE, IDENTIFY CONCERNS, DEFICIENCIES, OR SUCCESSES NOT IDENTIFIED BY THE CASE PRESENTER FOR:</b>					
(P78e)	<b>POLICY</b>	<b>TACTICS</b>	<b>EQUIPMENT</b>	<b>TRAINING</b>	<b>SUPERVISION</b>	<b>SUCCESSES</b>	
	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

WAS A POLICY VIOLATION IDENTIFIED BY THE BOARD?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
PERSONNEL RESPONSIBLE FOR ENTERING THE INTERNAL AFFAIRS REQUEST (IAR)	N/A
SOP TITLE OF VIOLATION	N/A
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	FOR TACTICAL ACTIVATIONS ONLY: WAS THE TACTICAL ACTIVATION IN ACCORDANCE WITH THE DEPARTMENT'S SPECIALIZED RESPONSE PROTOCOLS?
MAJORITY VOTE	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT A TACTICAL ACTIVATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	FOR TACTICAL ACTIVATIONS ONLY: ARE THERE ANY OTHER CONCERNS, DEFICIENCIES, OR SUCCESSES RELATED TO THE UNITS THAT REQUESTED TACTICAL SUPPORT NOT IDENTIFIED BY THE CASE PRESENTER?
MAJORITY VOTE	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> NOT A TACTICAL ACTIVATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, VOTE THAT THE IAFD INVESTIGATION WAS THOROUGH AND COMPLETE? (P78a)
MAJORITY VOTE	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NOT AN IAFD INVESTIGATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THAT THE UOF IS CONSISTENT WITH DEPARTMENT POLICY? (P78d)
MAJORITY VOTE	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NOT AN IAFD INVESTIGATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THAT THE IAFD INVESTIGATOR'S FINDINGS ARE SUPPORTED BY THE PREPONDERANCE OF EVIDENCE? (P78a)
MAJORITY VOTE	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NOT AN IAFD INVESTIGATION
DISCUSSION	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
DISCUSSION TOPICS	1. WHAT DETERMINES THE TIMELINE OF PROGRESSION? A. SOD DRASTICALLY DISPLACES THE COMMUNITY BY EVACUATING OR HAVING THEM SHELTER IN PLACE. B. HAVE TO CONSIDER THEIR IMPACT ON THE COMMUNITY AND THE INDIVIDUAL'S BEHAVIOR.

	<p>C. SOD HELPS FACILITATE CNT'S CONTACT WITH THE INDIVIDUAL.</p> <p>I. IF CONTACT IS GOING AND PROGRESSING, THEY WILL ALLOW CNT TO CONTINUE.</p> <p>II. IF CONTACT IS NOT PROGRESSING, SOD WILL BEGIN THEIR PROCESS.</p> <p>2. WHY DID SOD TAKE OUT THE FRONT FENCE?</p> <p>A. IF THERE IS AN OBSTRUCTION BETWEEN A COMMON EXIT FOR AN INDIVIDUAL TO SOD, THEY WILL REMOVE FOR THE EASIEST TRANSFER OF CUSTODY TO SOD.</p> <p>3. DOES SOD COLLECT EVIDENCE?</p> <p>A. NO, THIS IS COMPLETED BY THE DETECTIVES.</p> <p>B. SOD WILL GET THE INDIVIDUAL AND RENDER THE SCENE SAFE.</p>
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DID THE CPOA EXECUTIVE DIRECTOR HAVE THE OPPORTUNITY TO ASK QUESTIONS OR MAKE A STATEMENT TO THE PRESENTER?

☒ YES ☐ NO

DISCUSSION TOPICS	1 NONE
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CASE #: 20-0103973		DATE OF INCIDENT: DECEMBER 29, 2020	LOCATION: [REDACTED]	TIMES: DISPATCH / ON SITE: 1540 HOURS CALL TO TACTICAL: 1840 HOURS SWAT ACTIVATION: 1910 HOURS
TYPE: SOD (P78)				
CASE PRESENTER	LIEUTENANT [REDACTED]			
DID THE LEAD DETECTIVE PRESENT THE CASE? (P78b)	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NOT APPLICABLE			
WHY DID THE LEAD INVESTIGATOR NOT PRESENT THE CASE?	<input type="checkbox"/> LEAD INVESTIGATOR NO LONGER IN UNIT <input type="checkbox"/> LEAD INVESTIGATOR NOT AVAILABLE TO PRESENT <input type="checkbox"/> LEAD INVESTIGATOR WAS CASE PRESENTER <input type="checkbox"/> FRB DETECTIVE PRESENTER AND LEAD INVESTIGATOR PRESENT AS SME <input checked="" type="checkbox"/> NOT AN IAFD PRESENTATION			
INJURIES SUSTAINED	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
DAMAGE TO PROPERTY	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
DID EACH VOTING MEMBER OF THE FORCE REVIEW BOARD REVIEW THE MATERIAL PRIOR TO THE MEETING? (IN THE EVENT A VOTING MEMBER DID NOT REVIEW THE MATERIAL, THEY WILL BE	FIELD SERVICES DEPUTY CHIEF REPRESENTATIVE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT  ADMINISTRATIVE DEPUTY CHIEF REPRESENTATIVE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT			

INELIGIBLE TO VOTE ON THE CASE. THIS WILL RESULT IN THE BELOW QUESTION, "DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE," TO BE ANSWERED "YES".			INVESTIGATIVE DEPUTY CHIEF REPRESENTATIVE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT			
			TRAINING ACADEMY REPRESENTATIVE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT			
			FIELD SERVICES COMMANDER REPRESENTATIVE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT			
DID THE FRB REVIEW THE CASE WITHIN 30 DAYS OF THE COMPLETION OF THE INVESTIGATION? (P78a)			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
DID THE BOARD GENERATE A REFERRAL REQUESTING ADDITIONAL INVESTIGATION TO IMPROVE THE FORCE INVESTIGATION FINDINGS? (P78c)			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			DID THE FRB, BY A MAJORITY VOTE, IDENTIFY CONCERNS, DEFICIENCIES, OR SUCCESSES NOT IDENTIFIED BY THE CASE PRESENTER FOR:			
(P78e)	POLICY	TACTICS	EQUIPMENT	TRAINING	SUPERVISION	SUCCESSES
	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
WAS A POLICY VIOLATION IDENTIFIED BY THE BOARD?			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
PERSONNEL RESPONSIBLE FOR ENTERING THE INTERNAL AFFAIRS REQUEST (IAR)			N/A			
SOP TITLE OF VIOLATION			N/A			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			<u>FOR TACTICAL ACTIVATIONS ONLY:</u> WAS THE TACTICAL ACTIVATION IN ACCORDANCE WITH THE DEPARTMENT'S SPECIALIZED RESPONSE PROTOCOLS?			
MAJORITY VOTE			<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT A TACTICAL ACTIVATION			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			<u>FOR TACTICAL ACTIVATIONS ONLY:</u> ARE THERE ANY OTHER CONCERNS, DEFICIENCIES, OR SUCCESSES RELATED TO THE UNITS THAT REQUESTED TACTICAL SUPPORT NOT IDENTIFIED BY THE CASE PRESENTER?			
MAJORITY VOTE			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> NOT A TACTICAL ACTIVATION			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			<u>FOR IAFD INVESTIGATIONS ONLY:</u> DID THE FRB, BY A MAJORITY VOTE, VOTE THAT THE IAFD INVESTIGATION WAS THOROUGH AND COMPLETE? (P78a)			

