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, March 10, 2022 - 5:00 p.m.

Attendance: In response to the Public Health Emergency, the Civilian Police Oversight Agency (CPOA) Board meeting on Thursday, March 10, 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-03-10-2022. (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 for assistance.

Public Comment: The agenda for the meeting will be posted on the CPOA website by 5:00 p.m., Monday, March 7, 2022 at www.cabq.gov/cpoa.

The CPOA Board will take general public comment and comment on the meeting's specific agenda items in written form via email through 4:00 p.m. on Thursday, March 10, 2022. Submit your public comments to: 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 February 10, 2022**

VI. Reports from City Departments

a. **APD**
   1. **IA Professional Standards Division (SOP 7-1, SOP 3-41, SOP 3-46) – *Lieutenant Mark Landavazo***
   2. **IA Force Division (SOP 2-52 through SOP 2-57) – *Acting Commander Richard Evans***
   3. **APD Training Semi-Annual Report – *Postponed***

b. **City Council – *Chris Sylvan***

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. **171-21**

b. **173-21**

c. **174-21**

VIII. Review of Cases:

a. **Administratively Closed**
   211-21 **219-21**

b. **Unfounded**
   196-21 **201-21** **222-21** **233-21**
   234-21 **257-21** **271-21**

c. **Exonerated**
   162-21 **226-21**

d. **Exonerated and Unfounded**
   239-21

e. **Sustained**
   207-21 **208-21** **216-21** **262-21**

f. **Sustained and Sustained NBOOC**
   248-21

IX. Non-Concurrence Cases

a. 100-21
b. 134-21
c. 140-21
d. 149-21
e. 155-21
f. 159-21
g. 170-21
h. 174-21
i. 224-21

X. Serious Use of Force Cases/Officer Involved Shooting

a. 20-0041385
b. 20-0085317
c. 21-0002324
d. 21-0009559
e. 18-0105978
f. File Requests:
g. Proposed Case(s) for April 2022 Review:
   1. TBD

XI. Reports from Subcommittees

a. Community Outreach Subcommittee – *Chantal Galloway*
   1. Met February 22, 2022 (video Conference)
   2. Next meeting March 22, 2022 at 3:00 p.m.
b. Policy and Procedure Review Subcommittee – *Dr. William Kass*
   1. Met March 3, 2022 (video Conference)
   2. Next meeting April 7, 2022 at 4:30 p.m.
c. Case Review Subcommittee – *Patricia J. French*
   1. February 14, 2022 Meeting was Cancelled
   2. Next meeting TBD
d. Personnel Subcommittee – *Patricia J. French*
   1. Met March 4, 2022 at 3:00 p.m. (video conference)
   2. Next meeting March 28, 2022 at 3:00 p.m.

XII. 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 – *Dr. William Kass and Interim Executive Director, Diane McDermott*
c. Use of Force Updates – *Dr. William Kass*
d. CPOA Ordinance Update – *Patricia J. French*

e. **APD SOP 1-2 Recommendation Letter Re: Social Media –** ***Jesse Crawford***
f. **Legal Counsel Contract –** ***Interim Executive Director, Diane McDermott***
g. **2022 OMA Resolution –** ***Interim Executive Director, Diane McDermott***
h. **Budget Process and Proposal Update –** ***Interim Executive Director, Diane McDermott***
i. **2021 Executive Director Performance Evaluation Letter –** ***Chantal M. Galloway***
j. **Executive Director Job Posting Description –** ***Patricia J. French***
k. **Board Member Review Update –** ***Chantal M. Galloway***
l. **Election of CPOA Board Chair and Vice-Chair**
m. **Designate CPOA Board Representative for PPRB**

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

Closed Discussion and Possible Action re: Pending Litigation or Personnel Issues

a. **Limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2)**

1. ***Consideration of Applicants for Executive Director Position***

Closed Discussion and Possible Action re: Pending Litigation or Personnel Issues

b. **Matters subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant pursuant to NMSA 1978, Section 10-15-1(H)(7)**

1. ***Miller v. City of Albuquerque et al.,*** **1:21-cv-00473**

XIV. Other Business

XV. Adjournment- ***Next Regularly scheduled CPOA Board meeting will be on April 14, 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 J. French*
Dr. William J. Kass *Eric Nixon*
Diane McDermott, Interim Executive Director

March 11, 2022
Via Mail

Re: CPC# 171-21

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.

On March 10, 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' Oversight Ordinance. Therefore, your request for hearing in front of the Board has been denied.

Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

PO Box 1293
Albuquerque
NM 87103
www.cabq.gov

CITY OF ALBUQUERQUE

March 11, 2022
Via Mail

Re: CPC# 173-21

Dear Ms. N

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,
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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

PO Box 1293
Albuquerque
NM 87103
www.cabq.gov

CITY OF ALBUQUERQUE

March 11, 2022
Via Mail

[redacted]

Re: CPC# 174-21

Dear Mr. L[redacted]

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,
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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

PO Box 1293
Albuquerque
NM 87103
www.cabq.gov

CITY OF ALBUQUERQUE

March 11, 2022

Via Certified Mail

7020 1810 0000 6296 6725

Re: CPC # 211-21

Dear Ms. R

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

You reported that your daughter K M got beat up by ex-boyfriend L P APD told you that M was taken to the hospital. OM said P was not arrested because he locked himself in the apartment. He spoke to his sergeant and that he could only issue a summons for a misdemeanor to appear in court due to the fact that she was not strangled; they could not charge a felony. M stated being punched, pushed and hit in the head with an ice chest; the doctors were surprised he was not arrested. (Pictures were not taken of her injuries and her probation officer was not notified). This should've been aggravated assault with a deadly weapon since an object was used to strike her head which could result in great bodily harm. P should be arrested and have an open warrant.