MAJORITY VOTE	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NOT AN IAFD INVESTIGATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THAT THE UOF IS CONSISTENT WITH DEPARTMENT POLICY? (P78d)
MAJORITY VOTE	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NOT AN IAFD INVESTIGATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THAT THE IAFD INVESTIGATOR'S FINDINGS ARE SUPPORTED BY THE PREPONDERANCE OF EVIDENCE? (P78a)
MAJORITY VOTE	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NOT AN IAFD INVESTIGATION
DISCUSSION	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
DISCUSSION TOPICS	<ol style="list-style-type: none"> <li>1. AFTER THE INDIVIDUAL WAS TAKEN INTO CUSTODY, WHY WAS A SAFETY SWEEP CONDUCTED? WAS THERE A WARRANT IN PLACE? <ol style="list-style-type: none"> <li>A. IT WAS UNKNOWN IF ANYONE ELSE WAS STILL IN THE ROOM DUE TO THE INFORMATION PROVIDED.</li> </ol> </li> <li>2. COMMENDED ISU CONTACTING SOD FOR ASSISTANCE.</li> <li>3. COMMENDED SERGEANT [REDACTED] COMMUNICATION WITH THE INDIVIDUAL.</li> <li>4. NOTICEABLE DIFFERENCE IN SOD'S RESPONSE.</li> <li>5. DOES SOD GET A COPY OF THE FIELD'S AAR PRIOR TO SOD'S AAR BEING COMPLETED? <ol style="list-style-type: none"> <li>A. NO, DUE TO LIMITED TIMEFRAME TO COMPLETE SOD AAR.</li> </ol> </li> <li>6. WHAT CHANGES WOULD BE MADE ON RESPONSE? <ol style="list-style-type: none"> <li>A. THIS CALL WAS AN ANOMALY WITH IT BEING MOBILE AND THE HOSTAGE SITUATION. CONSIDERING CIRCUMSTANCES, RESPONSE WAS GOOD.</li> </ol> </li> </ol> <p>ONE CHANGE, CONTACTING CIT/CNT PRIOR TO FULL TACTICAL ACTIVATION IN ORDER TO PRODUCE A QUICKER RESPONSE.</p>
DID THE CPOA EXECUTIVE DIRECTOR HAVE THE OPPORTUNITY TO ASK QUESTIONS OR MAKE A STATEMENT TO THE PRESENTER? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
DISCUSSION TOPICS	1. NONE.

Next FRB Meeting: April 22, 2021

Signed: \_\_\_\_\_

Harold Medina, Chief of Police



# Force Review Board

## CHIEF'S REPORT

(P78F)

JULY 8, 2021

TIME: 1003 TO 1135  
HOURS

APD HEADQUARTERS - CHIEF'S  
CONFERENCE ROOM (VIA  
TELECONFERENCE)

### FRB CHAIR (P78)

DCOP JJ Griego (Management Services and Support Bureau)

### VOTING MEMBERS (P78)

DCOP Arturo Gonzalez (Investigative Bureau)

Interim DCOP Joshua Brown (Field Services Bureau)

Commander Johnny Yara (Southeast Area Command)

A/Commander [REDACTED] (Training Academy)

### NON-VOTING MEMBERS (P78)

Judge Rod Kennedy (City Legal)

Edward Harness (CPOA Director)

Lieutenant [REDACTED] (FRB Admin Personnel/IAFD)

Julie Jaramillo (FRB Admin Personnel/AOD)

Interim Deputy Chief Cori Lowe (IAFD) – via teleconference

A/Commander [REDACTED] (SOD)

### REPRESENTATIVES

Lieutenant [REDACTED] (CIT) – via teleconference

Sergeant [REDACTED] (SOD-K9)

Sergeant [REDACTED] (SOD)

Policy Manager Patricia Serna (Policy and Procedure)

Sergeant [REDACTED] (IAFD/Presenter)

Sergeant [REDACTED] (SOD/Presenter)

Superintendent Sylvester Stanley (Police Reform) – via teleconference

DCOP Eric Garcia (Police Reform) – via teleconference

DCOP Donovan Olvera (Field Services Bureau)

A/Commander Richard Evans (IAFD)

Deputy Commander Ben Bourgeois (IAFD)

### OBSERVERS (P78b)

Detective [REDACTED] (IAFD) – via teleconference

Officer [REDACTED] (IAFD ILD) – via teleconference

Trevor Rigler (City Legal) – via teleconference

Christine Bodo (Compliance Bureau) – via teleconference

Elizabeth Martinez (USDOJ) – via teleconference

Corey Sanders (USDOJ) – via teleconference

Patrick Kent (USDOJ) – via teleconference

Darriell Bone (EFIT) – via teleconference

PREVIOUS MINUTES July 1, 2021

### UNFINISHED BUSINESS

- None

### REFERRAL RESPONSE(S)

CASE NUMBER	MEETING DATE	REFERRAL	REFERRAL PARTY	ACTION TAKEN	STATUS
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20-0007881	9/17/2020	The Training Academy will create and conduct refresher training regarding the good faith exception and how it is addressed in NM along with applicable case law and officers articulating their known facts regarding search and seizure.	Lieutenant [REDACTED]	During the FRB meeting, A/Commander [REDACTED] requested a two-week extension.	Update due July 26, 2021
20-0037586	5/20/2021	The FRB has identified a deficiency/concern related to training. The Training Academy will complete retraining with Officer [REDACTED]. In addition, Officer [REDACTED] will not receive another recruit until the retraining and internal affairs investigation is complete.	A/Commander [REDACTED]	Blue Team Training Request Form will be completed to move forward with completing the retraining.	Update due August 2, 2021
20-0081816	5/27/2021	Commander Lowe will ensure this case is prioritized for completion in order for it to be reviewed by the FRB.	Interim Deputy Chief Cori Lowe	Extension memo for 30 days and case will be put on the "30-day presentation" list when it is complete.	Update due August 9, 2021
21-0000606	6/3/2021	Acting Commander [REDACTED] will identify techniques and/or tools to prevent an individual from getting handcuffs to the front of their body.	A/Commander [REDACTED]	A/Lieutenant [REDACTED] provided a response memorandum, which was provided to the board on 7/7/2021.	Closed
21-0000606	6/3/2021	Acting Lieutenant [REDACTED] will verify whether the Prisoner Transport Unit has proper knowledge/training on how to properly apply leg shackles.	A/Lieutenant [REDACTED]	A/Lt. [REDACTED] provided the following response: Officers informed to not place shackles on prisoners any where other than on ankles, until approval and training by Advanced Training Academy has provided for new procedure of placing shackles above elbows to prevent prisoners from	Closed

				moving their handcuffed arms to the front of their bodies (slipping cuffs)	
21-0000606	6/3/2021	Deputy Chief Donovan Olvera will research the practice of not verifying a warrant through NCIC when a probation officer advises an individual has a valid warrant.	Reassigned to Deputy Chief JJ Griego	Deputy Chief Griego requested a one week extension.	Update due August 19, 2021
20-0026670	6/24/2021	Deputy Chief Donovan Olvera will complete a mandatory BSD referral for Officer Brandon Forsberg.	Deputy Chief Donovan Olvera	Deputy Chief Olvera provided the BSS Form, which was provided to the board on 7/7/2021.	Closed
20-0031289	7/1/2021	The FRB has identified a deficiency/concern related to supervision. Lieutenant [REDACTED] will ensure CIU completes an incident debrief with the three ECIT officers on the call to address the de-escalation concerns surrounding this call.	Lieutenant [REDACTED]	Lieutenant [REDACTED] provide a response memorandum, which was provided to the board on 7/7/2021.	Closed

<b>CASE #:</b> 20-0042176		<b>DATE OF INCIDENT:</b> MAY 26, 2020	<b>LOCATION:</b> [REDACTED]	<b>TIMES:</b> DISPATCH / ON SITE: 0936 HOURS
<b>TYPE:</b> LEVEL 3 (P78)				
<b>CASE PRESENTER</b>	<b>SERGEANT</b> [REDACTED]			
<b>DID THE LEAD DETECTIVE PRESENT THE CASE?</b> (P78b)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> NOT APPLICABLE			
<b>WHY DID THE LEAD INVESTIGATOR NOT PRESENT THE CASE?</b>	<input type="checkbox"/> LEAD INVESTIGATOR NO LONGER IN UNIT <input type="checkbox"/> LEAD INVESTIGATOR NOT AVAILABLE TO PRESENT <input type="checkbox"/> LEAD INVESTIGATOR WAS CASE PRESENTER <input checked="" type="checkbox"/> FRB DETECTIVE PRESENTER AND LEAD INVESTIGATOR PRESENT AS SME <input type="checkbox"/> FRB DETECTIVE PRESENTER AND INVESTIGATIVE CHAIN UNAVAILABLE <input type="checkbox"/> NOT AN IAFD PRESENTATION			