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: Officer M

Other Materials: DV case sheet

Date Investigation Completed: February 23, 2022

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: ***4-25-3A2b, 4-25-3A3e***

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 investigation determined that Officer M appropriately filed the proper DV charges (aggravated battery misdemeanor) for this incident and filing the summons was the appropriate course of action in keeping M safe in accordance with 4/25/3A2b

After review of the incident, APD superiors and Officer M were reminded that lapel videos are not sufficient replacement for photos for DV investigations per *SOP 4-25-3A3e DOMESTIC VIOLENCE, Rules and Procedures*. APD superiors and Officer M acknowledged how the photo situation was handled. This would be categorized as performance issue rather than misconduct per policy.

R indicated to the CPOA Investigator that she wanted to "get rid" of the complaint. "They're together again so it's pointless." Because R chose to withdraw her allegations against Officer M, she explained that she is not wishing to withdraw based on coercion. This investigation should be **Administratively Closed.**

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* *Patricia J. French*
Dr. William J. Kass *Eric Nixon* *Michael Wartell*
Diane McDermott, Interim Executive Director

March 11, 2022

Via Certified Mail
7020 1810 0000 6296 6732

Re: CPC # 219-21

Dear Mrs. K

PO Box 1293
Albuquerque
NM 87103
www.cabq.gov

COMPLAINT:

You reported not being content on how the case was handled with Hit and Run unit. You said the detective should have filed the offender with reckless driving. The other driver committed at least 2 crimes against and will "generally" not be charged with anything even though there are unbiased witnesses, and he has admitted to causing the crash and fleeing the scene. You said you and your father were both injured and are still seeking medical care. What excuse is there for not upholding the law and charging the other driver for his intentional and dangerous actions?

You stated you are seeking: 1. An apology; 2. Offender being charged appropriately; 3. Personnel upheld to following all policies and protocols.

EVIDENCE REVIEWED:

Video(s): No APD Report(s): Yes CAD Report(s): Yes

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Detective O

Other Materials: APD crash report

Date Investigation Completed: February 28, 2022

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: 1-95-4H, 1-95-5 D1-3, 2-46-4 E1-2, 2-60-4B4bi.

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:

1-95-4H, 1-95-5 D1-3, 2-46-4 E1-2, 2-60-4B4bi:

The various investigative policies were reviewed as part of the case and Detective O complied with the policies, completing the associated tasks and conducting himself professionally. Complainant K requested that her complaints be dismissed as she now felt that Detective O was performing his duties. This case should be **"Administratively Closed".**

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

March 11, 2022

Via Certified Mail
7020 1810 0000 6296 6732

Re: CPC # 219-21

Dear Mrs. K

PO Box 1293
Albuquerque
NM 87103
www.cabq.gov

COMPLAINT:

You stated Operator R did not send anyone to the scene after a hit and run incident. You obtained the offender's license plate but the police never met up with you. You experienced pain and had to go to the hospital on your own; you also said being inconvenienced as you had to go to the station the next day and file a report. You were told that the hit and run with vehicle description/plate was enough for the operator to send an officer to you (so it was a violation of protocol). You reiterated the operator should have sent an officer to the scene or had someone come to your home or the hospital to take a report and she did not.

EVIDENCE REVIEWED:

Video(s): No APD Report(s): Yes CAD Report(s): Yes

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: No

APD Employee Involved: Operator R

Other Materials: audio recordings

Date Investigation Completed: February 28, 2022

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.	☐
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Policies Reviewed: 2-01-10C4, 2-01-10D4a-b, 2-01-11G2

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:

2-01-10C4, 2-01-10D4a-b, 2-01-11G2:

The various call handling policies were reviewed. The investigation revealed that Operator R complied with the various policies; she handled her job and associated tasks professionally and appropriately. It should be noted complainant K requested that her complaints be dismissed. This case should be "**Administratively Closed**".

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

March 11, 2022

Via Certified Mail

7020 1810 0000 6296 6701

Re: CPC # 196-21

Dear Mr. S

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Complainant reported: I was involved in a traffic incident. Officer G gave me four sobriety tests and passed. He made a medical assessment that I was on drugs and put it in the report and he is not qualified. It appeared he was looking for a reason to arrest me. When I took pics of the other vehicle, he told me not to. The reason he said was the people in the other car had to leave and put away their groceries. I asked for their ID and insurance and the officer said no. My report shows they were not insured. Another racist police.

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: Officer G

Other Materials: n/a

Date Investigation Completed: January 31, 2022

FINDINGS

Policies Reviewed: 2-42-3A1, 1-1-5A2

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:

2-42-3A1: Nowhere in the video does it show Officer G "looking for reasons" to arrest S . S complied with taking the field sobriety tests when asked. Officer G conducted a proper investigation and explained that Mr. S performed marginally on the tests and they are not pass or fail, but performance-based. However, the investigation did not have enough to effect an arrest per the officer despite the impairment concerns. This issue is "UNFOUNDED".

1-1-5A2: Nowhere during the lapel videos does it ever show Officer G acting racist, displaying racist tendencies or acting inappropriate the entire time as S alleged. Officer G was professional and polite during his entire interaction with S . Also, nowhere in the video does it show Officer G telling S not take pictures of driver 2; he was just instructed to step back because he was trying to get too close. The second driver mentioned he was concerned of S ' behaviors and did not want to interact with him. And also, contrary to S ' allegation, the crash report does indicate both parties' insurance coverage information. This issue is "UNFOUNDED".

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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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

March 11, 2022

Via Certified Mail

7020 1810 0000 6296 6718

Re: CPC # 201-21

Dear Ms. R N

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Complainant stated: The outcome is to have APD actually do their job correctly. APD has allowed 48 assault against me; just because I am gay, poor and disabled doesn't mean I don't have rights. I have civil rights! They (N son M l N and his spouse C : N , drugged me and beat me more than once. I have filed more than 48 police reports in regards to my only son and his wife. They are drug-seeking, they assaulted and mentally abused my dog Boo Boo and myself. These drug-fueled kids have completely lost their minds, coming in my home seeking my narcotics when they can't find my medicine. They damaged all my things. They have started to drug me, brand me, they eat me, raped me, cut my hair, burned me with matches. If you don't help me, these drug-fueled kids will kill me.

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): Yes CAD Report(s): Yes

Complainant Interviewed: No Witness(es) Interviewed: Yes

APD Employee Interviewed: No

APD Employee Involved: Officer C

Other Materials: supplemental report

Date Investigation Completed: February 9, 2022

FINDINGS

Policies Reviewed: *1-1-5A4*

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:

1-1-5A4: OC responded appropriately to N c omplaints. He conducted his assessment on N and notated her complaints; though he did not find any signs of physical abuse or trauma, he still notified CCS to conduct photos and also, completed a CIT worksheet.

The complainant never returned CPOA Investigator's calls to discuss her complaints. Evidence obtained from familial testimony and APD documentation supports that the complainant was more than likely experiencing mental health episodes. Photos show that there are no injuries to the places that N identified when allegedly being assaulted by her son and/or daughter-in-law. CPOA Investigator looked at APD history as far back as four months prior as to when her complaint was initially assigned on 10/05/2021. APD appropriately responded to N calls and did not find any signs of a battery. The investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve Officer C. This issue will be "UNFOUNDED".

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

March 11, 2022

Via Certified Mail

7020 1810 0000 6296 6794

Re: CPC # 222-21

Mr. R

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. R alleges that a traffic accident and report that occurred on 9/7/2006 was not completed or classified correctly by the investigating officer. According to Mr. R the striking vehicle left the scene and therefore the accident should have been classified as a hit and run accident. The officer committed fraud on the accident report as alleged by Mr. R

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer F

Other Materials: n/a

Date Investigation Completed: February 8, 2022

FINDINGS

Policies Reviewed: 1-04-4U1

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.	☐
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Additional Comments:

Upon review it was determined by clear and convincing evidence, the traffic crash was completed and classified correctly according to the Albuquerque Police Department Procedural Order 2-50 Response to traffic accidents (Minor or Non-Injury) for the Uniform Crash Report (06-17685). The driver of the striking vehicle voluntarily returned to the scene of the crash after being notified that he had caused an accident, providing driver, insurance and DOT information which all had been recorded on the accident report. Officer F did not falsify records as alleged

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

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* *Michael Wartell*
Diane McDermott, Interim Executive Director

March 11, 2022

Via Certified Mail
7020 1810 0000 6296 6756

Re: CPC # 233-21

Dear C A

PO Box 1293

COMPLAINT:

C A submitted a complaint that alleged Chief M violated APD policies concerning the retention of evidence regarding text messages concerning the current civil lawsuit, Case# D-202-CV-201906610.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

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

Complainant Interviewed: No Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Chief M

Other Materials: Deposition Excerpt, 1.13.30 NMAC, and other related documentation.

Date Investigation Completed: February 18, 2022

FINDINGS

Policies Reviewed: Conduct 1-1-5B5

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.	☐
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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 because no evidence was presented or discovered that Chief M received or disposed of any electronic messages of evidentiary value in the case referenced in C A complaint.

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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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

March 11, 2022

Via Certified Mail
7020 1810 0000 6296 6763

Re: CPC # 234-21

Dear R S

PO Box 1293
Albuquerque
NM 87103
www.cabq.gov

COMPLAINT:

R S submitted a complaint that alleged Officer W had him at gunpoint, was rough with him, and handcuffed him improperly. Mr. S asked Officer W to loosen the handcuffs; Officer W told him he would be okay. Mr. S again asked Officer W to loosen his handcuffs; Officer W had Mr. S lean forward, left the handcuffs in place, and turned Mr. S right wrist outward, causing Mr. S to yell at Officer W to stop. A supervisor checked the handcuffs, told Officer W the handcuffs were placed wrong, and told Officer W to apply a second set of handcuffs. Mr. S and his passenger asked for sweaters; Officer W would not let the passenger put a sweater on and wasn't wearing a mask. Mr. S reported that his neck and shoulder hurt, and his right wrist was swollen.