INJURIES SUSTAINED	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
DAMAGE TO PROPERTY	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
<p>DID EACH VOTING MEMBER OF THE FORCE REVIEW BOARD REVIEW THE MATERIAL PRIOR TO THE MEETING?</p> <p>(IN THE EVENT A VOTING MEMBER DID NOT REVIEW THE MATERIAL THEY WILL BE INELIGIBLE TO VOTE ON THE CASE THIS WILL RESULT IN THE BELOW QUESTION "DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE " TO BE ANSWERED "YES" )</p>	<p>FIELD SERVICES DEPUTY CHIEF REPRESENTATIVE</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT</p> <p>ADMINISTRATIVE DEPUTY CHIEF REPRESENTATIVE</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NOT PRESENT</p> <p>INVESTIGATIVE DEPUTY CHIEF REPRESENTATIVE</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT</p> <p>TRAINING ACADEMY REPRESENTATIVE</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT</p> <p>FIELD SERVICES COMMANDER REPRESENTATIVE</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT</p>
<p>DID THE FRB REVIEW THE CASE WITHIN 30 DAYS OF THE COMPLETION OF THE INVESTIGATION?</p> <p>(P78a)</p>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
<p>DID THE BOARD GENERATE A REFERRAL REQUESTING ADDITIONAL INVESTIGATION TO IMPROVE THE FORCE INVESTIGATION FINDINGS?</p> <p>(P78c)</p>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
DISCUSSION	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
DISCUSSION TOPICS	<ol style="list-style-type: none"> <li>WHAT IS THE CURRENT CRITERIA FOR BEING DISPATCHED TO THE WESTSIDE SHELTER FOR CRIMINAL TRESPASS ONLY? <ol style="list-style-type: none"> <li>BELIEVES WE ARE NO LONGER RESPONDING TO THESE CALLS. IT IS UP TO THE SHELTER STAFF AND/OR SECURITY TO REMOVE PEOPLE</li> </ol> </li> <li>WAS THE OFFICER DISPATCHED BY HIMSELF OR DID HE "CODE FOUR" HIS BACKUP OFFICER? <ol style="list-style-type: none"> <li>UNKNOWN BUT IT TOOK 20+ MINUTES FOR HIS BACKUP TO GET THERE.</li> </ol> </li> <li>TWO OFFICERS SHOULD ALWAYS BE DISPATCHED THERE DUE TO THE DISTANCE AND THE NATURE OF THE CLIENTELE.</li> <li>DOES THE SHELTER HAVE ANY SURVEILLANCE VIDEOS? <ol style="list-style-type: none"> <li>SERGEANT [REDACTED] INQUIRED AND WAS ADVISED THEY ARE NOT WORKING.</li> </ol> </li> <li>WHEN HANDCUFFED AND REMOVING THE INDIVIDUAL, HE WAS COMPLAINING OF SHOULDER PAIN. THE OFFICER TOLD HIM IF HE WERE TO COOPERATE, THEY WOULD LET GO OF HIS SHOULDER. WAS THIS ADDRESSED REGARDING WHETHER THIS WAS A COERCIVE STATEMENT?</li> </ol>

			<p>A. NO, THEY DID NOT ASK. NOW WITH NEW INVESTIGATIVE PROCESS, THIS WOULD BE ASKED.</p> <p>6. WHEN THE PRESENTER STATED THE OFFICERS WERE "CINCHING HIS LEGS TOGETHER," DID THEY MEAN THE OFFICERS WERE CINCHING THE INDIVIDUAL'S FEET CLOSER TO HIS BACK?</p> <p>A. YES.</p> <p>7. IAR OPENED FOR FAILURE TO RENDER AID?</p> <p>A. YES.</p>			
<p>DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE?</p> <p><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p>			<p>DID THE FRB, BY A MAJORITY VOTE, IDENTIFY CONCERNS, DEFICIENCIES, OR SUCCESSES NOT IDENTIFIED BY THE CASE PRESENTER FOR:</p>			
(P78e)	POLICY	TACTICS	EQUIPMENT	TRAINING	SUPERVISION	SUCCESSES
	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
<p>WAS A POLICY VIOLATION IDENTIFIED BY THE BOARD?</p>			<p><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p>			
<p>PERSONNEL RESPONSIBLE FOR ENTERING THE INTERNAL AFFAIRS REQUEST (IAR)</p>			<p>N/A</p>			
<p>SOP TITLE OF VIOLATION</p>			<p>N/A</p>			
<p>DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE?</p> <p><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p>			<p>FOR TACTICAL ACTIVATIONS ONLY: WAS THE TACTICAL ACTIVATION IN ACCORDANCE WITH THE DEPARTMENT'S SPECIALIZED RESPONSE PROTOCOLS?</p>			
<p>MAJORITY VOTE</p>			<p><input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NOT A TACTICAL ACTIVATION</p>			
<p>DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE?</p> <p><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p>			<p>FOR TACTICAL ACTIVATIONS ONLY: ARE THERE ANY OTHER CONCERNS, DEFICIENCIES, OR SUCCESSES RELATED TO THE UNITS THAT REQUESTED TACTICAL SUPPORT NOT IDENTIFIED BY THE CASE PRESENTER?</p>			
<p>MAJORITY VOTE</p>			<p><input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NOT A TACTICAL ACTIVATION</p>			
<p>DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE?</p> <p><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p>			<p>FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, VOTE THAT THE IAFD INVESTIGATION WAS THOROUGH AND COMPLETE? (P78a)</p>			
<p>MAJORITY VOTE</p>			<p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT AN IAFD INVESTIGATION</p>			
<p>DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE?</p> <p><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p>			<p>FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THAT THE UOF IS CONSISTENT WITH DEPARTMENT POLICY? (P78d)</p>			
<p>MAJORITY VOTE</p>			<p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT AN IAFD INVESTIGATION</p>			

<b>DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<b>FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THAT THE IAFD INVESTIGATOR'S FINDINGS ARE SUPPORTED BY THE PREPONDERANCE OF EVIDENCE? (P75a)</b>
<b>MAJORITY VOTE</b>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT AN IAFD INVESTIGATION

<b>DID THE CPOA EXECUTIVE DIRECTOR HAVE THE OPPORTUNITY TO ASK QUESTIONS OR MAKE A STATEMENT TO THE PRESENTER?</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
<b>DISCUSSION TOPICS</b>	1. IN POLICY.

<b>CASE #:</b> 21-0027103		<b>DATE OF INCIDENT:</b> APRIL 9, 2021	<b>LOCATION:</b> [REDACTED]	<b>TIMES:</b> DISPATCH / ON SITE: 1224 HOURS CALL TO TACTICAL: 1421 HOURS SWAT ACTIVATION: 1653 HOURS
<b>TYPE: SOD</b> (P78)				
<b>CASE PRESENTER</b>	<b>SERGEANT</b> [REDACTED]			
<b>DID THE LEAD DETECTIVE PRESENT THE CASE?</b> (P78b)	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NOT APPLICABLE			
<b>WHY DID THE LEAD INVESTIGATOR NOT PRESENT THE CASE?</b>	<input type="checkbox"/> LEAD INVESTIGATOR NO LONGER IN UNIT <input type="checkbox"/> LEAD INVESTIGATOR NOT AVAILABLE TO PRESENT <input type="checkbox"/> LEAD INVESTIGATOR WAS CASE PRESENTER <input type="checkbox"/> FRB DETECTIVE PRESENTER AND LEAD INVESTIGATOR PRESENT AS SME <input type="checkbox"/> FRB DETECTIVE PRESENTER AND LEAD INVESTIGATIVE CHAIN UNAVAILABLE <input checked="" type="checkbox"/> NOT AN IAFD PRESENTATION			
<b>INJURIES SUSTAINED</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
<b>DAMAGE TO PROPERTY</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
<b>DID EACH VOTING MEMBER OF THE FORCE REVIEW BOARD REVIEW THE MATERIAL PRIOR TO THE MEETING?</b> (IN THE EVENT A VOTING MEMBER DID NOT REVIEW THE MATERIAL, THEY WILL BE INELIGIBLE TO VOTE ON THE CASE. THIS WILL RESULT IN THE BELOW QUESTION 'DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE.' TO BE ANSWERED 'YES')	<b>FIELD SERVICES DEPUTY CHIEF REPRESENTATIVE</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT  <b>ADMINISTRATIVE DEPUTY CHIEF REPRESENTATIVE</b> <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NOT PRESENT  <b>INVESTIGATIVE DEPUTY CHIEF REPRESENTATIVE</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT  <b>TRAINING ACADEMY REPRESENTATIVE</b>			

			<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT  FIELD SERVICES COMMANDER REPRESENTATIVE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT			
DID THE FRB REVIEW THE CASE WITHIN 30 DAYS OF THE COMPLETION OF THE INVESTIGATION? (P78a)			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
DID THE BOARD GENERATE A REFERRAL REQUESTING ADDITIONAL INVESTIGATION TO IMPROVE THE FORCE INVESTIGATION FINDINGS? (P78c)			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
DISCUSSION			<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
DISCUSSION TOPICS			1. ANY CONVERSATION WITH THE DA'S OFFICE FOR THE DISPUTE BETWEEN THE WARRANT NOT BEING APPROVED THE NIGHT OF THE ACTIVATION BUT WERE APPROVED THE NEXT DAY? A. A NEW WARRANT WAS DRAFTED THE NEXT DAY AND THE JUDGE DID SIGN OFF ON THE BREAKING AND ENTERING CHARGES; HOWEVER, UNKNOWN WHETHER IT WAS ADDRESSED WITH THE DA'S OFFICE. B. ANY FOLLOW-UP WOULD HAVE BEEN DONE BY THE INVESTIGATIVE UNIT.			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			DID THE FRB, BY A MAJORITY VOTE, IDENTIFY CONCERNS, DEFICIENCIES, OR SUCCESSES NOT IDENTIFIED BY THE CASE PRESENTER FOR:			
(P78e)	POLICY	TACTICS	EQUIPMENT	TRAINING	SUPERVISION	SUCCESSES
	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
WAS A POLICY VIOLATION IDENTIFIED BY THE BOARD?			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
PERSONNEL RESPONSIBLE FOR ENTERING THE INTERNAL AFFAIRS REQUEST (IAR)			N/A			
SOP TITLE OF VIOLATION			N/A			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			<u>FOR TACTICAL ACTIVATIONS ONLY:</u> WAS THE TACTICAL ACTIVATION IN ACCORDANCE WITH THE DEPARTMENT'S SPECIALIZED RESPONSE PROTOCOLS?			
MAJORITY VOTE			<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT A TACTICAL ACTIVATION			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			<u>FOR TACTICAL ACTIVATIONS ONLY:</u> ARE THERE ANY OTHER CONCERNS, DEFICIENCIES, OR SUCCESSES RELATED TO THE			

	UNITS THAT REQUESTED TACTICAL SUPPORT NOT IDENTIFIED BY THE CASE PRESENTER?
MAJORITY VOTE	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> NOT A TACTICAL ACTIVATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, VOTE THAT THE IAFD INVESTIGATION WAS THOROUGH AND COMPLETE? (P78a)
MAJORITY VOTE	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NOT AN IAFD INVESTIGATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THAT THE UOF IS CONSISTENT WITH DEPARTMENT POLICY? (P78d)
MAJORITY VOTE	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NOT AN IAFD INVESTIGATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THAT THE IAFD INVESTIGATOR'S FINDINGS ARE SUPPORTED BY THE PREPONDERANCE OF EVIDENCE? (P78a)
MAJORITY VOTE	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NOT AN IAFD INVESTIGATION

DID THE CPOA EXECUTIVE DIRECTOR HAVE THE OPPORTUNITY TO ASK QUESTIONS OR MAKE A STATEMENT TO THE PRESENTER? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
DISCUSSION TOPICS	<p>1. DOES THERE NEED TO BE POLICY TO DICTATE WHAT SOD WILL DO IF THE CHARGES ARE NOT THERE AND ONLY HAVE EXIGENCY?</p> <p>A. NOT A POLICY. THE IMPORTANCE LIES WITH VETTING THE CASES ON A CASE-BY-CASE BASIS, WHICH HAPPENS NOW AND NEEDS TO CONTINUE.</p> <p>B. TACTICAL CONTINUOUSLY ASSESSES THE CALL AS IT PROGRESSES TO ENSURE IT MEETS CRITERIA FOR THE ACTIVATION.</p>

CASE #: 21-0028580	DATE OF INCIDENT: APRIL 14, 202	LOCATION: [REDACTED]	TIMES: DISPATCH / ON SITE: 0927 HOURS CALL TO TACTICAL: 1112 HOURS SWAT ACTIVATION: 1704 HOURS
TYPE: SOD (P78)			

CASE PRESENTER	SERGEANT [REDACTED]
DID THE LEAD DETECTIVE PRESENT THE CASE? (P78b)	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NOT APPLICABLE
WHY DID THE LEAD INVESTIGATOR NOT PRESENT THE CASE?	<input type="checkbox"/> LEAD INVESTIGATOR NO LONGER IN UNIT <input type="checkbox"/> LEAD INVESTIGATOR NOT AVAILABLE TO PRESENT <input type="checkbox"/> LEAD INVESTIGATOR WAS CASE PRESENTER <input type="checkbox"/> FRB DETECTIVE PRESENTER AND LEAD INVESTIGATOR PRESENT AS SME <input type="checkbox"/> FRB DETECTIVE PRESENTER AND INVESTIGATIVE CHAIN UNAVAILABLE <input checked="" type="checkbox"/> NOT AN IAFD PRESENTATION
INJURIES SUSTAINED	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
DAMAGE TO PROPERTY	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
DID EACH VOTING MEMBER OF THE FORCE REVIEW BOARD REVIEW THE MATERIAL PRIOR TO THE MEETING? (IN THE EVENT A VOTING MEMBER DID NOT REVIEW THE MATERIAL THEY WILL BE INELIGIBLE TO VOTE ON THE CASE THIS WILL RESULT IN THE BELOW QUESTION "DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE," TO BE ANSWERED "YES")	FIELD SERVICES DEPUTY CHIEF REPRESENTATIVE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT  ADMINISTRATIVE DEPUTY CHIEF REPRESENTATIVE <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NOT PRESENT  INVESTIGATIVE DEPUTY CHIEF REPRESENTATIVE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT  TRAINING ACADEMY REPRESENTATIVE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT  FIELD SERVICES COMMANDER REPRESENTATIVE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT
DID THE FRB REVIEW THE CASE WITHIN 30 DAYS OF THE COMPLETION OF THE INVESTIGATION? (P78a)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
DID THE BOARD GENERATE A REFERRAL REQUESTING ADDITIONAL INVESTIGATION TO IMPROVE THE FORCE INVESTIGATION FINDINGS? (P78c)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
DISCUSSION	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
DISCUSSION TOPICS	1. WHEN WE LIST DAMAGE, IS CHEMICAL MUNITIONS CONSIDERED DAMAGE? A. NOT UNLESS A WINDOW IS BROKEN BECAUSE THEY ARE DECONTAMINANTS. B. SOD PROVIDES THE PROPERTY OWNER INFORMATION ON HOW TO PROPERLY DECONTAMINATE THE PROPERTY.



DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			DID THE FRB, BY A MAJORITY VOTE, IDENTIFY CONCERNS, DEFICIENCIES, OR SUCCESSES NOT IDENTIFIED BY THE CASE PRESENTER FOR:			
(P78e)	POLICY	TACTICS	EQUIPMENT	TRAINING	SUPERVISION	SUCCESSES
	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
WAS A POLICY VIOLATION IDENTIFIED BY THE BOARD?			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
PERSONNEL RESPONSIBLE FOR ENTERING THE INTERNAL AFFAIRS REQUEST (IAR)			N/A			
SOP TITLE OF VIOLATION			N/A			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			FOR TACTICAL ACTIVATIONS ONLY: WAS THE TACTICAL ACTIVATION IN ACCORDANCE WITH THE DEPARTMENT'S SPECIALIZED RESPONSE PROTOCOLS?			
MAJORITY VOTE			<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT A TACTICAL ACTIVATION			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			FOR TACTICAL ACTIVATIONS ONLY: ARE THERE ANY OTHER CONCERNS, DEFICIENCIES, OR SUCCESSES RELATED TO THE UNITS THAT REQUESTED TACTICAL SUPPORT NOT IDENTIFIED BY THE CASE PRESENTER?			
MAJORITY VOTE			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> NOT A TACTICAL ACTIVATION			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, VOTE THAT THE IAFD INVESTIGATION WAS THOROUGH AND COMPLETE? (P78a)			
MAJORITY VOTE			<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NOT AN IAFD INVESTIGATION			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THAT THE UOF IS CONSISTENT WITH DEPARTMENT POLICY? (P78d)			
MAJORITY VOTE			<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NOT AN IAFD INVESTIGATION			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THAT THE IAFD INVESTIGATOR'S FINDINGS ARE SUPPORTED BY THE PREPONDERANCE OF EVIDENCE? (P78a)			
MAJORITY VOTE			<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NOT AN IAFD INVESTIGATION			

DID THE CPOA EXECUTIVE DIRECTOR HAVE THE OPPORTUNITY TO ASK QUESTIONS OR MAKE A STATEMENT TO THE PRESENTER?

☒ YES ☐ NO

DISCUSSION TOPICS

1. NONE.

Next FRB Meeting: July 15, 2021

Signed: 

Harold Medina, Chief of Police



# Force Review Board

## CHIEF'S REPORT

(P78F)

MARCH 25, 2021

TIME: 1002 TO 1201  
HOURS

APD HEADQUARTERS - CHIEF'S  
CONFERENCE ROOM (VIA  
TELECONFERENCE)

### FRB CHAIR (P78)

DCOP [REDACTED] (Management Services and Support Bureau) – via teleconference

### VOTING MEMBERS (P78)

DCOP [REDACTED] (Special Operations Bureau) – via teleconference

DCOP [REDACTED] (Investigative Bureau) – via teleconference

DCOP [REDACTED] (Field Services Bureau) – via teleconference

Commander [REDACTED] (Valley Area Command) – via teleconference

Lieutenant [REDACTED] (Training Academy) – via teleconference

### NON-VOTING MEMBERS (P78)

Judge Rod Kennedy (Legal) – via teleconference

Lindsay Van Meter (City Legal) – via teleconference

Edward Harness (CPOA Director) – via teleconference

Lieutenant [REDACTED] (FRB Admin Personnel/IAFD) – via teleconference

Julie Jaramillo (FRB Admin Personnel/AOD) – via teleconference

A/ DCOP [REDACTED] (IAFD) – via teleconference

A/Commander [REDACTED] (SOD) – via teleconference

Lieutenant [REDACTED] (CIT) – via teleconference

### REPRESENTATIVES

A/ Lieutenant [REDACTED] (IAFD) – via teleconference

Detective [REDACTED] (IAFD) – via teleconference

Detective [REDACTED] (IAFD) – via teleconference

Patricia Serna (OPA) – via teleconference

Detective [REDACTED] (Presenter / IAFD) – via teleconference

Commander [REDACTED] (CID) – via teleconference

A/ Deputy Commander [REDACTED] (TDY – IAFD) – via teleconference

A/ Deputy Commander [REDACTED] (TDY – IAFD) – via teleconference

A/ Deputy Commander [REDACTED] (TDY – IAFD) – via teleconference

### OBSERVERS (P78b)

Sergeant [REDACTED] (IAFD) – via teleconference

Detective [REDACTED] (IAFD) – via teleconference

Elizabeth Martinez (USDOJ) – via teleconference

Corey Sanders (USDOJ) – via teleconference

Stephen Ryals (USDOJ) – via teleconference

Yvonne Demmeritte (USDOJ) – via teleconference

Phillip Coyne (IMT) – via teleconference

PREVIOUS MINUTES March 18, 2021

UNFINISHED  
BUSINESS

- None

REFERRAL RESPONSE(S)					
CASE NUMBER	MEETING DATE	REFERRAL	REFERRAL PARTY	ACTION TAKEN	STATUS

20-0007881	9/17/2020	The Training Academy will create and conduct refresher training regarding the good faith exception and how it is addressed in NM along with applicable case law and officers articulating their known facts regarding search and seizure.	A/ Commander [REDACTED]	Sergeant [REDACTED] provided a memo requesting an extension to April 18, 2021.	Update due April 18, 2021
20-0010100	10/29/2020	The Training Academy will provide Officer [REDACTED] de-escalation tactics training, which may be facilitated by the Crisis Intervention Unit (CIU).	Lieutenant [REDACTED]	Sergeant [REDACTED] advised this training is completed.	Closed
20-0007132	12/10/2020	Commander [REDACTED] will create a task force to study best practices for communication between dispatch, specialized units, and field services during a critical incident.	Commander [REDACTED]	Commander [REDACTED] provided an update March 24, 2021; however, it was not provided to the board in time for review.	Update due March 31, 2021
20-0038551	1/14/2021	The Policy and Procedure Unit will assess whether deployment of a 40mm round through a window and/or portals should be considered a use of force. Additional assessment as to whether an explosive breach of a building should be classified as a use of force.	Policy and Procedure Manager Patricia Serna	Policy and Procedure Manager Patricia Serna provided a memo requesting an extension to April 7, 2021.	Update due April 7, 2021
Quarterly Report	1/21/2021	The Training Academy will create a video, which will define cruiser carry and provide a reminder of the proper manipulation of a rifle.	Lieutenant [REDACTED]	Sergeant [REDACTED] completed a memo advising the video is completed.	Closed

CASE #: 20-0024693		DATE OF INCIDENT: MARCH 18, 2020		LOCATION: [REDACTED]		TIMES: DISPATCH / ON SITE: 1948 HOURS	
TYPE: LEVEL 3 (P78)							
CASE PRESENTER		DETECTIVE [REDACTED]					
DID THE LEAD DETECTIVE PRESENT THE CASE? (P78b)		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> NOT APPLICABLE					
WHY DID THE LEAD INVESTIGATOR NOT PRESENT THE CASE?		<input type="checkbox"/> LEAD INVESTIGATOR NO LONGER IN UNIT <input type="checkbox"/> LEAD INVESTIGATOR NOT AVAILABLE TO PRESENT <input type="checkbox"/> LEAD INVESTIGATOR WAS CASE PRESENTER <input checked="" type="checkbox"/> FRB DETECTIVE PRESENTER AND LEAD INVESTIGATOR PRESENT AS SME <input type="checkbox"/> NOT AN IAFD PRESENTATION					
INJURIES SUSTAINED		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
DAMAGE TO PROPERTY		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
DID EACH VOTING MEMBER OF THE FORCE REVIEW BOARD REVIEW THE MATERIAL PRIOR TO THE MEETING? <small>(IN THE EVENT A VOTING MEMBER DID NOT REVIEW THE MATERIAL THEY WILL BE INELIGIBLE TO VOTE ON THE CASE. THIS WILL RESULT IN THE BELOW QUESTION "DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE" TO BE ANSWERED "YES".)</small>		FIELD SERVICES DEPUTY CHIEF REPRESENTATIVE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT  ADMINISTRATIVE DEPUTY CHIEF REPRESENTATIVE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT  INVESTIGATIVE DEPUTY CHIEF REPRESENTATIVE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT  TRAINING ACADEMY REPRESENTATIVE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT  FIELD SERVICES COMMANDER REPRESENTATIVE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT					
DID THE FRB REVIEW THE CASE WITHIN 30 DAYS OF THE COMPLETION OF THE INVESTIGATION? (P78a)		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
DID THE BOARD GENERATE A REFERRAL REQUESTING ADDITIONAL INVESTIGATION TO IMPROVE THE FORCE INVESTIGATION FINDINGS? (P78c)		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		DID THE FRB, BY A MAJORITY VOTE, IDENTIFY CONCERNS, DEFICIENCIES, OR SUCCESSES NOT IDENTIFIED BY THE CASE PRESENTER FOR:					
(P78e)	POLICY	TACTICS	EQUIPMENT	TRAINING	SUPERVISION	SUCCESSES	
	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