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): Yes CAD Report(s): Yes

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer W

Other Materials: Use of Force Definitions 2-53 & SO 21-52

Date Investigation Completed: February 18, 2022

FINDINGS

Policies Reviewed: Use of Force 2-52-4F1a & 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.	☐
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Additional Comments:

The investigator determined, by clear and convincing evidence, that the alleged misconduct did not occur. A review of the evidence determined that Officer W did not point a firearm at R S the firearm was in the low ready position and did not constitute a use of force. Officer W did not appear to be rough with Mr. S Mr. S informed Officer W once about his handcuffs hurting and Officer W immediately adjusted them and did not just tell Mr. S : he would be okay. The passenger and not Mr. S asked for a sweater and Officer W almost immediately retrieved it and draped it over the passenger, who was already wearing a jacket. Officer W was not required to wear a mask and no injuries were observed or reported on the scene and no evidence of injuries was provided. Mr. S mentioned a previous shoulder injury to the sergeant toward the end of the contact and informed the investigator that the officers did not injure his neck. The sergeant never said the handcuffs were on wrong and asked Officer W to use two sets due to Mr. S broad shoulders.

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*
Dr. William J. Kass *Eric Nixon* *Michael Wartell*
Diane McDermott, Interim Executive Director

March 11, 2022

Via Certified Mail
7020 1810 0000 6296 6763

Re: CPC # 234-21

Dear R S:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

R S submitted a complaint that alleged Officer E had him at gunpoint. Mr. S asked Officer E to loosen the handcuffs; Officer E told him he would have to wait for another officer to return. Mr. S and his passenger asked for sweaters, but Officer E would not let the passenger put a sweater on. Officer E was rude by not helping, listening, or caring. Officer E was sitting in a patrol vehicle when she should have been watching Mr. S and his passenger and wasn't wearing a mask.

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): Yes CAD Report(s): Yes

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer E

Other Materials: Use of Force Definitions 2-53 & SO 21-52

Date Investigation Completed: February 18, 2022

FINDINGS

Policies Reviewed: Use of Force 2-52-4F1a & 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.	☐
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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. A review of the evidence determined that Officer E did not point a firearm at R S , the firearm was in the low ready position and did not constitute a use of force. Mr. S did advise Officer E that the handcuffs hurt; Officer E was alone and advised that they would figure it out in a second. Approximately two minutes later the other officer returned and adjusted the handcuffs.

The passenger and not Mr. S asked another officer for a sweater and the other officer almost immediately retrieved it and draped it over the passenger, who was already wearing a jacket. Officer E was not required to wear a mask and was not observed being rude and responded to all questions asked of her. Officer E stood near Mr. S and the passenger to watch them while the other officer was inside the business. Officer E entered a patrol vehicle to complete the incident documentation when the other officer returned.

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

March 11, 2022

Via Certified Mail
7020 1810 0000 6296 6800

Re: CPC # 257-21

Mr. K

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. K had alleged the stolen auto report was completed in error by the Albuquerque Police Department. The vehicle was not stolen but had been repossessed legally. APD was notified in a timely matter of the repossession but the vehicle was allowed to be reported stolen anyway and entered into NCIC as stolen.

EVIDENCE REVIEWED:

Video(s): No APD Report(s): Yes CAD Report(s): Yes

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: No

APD Employee Involved: TRU M

Other Materials: multiple emails from complainant and associates

Date Investigation Completed: February 8, 2022

FINDINGS

Policies Reviewed: 8-11-2A2

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:

The employee name and badge number Mr. K identified were not valid and did not identify a specific APD employee. High Desert Recovery, the towing company used by Nevada West Financial through American Recovery Service (ARS) did not provide evidence that the employee of High Desert Recovery notified the Albuquerque Police Department of the vehicle repossession. Since no verifiable evidence was presented to suggest contact was made to APD as alleged, the vehicle was reported as stolen to the Telephone Reporting Unit employee in good faith and entered into NCIC.

A possible solution for Nevada West Financial would be to contact the law enforcement agency where the vehicle is located, provide all documentation and have that agency remove the vehicle from the NCIC database since the law enforcement agency can verify the paperwork and the vehicle identifiers.

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

March 11, 2022

Via Certified Mail
7020 1810 0000 6296 6787

Re: CPC # 271-21

Dear C A

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

C A submitted a complaint that alleged Deputy Chief S violated policy by instigating an internal affairs investigation to unfairly target and aimlessly torment Lieutenant A for failing to complete an AIFD investigation in the required time.

EVIDENCE REVIEWED:

Video(s): N/A 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: Deputy Chief S

Other Materials: N/A

Date Investigation Completed: February 25, 2022

FINDINGS

Policies Reviewed: Conduct 1-1-5C3 & Complaints 3-41-4A1

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.	☐
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Additional Comments:

The investigator determined, by clear and convincing evidence, that the alleged misconduct did not occur because no evidence was presented or discovered that Deputy Chief S acted officiously, abused his lawful authority, or permitted his personal feelings, animosities, or friendships to influence his official decision in submitting an APD Internal Affairs Request as mandated. The investigator determined, by clear and convincing evidence, that the alleged misconduct did not occur because Deputy Chief S was mandated by 3-41-4A1 to report the known policy violation.

The policy violation was discovered during an APD Force Review Board meeting of which Deputy Chief S did not choose what cases were reviewed and unaware that Lt. A was attached to the case until an inquiry was made in order to submit the investigation request. Deputy Chief S would have been in violation of policy for failing to take the actions mandated. Mr. A is not an aggrieved party as the complaint itself is between to APD employees who have access to internal remedies regarding their grievances and complaints.

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*
Dr. William J. Kass *Eric Nixon* *Michael Wartell*
Diane McDermott, Interim Executive Director

March 11, 2022

Via Certified Mail
7020 1810 0000 6296 6695

Re: CPC # 162-21

Dear S C

PO Box 1293

COMPLAINT:

S C alleged that she discovered cameras installed throughout her residence, which an electrician confirmed at the recommendation of Officer A. Officer A never contacted Ms. C back after calling him several times to report her findings.