WAS A POLICY VIOLATION IDENTIFIED BY THE BOARD?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
PERSONNEL RESPONSIBLE FOR ENTERING THE INTERNAL AFFAIRS REQUEST (IAR)	N/A
SOP TITLE OF VIOLATION	N/A
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	FOR TACTICAL ACTIVATIONS ONLY: WAS THE TACTICAL ACTIVATION IN ACCORDANCE WITH THE DEPARTMENT'S SPECIALIZED RESPONSE PROTOCOLS?
MAJORITY VOTE	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NOT A TACTICAL ACTIVATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	FOR TACTICAL ACTIVATIONS ONLY: ARE THERE ANY OTHER CONCERNS, DEFICIENCIES, OR SUCCESSSES RELATED TO THE UNITS THAT REQUESTED TACTICAL SUPPORT NOT IDENTIFIED BY THE CASE PRESENTER?
MAJORITY VOTE	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NOT A TACTICAL ACTIVATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, VOTE THAT THE IAFD INVESTIGATION WAS THOROUGH AND COMPLETE? (P75d)
MAJORITY VOTE	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT AN IAFD INVESTIGATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THAT THE UOF IS CONSISTENT WITH DEPARTMENT POLICY? (P78d)
MAJORITY VOTE	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT AN IAFD INVESTIGATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THAT THE IAFD INVESTIGATOR'S FINDINGS ARE SUPPORTED BY THE PREPONDERANCE OF EVIDENCE? (P78a)
MAJORITY VOTE	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT AN IAFD INVESTIGATION
DISCUSSION	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
DISCUSSION TOPICS	<p>1. WERE ANY OF THE OFFICERS ON SCENE ECIT CERTIFIED?</p> <p>A. YES, OFFICER [REDACTED] IS ECIT. NOT ADVISED ON CAD DUE TO THIS PRACTICE BEING IMPLEMENTED AFTER THE DATE OF THIS INCIDENT.</p>

2. ARE THERE ANY CONCERNS WITH OFFICERS PLACING THE INDIVIDUAL IN HANDCUFFS RIGHT AWAY?
  - A. DUE TO THE INFORMATION PROVIDED ON THE CALL (E.G. INDIVIDUAL "RAGGING", INTOXICATED, SUICIDAL, ETC.) RESPONSE WOULD BE APPROPRIATE.
  - B. UTILIZING ECIT SKILLS WHEN AN INDIVIDUAL IS AS INTOXICATED AS THIS INDIVIDUAL WAS, REPEATING INFORMATION TO THE PERSON IS THE ONLY THING THEY CAN DO.
  - C. IMPROVEMENT COULD BE TO BE TRANSPARENT WITH AN INDIVIDUAL AS TO WHAT ACTIONS THE OFFICER IS PLANNING DURING THE INCIDENT.
  - D. COMMENDED OFFICERS FOR FOCUSING ON THE MENTAL HEALTH ASPECT OVER THE CIVILIAN'S SUGGESTION TO ARREST THE INDIVIDUAL ON DISORDERLY CONDUCT.
3. WAS TAKING THE INDIVIDUAL TO THE UNIT THE BEST CHOICE?
  - A. YES, DUE TO HIS BEHAVIOR IT WAS THE BEST DECISION TO GET HIM OUT OF THE SITUATION AND AWAY FROM OTHERS.
4. WOULD IT HAVE HELPED THE SITUATION IF THE OFFICERS WOULD HAVE TOLD THE INDIVIDUAL THEIR PLANS?
  - A. THE OFFICERS DID NOT KNOW THE INDIVIDUAL'S HISTORY PRIOR TO CONTACT SO THEY WERE MAKING THE DECISIONS ON SCENE.
5. CONCERNS OVER THE OFFICERS' APPROACH TONE?
  - A. APPROPRIATE TO GAIN CONTROL OF THE INCIDENT FIRST, THEN BRING IN ECIT ASPECT.
6. IS THE ACADEMY TEACHING OTHER METHODS FOR GUIDING SOMEONE IN HANDCUFFS?
  - A. YES. HISTORICALLY, ESCORTING AND USING HANDCUFFS AS PAIN COMPLIANCE WAS A PRACTICED METHOD.
  - B. NEW USE OF FORCE POLICY TEACHES NEW TECHNIQUES.
  - C. ESCORTING AN INDIVIDUAL BY HANDCUFFS IS NOW OUT OF POLICY.
  - D. PAIN COMPLIANCE USING A WRISTLOCK IS A BETTER WAY TO MINIMIZE POSSIBLE INJURY.
  - E. NEW METHOD (WRISTLOCK) IS A LEVEL ONE USE OF FORCE, WHILE TWEAKING OF THE HANDCUFFS WOULD BE A LEVEL THREE.
  - F. THIS CALL OCCURRED PRIOR TO THE NEW METHODS BEING TAUGHT.
7. WHEN THE OFFICER APPLIED PRESSURE TO THE CHEEK PLATES OF THE HANDCUFFS, WAS HIS BEHAVIOR IN LINE WITH HOW THE INDIVIDUAL WAS ACTING THROUGHOUT THE CALL OR ONLY DURING THE APPLICATION OF FORCE?
  - A. BEHAVIOR OF THE INDIVIDUAL WAS CONSISTENT WITH HOW HE WAS ACTING THROUGHOUT THE CONTACT.

	<p>8. CONCERNS REFERENCE THE SUPERVISOR FIRST IDENTIFYING THE FORCE AS A LEVEL 1, THEN A 2, BUT NEVER A 3. NOT IDENTIFIED AS A LEVEL 3 UNTIL IAFD RESPONDED. WAS THIS REMEDIED WITH THE SUPERVISOR?</p> <p>A. YES THIS WAS REMEDIED WITH THE SUPERVISOR; HOWEVER, CURRENTLY LOOKING TO CHANGE IN POLICY TO ENSURE THE SUPERVISOR RECOGNIZES WHEN THEY COMPLETE THE INVESTIGATION VERSUS WHEN TO SUMMONS IAFD FOR THE INVESTIGATION.</p> <p>9. WHY COULD IAFD NOT FOLLOW-UP WITH THE INDIVIDUAL AT THE MENTAL HEALTH HOSPITAL?</p> <p>A. ONCE AN INDIVIDUAL IS IN LOCKDOWN, THE HOSPITAL IS RELUCTANT TO ALLOW OFFICERS IN THE BACK DUE TO HIPPA CONCERNS FOR THE OTHER PATIENTS.</p> <p>B. CURRENTLY THERE IS NOTHING IN POLICY TO ADDRESS THE FACT THAT A MENTAL HEALTH EVALUATION AND/OR MEDICAL. POLICY ONLY STATES IF OFFICERS DO NOT ATTEMPT TO COMPLETE AN INTERVIEW, THEY ARE IN VIOLATION OF THE POLICY.</p> <p>I. REFERRAL GENERATED.</p> <p>C. ALSO RECOGNIZING AN INDIVIDUAL AT THIS INTOXICATION LEVEL, OR ONE UNDER THE INFLUENCE OF NARCOTICS OR HAVING A MENTAL HEALTH CRISIS, CANNOT BE MIRANDIZED IN ORDER TO BE INTERVIEWED. ARE THERE TIMELINES FOR IAFD TO CONTACT AN INDIVIDUAL IN ORDER TO COMPLETE AN INTERVIEW AFTER THE INCIDENT?</p> <p>I. NO TIMELINES IN POLICY.</p> <p>10. HOW WAS IT DETERMINED THE OFFICER POINTING A FIREARM AT THE MOVING VEHICLE WAS NOT A SHOW OF FORCE?</p> <p>A. UNKNOWN IF THE OFFICER COVERED ANYONE IN THE VEHICLE WITH THE MUZZLE OF THE GUN.</p> <p>B. UNABLE TO CONTACT ANYONE INSIDE THE VEHICLE AS IT FLED AFTER THE OCCUPANTS FIRED ROUNDS.</p>
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DID THE CPOA EXECUTIVE DIRECTOR HAVE THE OPPORTUNITY TO ASK QUESTIONS OR MAKE A STATEMENT TO THE PRESENTER?

☒ YES ☐ NO

DISCUSSION TOPICS	<p>1. CONCERNS/QUESTIONS WERE COVERED BY THE BOARD.</p> <p>2. IN POLICY.</p>
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<b>DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE FOR THE REFERRAL?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<b>REFERRAL INFORMATION</b>
<b>TYPE OF REFERRAL(S):</b> (P78e1)	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> POLICY VIOLATION (IAR) <input type="checkbox"/> TRAINING <input type="checkbox"/> SUPERVISION <input type="checkbox"/> EQUIPMENT <input type="checkbox"/> TACTICS <input type="checkbox"/> SUCCESS (IAR)
<b>REFERRAL(S):</b> (P78e1)	THE FRB HAS IDENTIFIED A DEFICIENCY/CONCERN RELATED TO POLICY. POLICY AND PROCEDURE MANAGER PATRICIA SERNA WILL COMPLETE A SPECIAL ORDER AND AMEND POLICY TO ENSURE MEDICAL CARE OF AN INDIVIDUAL TAKES PRECEDENCE OVER AN ADMINISTRATIVE INTERVIEW.
<b>EMPLOYEE RESPONSIBLE FOR RESPONDING TO REFERRAL(S):</b> (P78e1)	POLICY AND PROCEDURE MANAGER PATRICIA SERNA
<b>DEADLINE:</b> (P78e1)	APRIL 26, 2021

<b>CASE #:</b> 20-0055810  <b>TYPE:</b> IAFD – LEVEL 3 (P73)	<b>DATE OF INCIDENT:</b> AUGUST 4, 2020	<b>LOCATION:</b> [REDACTED]	<b>TIMES:</b> DISPATCH / ON SITE: 1104 HOURS
<b>CASE PRESENTER</b>	<b>DETECTIVE</b> [REDACTED]		
<b>DID THE LEAD DETECTIVE PRESENT THE CASE?</b> (P73b)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> NOT APPLICABLE		
<b>WHY DID THE LEAD INVESTIGATOR NOT PRESENT THE CASE?</b>	<input type="checkbox"/> LEAD INVESTIGATOR NO LONGER IN UNIT <input type="checkbox"/> LEAD INVESTIGATOR NOT AVAILABLE TO PRESENT <input type="checkbox"/> LEAD INVESTIGATOR WAS CASE PRESENTER <input checked="" type="checkbox"/> FRB DETECTIVE PRESENTER AND LEAD INVESTIGATOR PRESENT AS SME <input type="checkbox"/> NOT AN IAFD PRESENTATION		
<b>INJURIES SUSTAINED</b>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
<b>DAMAGE TO PROPERTY</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
<b>DID EACH VOTING MEMBER OF THE FORCE REVIEW BOARD REVIEW THE MATERIAL PRIOR TO THE MEETING?</b>	FIELD SERVICES DEPUTY CHIEF REPRESENTATIVE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT  ADMINISTRATIVE DEPUTY CHIEF REPRESENTATIVE		

IN THE EVENT A VOTING MEMBER DID NOT REVIEW THE MATERIAL, THEY WILL BE INELIGIBLE TO VOTE ON THE CASE. THIS WILL RESULT IN THE BELOW QUESTION "DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE?" TO BE ANSWERED "YES".			<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT  INVESTIGATIVE DEPUTY CHIEF REPRESENTATIVE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT  TRAINING ACADEMY REPRESENTATIVE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT  FIELD SERVICES COMMANDER REPRESENTATIVE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT PRESENT			
DID THE FRB REVIEW THE CASE WITHIN 30 DAYS OF THE COMPLETION OF THE INVESTIGATION? <small>(P78a)</small>			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
DID THE BOARD GENERATE A REFERRAL REQUESTING ADDITIONAL INVESTIGATION TO IMPROVE THE FORCE INVESTIGATION FINDINGS? <small>(P78c)</small>			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			DID THE FRB, BY A MAJORITY VOTE, IDENTIFY CONCERNS, DEFICIENCIES, OR SUCCESSES NOT IDENTIFIED BY THE CASE PRESENTER FOR:			
<small>(P78e)</small>	POLICY	TACTICS	EQUIPMENT	TRAINING	SUPERVISION	SUCCESSES
	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
WAS A POLICY VIOLATION IDENTIFIED BY THE BOARD?			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
PERSONNEL RESPONSIBLE FOR ENTERING THE INTERNAL AFFAIRS REQUEST (IAR)			N/A			
SOP TITLE OF VIOLATION			N/A			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			<u>FOR TACTICAL ACTIVATIONS ONLY:</u> WAS THE TACTICAL ACTIVATION IN ACCORDANCE WITH THE DEPARTMENT'S SPECIALIZED RESPONSE PROTOCOLS?			
MAJORITY VOTE			<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NOT A TACTICAL ACTIVATION			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			<u>FOR TACTICAL ACTIVATIONS ONLY:</u> ARE THERE ANY OTHER CONCERNS, DEFICIENCIES, OR SUCCESSES RELATED TO THE UNITS THAT REQUESTED TACTICAL SUPPORT NOT IDENTIFIED BY THE CASE PRESENTER?			
MAJORITY VOTE			<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NOT A TACTICAL ACTIVATION			

DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, VOTE THAT THE IAFD INVESTIGATION WAS THOROUGH AND COMPLETE? (P78a)
MAJORITY VOTE	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT AN IAFD INVESTIGATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THAT THE UOF IS CONSISTENT WITH DEPARTMENT POLICY? (P78d)
MAJORITY VOTE	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT AN IAFD INVESTIGATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THAT THE IAFD INVESTIGATOR'S FINDINGS ARE SUPPORTED BY THE PREPONDERANCE OF EVIDENCE? (P78a)
MAJORITY VOTE	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT AN IAFD INVESTIGATION
DISCUSSION	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
DISCUSSION TOPICS	<ol style="list-style-type: none"> <li>1. HOW DID DETECTIVE HOLETS EXPLAIN HIS DECISION TO USE FORCE BASED ON THE INDIVIDUAL'S WILLINGNESS TO DESTROY PROPERTY? <ol style="list-style-type: none"> <li>A. THIS WAS IN REFERENCE TO THE INDIVIDUAL DESTROYING THE GATES HE DROVE THROUGH.</li> </ol> </li> <li>2. IS THE AUTO THEFT UNIT USING OTHER AGENCIES TO DO THINGS APD IS UNABLE TO DO? <ol style="list-style-type: none"> <li>A. NO. THEY HAVE NEVER ASKED NEW MEXICO STATE POLICE (NMSP) TO COMPLETE A TACTIC OR TECHNIQUE THAT IS OUT OF APD'S POLICY.</li> <li>B. IF NMSP HAS CHOSEN TO DO SO, APD'S OFFICERS ARE NOT ABLE TO PARTICIPATE IN SUCH ACTIONS.</li> <li>C. DEPARTMENT IS WORKING ON A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN APD AND NMSP TO ADDRESS ANY CONCERNS OF THE JOINT EFFORTS. <ol style="list-style-type: none"> <li>I. REFERRAL GENERATED.</li> </ol> </li> </ol> </li> <li>3. HOW DOES NMSP PURSUIT AND/OR PIT POLICY COMPARE TO APD'S? <ol style="list-style-type: none"> <li>A. THEIR PURSUIT POLICY IS VERY SIMILAR TO APD'S.</li> <li>B. THEIR PIT POLICY DIFFERS AND THIS INCIDENT MET NMSP'S PIT POLICY.</li> </ol> </li> <li>4. WOULD THIS INCIDENT HAVE MET APD'S PIT POLICY? <ol style="list-style-type: none"> <li>A. YES AS LONG AS SPEEDS WERE UNDER 35 MPH.</li> </ol> </li> <li>5. ARE DETECTIVES TRAINED FOR DRIVING IN AN UNDERCOVER CAPACITY? (E.G. RUNNING RED LIGHTS)</li> </ol>