Albuquerque

NM 87103

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 A

Other Materials: N/A

Date Investigation Completed: February 18, 2022

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 but did not violate APD policies, procedures, or training. A review of the evidence determined that Officer A informed Ms. C that if she was having an electrical issue, she should call an electrician to get it checked out, and if they found something strange, they could put it in writing so the police could see it. Officer A called Ms. C back at her request.

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* *Michael Wartell*
Diane McDermott, Interim Executive Director

March 11, 2022

Via Certified Mail
7020 1810 0000 6296 6695

Re: CPC # 162-21

Dear S C

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

S C alleged that Detective S did not take her seriously or investigate her case. Detective S told Ms. C she would need to call the FBI or hire a private investigator. Detective S called the alleged offender, and then called Ms. C back and told her that the alleged offender said he would stop. Ms. C said she received a text from the alleged offender informing her that the police told him that she was crazy and then later said that Detective S said she was crazy and couldn't help her. Ms. C said that she had only spoken with Detective S one time.

EVIDENCE REVIEWED:

Video(s): No APD Report(s): Yes CAD Report(s): Yes

Complainant Interviewed: Yes Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Detective S

Other Materials: N/A

Date Investigation Completed: February 18, 2022

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.	☐
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Policies Reviewed: Conduct 1-1-4D17

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:

A review of the evidence determined that Detective S spoke to Ms. C more than once, did not call her crazy, did not refer her to the FBI or a private investigator, and was unable to determine that a crime had been committed due to a lack of evidence and even had another detective follow-up with Ms. C . Detective S did follow-up with the alleged offender and advised Ms. C that he would stop as a method to satisfy Ms. C concerns. However, Ms. C instead interpreted that as some admission something occurred, but the evidence showed it had not.

You have the right to appeal this decision.

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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* *Michael Wartell*
Diane McDermott, Interim Executive Director

March 11, 2022

Via Certified Mail
7020 1810 0000 6296 6695

Re: CPC # 162-21

Dear S C

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

S C alleged that she received a call from Officer S, who told her that her case was closed and could no longer help her.

EVIDENCE REVIEWED:

Video(s): No APD Report(s): Yes CAD Report(s): No

Complainant Interviewed: Yes Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer S

Other Materials: N/A

Date Investigation Completed: February 18, 2022

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 1-1-4D17

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:

The investigator determined, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training. A review of the evidence determined that Officer S spoke to Ms. C one time and told Ms. C that if she could provide any evidence that it would be reviewed, but Ms. C was unable to do so. No criminal charges were identified, so there wasn't a case to close, but rather an incident 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.

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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* *Michael Wartell*
Diane McDermott, Interim Executive Director

March 11, 2022

Via Certified Mail
7020 1810 0000 6296 6749

108

Re: CPC # 226-21

PO Box 1293
Albuquerque
NM 87103
www.cabq.gov

COMPLAINT:

Mr. S reported that he was spat on which got onto in his face, left eye and mouth. Mr. S reported he produced proof to what the offender did to him, via his glasses. Mr. S reported the offender was on Probation and Parole. Mr. S reported it took three hours for officers to respond to his 911 request. Mr. S reported that the officer did not tell Mr. S why she was not going to take any action on the battery against Mr. S even though Mr. S asked the officer more than five times. Mr. S reported he wanted the offender jailed.

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 C

Other Materials:

Date Investigation Completed: February 22, 2022

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 2-60-4A.2

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:

Procedural Order 2-60-4A.2-A review of the Lapel Video confirmed Officer C advised Mr. S on several occasions why she was not going to take any action against Mr. R L Video confirmed that Officer C spoke with the alleged suspect, the alleged offender and the only witness that was identified.

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* *Michael Wartell*
Diane McDermott, Interim Executive Director

March 11, 2022

Via Certified Mail
7020 1810 0000 6296 6770

Re: CPC # 239-21

PO Box 1293
Albuquerque
NM 87103
www.cabq.gov

COMPLAINT:

Mr. D reported that he was pulled over on 12th and Montano. Mr. D reported that the officer approached his vehicle without a mask on. Mr. D : reported when he asked the officer to put his mask on, the officer stated he didn't have to. Mr. D reported that when he provided his insurance and registration to the officer, the officer refused them. Mr. D reported that the officer refused the registration because it was not signed and refused the insurance because Mr. D . was "too slow." Mr. D reported that the officer was not wearing his mask and was not keeping his distance.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer G

Other Materials: APD Jurisdiction Map and NM Public Health Order

Date Investigation Completed: February 22, 2022

FINDINGS

Policies Reviewed: General Order 1-1-4A Procedural Order 2-40-3I.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.	☐
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: General Order 1-1-5A.1

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:

General Order 1-1-4A After a review of the Lapel Video, and the officer interview was confirmed the officer approached the vehicle without a mask. Per the Public Health Order at the time of incident, it was not required for individuals to wear a mask while outside. There was also no SOP or Special Order (at the time of incident) which noted that officers had to wear masks while outside. Per the Lapel Video Mr. D removed his own mask. The Lapel Video confirmed Mr. D never asked Officer G to put on his mask or step away.

General Order 1-1-5A.1 Mr. Douville reported Officer G stated "too slow "referencing Mr. D locating his insurance paperwork, however per the lapel video, Officer G stated "okay, a little late," as the tickets had already been completed. The Lapel Video showed Officer G spent time trying to assist Mr. D to pull up his insurance on his phone.

Procedural Order 2-40-3I.1- A review of the map showing APD Jurisdiction, noted the location of the traffic stop was confirmed to be APD Valley Area Command 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

March 11, 2022

Via Email

Re: CPC # 207-21

Dear Mr. B

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

I called 911 (10/11/2021 at 0751 hours) to report a young adult who pointed an assault rifle at me. D never asked a description of the subject or vehicle; I gave all the info needed to locate the subject, but her only concern was if I wanted to meet an officer to file a report.

So, calling 911 to report a subject with a weapon in traffic isn't an emergency or concern to APD? Why do I need to call 911 when I feel the safety of myself and others is in danger? I shouldn't call 911, but just call non-emergency to file a report, that's what I am getting. If pulled a weapon on someone it wouldn't be ignored. Just curious as to what is considered an actual 911 emergency were the operator cares for the safety of the caller and public, rather than if I want to meet an officer to file a report.

EVIDENCE REVIEWED:

Video(s): No APD Report(s): No CAD Report(s): No

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: No

APD Employee Involved: DO M

Other Materials: 911 audio file recording; APD Records search

Date Investigation Completed: February 11, 2022

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: 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.	☑
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.	☐
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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:

2-01-10D4a: D acknowledged the emergency as she asked B to confirm that the subject was in possession of a firearm. D , however, failed to send officers to locate the subject even after details and direction of where the vehicle was headed were given. D lack of action was evidenced by no calls for service being created, was evidenced by APD Records showing that there was no CAD created, and was evidenced by Police Emergency Comm Manager identifying that there was no "ATLs" or "BOLOs" created for officers to be aware of this armed and dangerous suspect. Her negligence has great impact in the community and caused many citizens to be at risk of harm. This issue is SUSTAINED.

You have the right to appeal this decision.

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Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott

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* *Michael Wartell*
Diane McDermott, Interim Executive Director

March 11, 2022

Via Certified Mail
7020 1810 0000 6296 6831

Re: CPC # 208-21

PO Box 1293
Albuquerque
NM 87103
www.cabq.gov

COMPLAINT:

Mr. M reported he was issued a criminal summons in regards to an incident he had with his neighbor. Mr. M reported that he was proactive in monitoring the status of his case because when Officer C left his address, Mr. M ; also presented Officer C with his ID that contained Mr. M ' address. Mr. M reported he thought he would receive a summons as Officer C stated it would be delivered to Mr. M address. Mr. M reported that Mr M summons was sent to the Plaintiff's address. Mr. M reported that he felt Officer C sent the summons to the wrong address on purpose and most likely had done that to others who would never get a chance to comply.

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: Copy of the Summons and Copy of Mr. Mares' ID

Date Investigation Completed: February 11, 2022

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: Procedural Order 2-60-4A.5.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:

Procedural Order 2-60-4A.5.f- Mr. M provided a copy of his license and a copy of the summons which confirmed Officer C sent the summons to the incorrect address. Officer C confirmed he went back and saw his report and that he noted the same address for Mr. B and Mr. M Officer C confirmed it was his mistake and he did not do it on purpose.

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* *Patricia J. French*
Dr. William J. Kass *Eric Nixon* *Michael Wartell*
Diane McDermott, Interim Executive Director

March 11, 2022

Via Certified Mail
7020 1810 0000 62996 6862

Re: CPC # 216-21

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. V D reported she wanted to have the thieves that robbed her house arrested.
Ms. V D reported she had very substantial evidence and had the identification regarding two of the suspects.

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: Yes

APD Employee Involved: Officer S

Other Materials: Recorded Phone Interviews

Date Investigation Completed: February 22, 2022

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 2-60-4B.5.b

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:

Procedural Order 2-60-4B.5.b-Officer S provided enough valid reasons as to why he felt it was not necessary to interview the two alleged suspects who were identified via second and third party information. It should be noted that Officer S did follow several of the relevant steps needed while conducting a follow up investigation via SOP 2-60.

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.

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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.

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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* *Michael Wartell*
Diane McDermott, Interim Executive Director

March 11, 2022

Via Certified Mail
7020 1810 0000 6296 6862

Re: CPC # 216-21

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. V D reported that her case was closed and she was never contacted about the outcome.

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: Yes

APD Employee Involved: Acting Sergeant Detective P

Other Materials: Recorded Phone Interviews

Date Investigation Completed: February 22, 2022

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: Administrative Order 3-14-4A.5

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:

Administrative Order 3-14-4A.5- Detective P advised that he would take responsibility for Ms. V D not being notified as Officer S was temporarily assigned to Detective P's unit. Detective P stated at the end of the day, Detective P was the Acting Sergeant in the unit, so he would bear the responsibility for that particular mission to contacting Ms. V D advising that her case had been closed.

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* *Michael Wartell*
Diane McDermott, Interim Executive Director

March 11, 2022

Via Certified Mail
7020 1810 0000 6296 6848

Re: CPC # 262-21

Dear K C:

COMPLAINT:
K 1 C submitted a complaint on 12/28/2021, that alleged Officer W had not completed a crash report from 11/16/2021. Ms. C followed up with the records division and the substation on multiple occasions and was advised that the report was created but never started.

PO Box 1293
Albuquerque
NM 87103
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 W

Other Materials: N/A

Date Investigation Completed: February 22, 2022

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: 2-16-2E1 Records

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.	☐
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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 misconduct did occur by Officer W. Officer W responded to and took a report of a traffic crash on 11/16/2021 but did complete the report until 12/28/2021.