A. YES. THERE IS AN IMPORTANT DIFFERENCE BETWEEN PURSUING A VEHICLE VERSUS ROLLING SURVEILLANCE.

I. ROLLING SURVEILLANCE TRAINING COVERS COVERT FOLLOWS.

1. WHEN AIR SUPPORT ADVISES NO OFFICERS ARE FOLLOWING, THEY ARE REFERRING TO MARKED UNITS.

A. IF AN INDIVIDUAL DOES NOT KNOW THEY ARE BEING FOLLOWED BY ROLLING SURVEILLANCE, THEY WILL CONTINUE THE SURVEILLANCE IN ORDER TO BLEND IN DURING THE FOLLOW.

B. OFFICERS TRAINED IN ROLLING SURVEILLANCE ARE TRAINED TO COMPLETE ACTIONS. SUCH AS RUNNING RED LIGHTS, TO COMPLETE IN A SAFE MANNER.

5. VERIFYING IT WAS NMSP OFFICER WHO USED PROFANITY AND PLACED THEIR HAND ON THE BACK OF THE INDIVIDUAL'S NECK.

A. YES TO BOTH CONCERNS.

7. SPECIAL ORDER 20-16, WHAT IS THE TIMELINE FOR GETTING THIS INTO POLICY?

A. THE POLICY IS IN THE BEGINNING PROCESS FOR REVISION.

I. WILL ENSURE 20-16 IS ADDRESSED.

8. THE SPECIAL ORDER IS VERY VAGUE AS TO WHAT REQUIRES AN AFTER ACTION REPORT (AAR). CLARIFYING LANGUAGE IS NEEDED FOR WHAT CONSTITUTES A "CRITICAL INCIDENT".

A. AGREED AND NEED TO HAVE COMMANDER INVOLVED IN THE REVISION PROCESS.

9. SOP 2-8 COVERS MANDATORY RECORDING REQUIREMENTS.

10. POLICY ALSO STATES FOR OFFICERS TO ACTIVATE THEIR OBRDS WHEN THEY EXIT THEIR VEHICLE. CLARIFICATION OF WHEN TO ACTIVATE IS NEEDED.

A. CURRENT POLICY NOW STATES, "PRIOR TO CONTACT".

I. THIS LANGUAGE COULD DELAY THE ACTIVATION MORE.

11. DOES THE BOARD BELIEVE THESE INCIDENTS SHOULD BE RECORDED?

A. PURSUITS? YES.

I. THIS CALL WAS DETERMINED NOT TO BE A PURSUIT.

1. LONG TERM FOLLOWS WITH AIR SUPPORT CAN GO ON FOR HOURS.

A. RECOMMENDATION FOR ACTIVATING OBRDS WOULD BE IF A CHANGE TO THE

	<p>FOLLOW DEVELOPS (E.G. AGGRAVATED FLEEING), ACTIVATED OBRDS.</p> <p>12. NEED TO REVIEW POLICY TO ADDRESS CONCERNS.</p> <p>A. REFERRAL GENERATED.</p> <p>13. AN IAR WAS GENERATED FOR NOT WRITING A REPORT ON THE RECRUIT LOGGED ON CALL. APPROPRIATE?</p> <p>A. CLARIFICATION – IAR GENERATED FOR NOT ACTIVATING OBRD.</p> <p>B. ACADEMY IS AGAINST IARS ON RECRUIT OFFICERS.</p> <p>I. ON-THE JOB TRAINING IS FOR THE LEARNING PROCESS.</p> <p>II. THE TRAINING OFFICER SHOULD RECEIVE AN IAR AS THEY ARE RESPONSIBLE FOR KNOWING POLICY AND TEACHING RECRUITS.</p> <p>14. COMMEND AUTO THEFT UNIT AND IAFD FOR USE OF FORCE NARRATIVES. AMOUNT OF DETAIL WAS EXCEPTIONAL.</p>
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<p>DID THE CPOA EXECUTIVE DIRECTOR HAVE THE OPPORTUNITY TO ASK QUESTIONS OR MAKE A STATEMENT TO THE PRESENTER?</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p>	
DISCUSSION TOPICS	<p>1 SOP 2-11 REQUIRES OBRD RECORDINGS FOR THE DEPLOYMENT OF A TIRE DEFLATION DEVICE. WAS THIS ADDRESSED DURING THE IAFD INVESTIGATION?</p> <p>A. YES, AN IAR WAS GENERATED.</p> <p>2 DISAPPOINTED WITH NMSP FOR NOT PROVIDING THEIR REPORTS TO APD FOR THE USE OF FORCE INVESTIGATION.</p> <p>3 IN POLICY.</p>

<p>DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE FOR THE REFERRAL?</p> <p><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p>	REFERRAL INFORMATION
<p>TYPE OF REFERRAL(S):</p> <p>P78e)</p>	<p><input type="checkbox"/> POLICY</p> <p><input type="checkbox"/> POLICY VIOLATION (IAR)</p> <p><input type="checkbox"/> TRAINING</p> <p><input type="checkbox"/> SUPERVISION</p> <p><input type="checkbox"/> EQUIPMENT</p> <p><input checked="" type="checkbox"/> TACTICS</p> <p><input type="checkbox"/> SUCCESS (IAR)</p>
<p>REFERRAL(S):</p> <p>P78e)</p>	<p>THE FRB HAS IDENTIFIED A DEFICIENCY/CONCERN RELATED TO TACTICS. COMMANDER [REDACTED] WILL PROVIDE AN UPDATE ON</p>

	THE MOU LANGUAGE REGARDING THE COLLABORATION BETWEEN THE AUTO THEFT UNIT AND NEW MEXICO STATE POLICE
EMPLOYEE RESPONSIBLE FOR RESPONDING TO REFERRAL(S): P78e)	COMMANDER [REDACTED]
DEADLINE: P78e)	APRIL 12, 2021

<b>DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE FOR THE REFERRAL?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	REFERRAL INFORMATION
<b>TYPE OF REFERRAL(S):</b> P78e)	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> POLICY VIOLATION (IAR) <input type="checkbox"/> TRAINING <input type="checkbox"/> SUPERVISION <input type="checkbox"/> EQUIPMENT <input type="checkbox"/> TACTICS <input type="checkbox"/> SUCCESS (IAR)
<b>REFERRAL(S):</b> P78e)	THE FRB HAS IDENTIFIED A DEFICIENCY/CONCERN RELATED TO POLICY. POLICY AND PROCEDURE MANAGER PATRICIA SERNA WILL COMPLETE A POLICY REVISION TO SOP 2-8 TO DETERMINE WHEN OBRD RECORDINGS ARE REQUIRED WHEN AN OFFICER IS FOLLOWING AND/OR PURSUING A VEHICLE.
<b>EMPLOYEE RESPONSIBLE FOR RESPONDING TO REFERRAL(S):</b> P78e)	POLICY AND PROCEDURE MANAGER PATRICIA SERNA
<b>DEADLINE:</b> P78e)	APRIL 26, 2021

Next FRB Meeting: April 1, 2021

Signed: [REDACTED] Chief of Police