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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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

Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

March 11, 2022

To File

Re: CPC # 248-21

Dear D C:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

D C submitted a complaint that alleged PSA Z was rude to him on 12/11/2021. Mr. C watched as PSA Z assisted a motorist; PSA Z activated her OBRD and yelled across a parking lot at Mr. C . When PSA Z yelled, she asked Mr. , if he needed something and then told him that he was staring at her and didn't need to be. Mr. C went over and offered the citizen assistance, which they declined. Mr. C added that PSA Z was antagonistic to a transient who walked by.

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): No CAD Report(s): Yes

Complainant Interviewed: No Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: PSA Z

Other Materials: N/A

Date Investigation Completed: February 22, 2022

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: Conduct 1-1-5A1

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.	☐

Policies Reviewed: OBRD 2-8-5A

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 misconduct did occur by PSA Z. Upon review of the lapel video recording, PSA Z made unneeded verbal contact with D C o from across a parking lot and in doing so made comments such as "I don't know, you're just staring at me, so I was just wondering" and "So I was wondering if you had a problem." PSA Z did not seem to yell at Mr. C , but the comments made by PSA Z were unneeded and unprofessional.

The investigator determined by a preponderance of the evidence, that misconduct did occur by PSA Z, that was not alleged in the original complaint. The verbal portion of the interaction between PSA Z and the alleged transient was not recorded because PSA Z did not activate the lapel video recording until interacting with Mr. C , even though PSA Z was already interacting with individuals on a call for service. PSA Z deactivated the lapel video recording after interacting with Mr. C , but while still interacting with individuals on a call for service.

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

Force Review Board

CHIEF'S REPORT (P78F)

SEPTEMBER 30, 2021 TIME: 1004 TO 1134 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 James Collins (Field Services – Foothills)
NON-VOTING MEMBERS (P78)	Judge Rod Kennedy (City Legal) – via teleconference Edward Harness (CPOA Director) – via teleconference Lieutenant [redacted] (FRB Admin Personnel/IAFD) Julie Jaramillo (COD)
REPRESENTATIVES	Commander Terysa Bowie (SOD) A/ Commander Richard Evans (IAFD) – via teleconference Sergeant [redacted] (CIU) – via teleconference A/ Lieutenant [redacted] (Training Academy) – via teleconference Sergeant [redacted] (SOD) Detective [redacted] (Policy and Procedure) – via teleconference Detective [redacted] (IAFD/Presenter) Sergeant [redacted] (SOD/Presenter) Superintendent Sylvester Stanley (Police Reform) – via teleconference DCOP Eric Garcia (Police Reform) – via teleconference Interim DCOP Cori Lowe (COD) – via teleconference Chief of Staff Cecily Barker (Chief's Office)
OBSERVERS (P78C)	A/ Commander [redacted] COD) – via teleconference Deputy Commander Ben Bourgeois (IAFD) – via teleconference Sergeant [redacted] (IAFD/FRB) [redacted] (IAFD) – via teleconference Christine Bodo (COD) – via teleconference Elizabeth Martinez (USDOJ) – via teleconference Corey Sanders (USDOJ) – via teleconference Sarah Lopez (USDOJ) – via teleconference Bill Hurlock (EFIT) – via teleconference
PREVIOUS MINUTES	September 23, 2021
UNFINISHED BUSINESS	• None

REFERRAL RESPONSE(S)					
CASE NUMBER	**MEETING DATE**	**REFERRAL**	**REFERRAL PARTY**	**ACTION TAKEN**	**STATUS**
20-0037586	5/20/2021	Deputy Chief Smathers will complete an	Commander Zakary Cottrell	Commander Cottrell advised the following via email: The case was	Closed.

		Internal Affairs Request (IAR) for the Internal Affairs Professional Standards Division (IAPS) to assess the potential policy violations from SOP 2-52-5-C and SOP 2-52-4-B, C, and D. IAPS Commander Cottrell will provide the policies investigated, findings of the investigations, and response of the findings.		completed within IAPS. It is now going through the discipline review process.	
20-0044826	8/12/2021	Lieutenant [redacted] will complete a training referral for Officer [redacted] regarding the following topics: Active listening, de-escalation, disengagement, devising an approach plan, determining lawful objectives, proper handcuffing and pat down techniques (with SOP), response to barricaded individuals, investigation, scene management and control, mental health transport, and firearm safety rules.	Commander Renae McDermott	Lt. [redacted] provided the completed Mandatory Training Form and response memo, provided to the board on September 28, 2021.	Closed.
20-0036411	9/24/2021	Deputy Chief JJ Griego will enter a job well done for Acting Sergeant [redacted]	Deputy Chief JJ Griego	Deputy Chief JJ Griego completed a job well done for Acting Sergeant [redacted] on September 27, 2021.	Closed.

CASE #: 21-0071497

DATE OF INCIDENT: SEPTEMBER 8, 2021

LOCATION: [redacted]

TIMES:
DISPATCH / ON SITE: 2214 HOURS
CALL TO TACTICAL: 2214 HOURS
SWAT ACTIVATION:

TYPE: SOD

(P78)	2334 HOURS
CASE PRESENTER	SERGEANT
DID THE LEAD DETECTIVE PRESENT THE CASE? (P78b)	☐ YES ☐ NO ☒ NOT APPLICABLE
WHY DID THE LEAD INVESTIGATOR NOT PRESENT THE CASE?	☐ LEAD INVESTIGATOR NO LONGER IN UNIT ☐ LEAD INVESTIGATOR NOT AVAILABLE TO PRESENT ☐ LEAD INVESTIGATOR WAS CASE PRESENTER ☐ FRB DETECTIVE PRESENTER AND LEAD INVESTIGATOR PRESENT AS SME ☐ FRB DETECTIVE PRESENTER AND LEAD INVESTIGATIVE CHAIN UNAVAILABLE ☒ NOT AN IAFD PRESENTATION
INJURIES SUSTAINED	☐ YES ☒ NO
DAMAGE TO PROPERTY	☐ YES ☒ 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 ☒ YES ☐ NO ☐ NOT PRESENT ADMINISTRATIVE DEPUTY CHIEF REPRESENTATIVE ☐ YES ☐ NO ☒ NOT PRESENT INVESTIGATIVE DEPUTY CHIEF REPRESENTATIVE ☒ YES ☐ NO ☐ NOT PRESENT TRAINING ACADEMY REPRESENTATIVE ☐ YES ☐ NO ☒ NOT PRESENT FIELD SERVICES COMMANDER REPRESENTATIVE ☒ YES ☐ NO ☐ NOT PRESENT
DID THE FRB REVIEW THE CASE WITHIN 30 DAYS OF THE COMPLETION OF THE INVESTIGATION? (P78a)	☒ YES ☐ NO
DID THE BOARD GENERATE A REFERRAL REQUESTING ADDITIONAL INVESTIGATION TO IMPROVE THE FORCE INVESTIGATION FINDINGS? (P78c)	☐ YES ☒ NO
DISCUSSION	☒ YES ☐ NO
DISCUSSION TOPICS	1. REGARDING THE WARRANT, HOW DID SOD GET TO THE CORRECT WARRANT SINCE THE ADDRESS WAS NOT THE CORRECT ONE? A. THE MISTAKES ON THE WARRANT WERE REALIZED LATER AFTER THE TACTICAL ACTIVATION.

	B. THE ADDRESS SOD RESPONDED TO WAS WHERE THE DETECTIVES FOLLOWED THE TARGET INDIVIDUAL. 2. SO THERE WAS NO DOUBT FOR SOD THEY WERE AT THE CORRECT LOCATION? A. CORRECT. 3. WHEN INDIVIDUALS EXIT ON OTHERS ACTIVATIONS, ARE THOSE WARRANTS CONSIDERED "SERVED" AND FILED WITH THE COURT? A. DO NOT BELIEVE SO, THERE WOULD BE NO NEED; HOWEVER, THIS WOULD BE COMPLETED BY THE INVESTIGATIVE UNIT WHO COMPLETED THE WARRANT. 4. APPRECIATE THE REVIEW ON THE AFTER ACTION. THIS IS THE 2ND TIME MISTAKES ON A WARRANT HAVE BEEN IDENTIFIED BY SOD PERSONNEL. THIS IS BEING ADDRESSED WITHIN THE INVESTIGATIVE BUREAU. 5. DOES SOD COMPLETE AN INITIAL REVIEW OF WARRANTS ON SCENE? A. ADMINISTRATIVE PERSONNEL WITHIN SOD IDENTIFIED THE DISCREPANCIES WHEN PREPARING THE POWERPOINT FOR THE FORCE REVIEW BOARD. B. THE WARRANT IS FORWARDED TO ADMINISTRATIVE PERSONNEL THE DAY AFTER THE ACTIVATION SO IT WAS IDENTIFIED QUICKLY.. 6. IS THERE A PROCESS FOR SOD TO VERIFY THE INFORMATION ON THE WARRANT PRIOR TO SERVING? A. YES THE SOD LIEUTENANT COMPLETES THE REVIEW, OFTEN PRIOR TO SOD PERSONNEL BEING ACTIVATED. B. IT SHOULD BE NOTED THE ADDRESS AT THE TOP OF THE WARRANT IS CORRECT. I. THE ADDRESS IS DOCUMENTED INCORRECTLY FURTHER DOWN ON THE WARRANT UNDER THE NIGHTTIME AUTHORIZATION. 7. IS SOD'S THE REVIEW OF THE WARRANT IN POLICY? A. NO IT IS A PROCESS SOD COMPLETE ONLY. B. THERE ARE NO REQUIREMENTS FOR A SUPERVISOR TO REVIEW PRIOR TO A WARRANT BEING SENT TO A DISTRICT ATTORNEY FOR REVIEW.
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO	DID THE FRB, BY A MAJORITY VOTE, IDENTIFY CONCERNS, DEFICIENCIES, OR SUCCESSES NOT IDENTIFIED BY THE CASE PRESENTER FOR:

Pribel	POLICY	TACTICS	EQUIPMENT	TRAINING	SUPERVISION	SUCCESSES
	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO

WAS A POLICY VIOLATION IDENTIFIED BY THE BOARD?	☐ YES ☒ 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? ☐ YES ☒ NO	FOR TACTICAL ACTIVATIONS ONLY: WAS THE TACTICAL ACTIVATION IN ACCORDANCE WITH THE DEPARTMENT'S SPECIALIZED RESPONSE PROTOCOLS?
MAJORITY VOTE	☒ YES ☐ NO ☐ NOT A TACTICAL ACTIVATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ 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	☐ YES ☒ NO ☐ NOT A TACTICAL ACTIVATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO	FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, VOTE THAT THE IAFD INVESTIGATION WAS THOROUGH AND COMPLETE? (P78a)
MAJORITY VOTE	☐ YES ☐ NO ☒ NOT AN IAFD INVESTIGATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO	FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THAT THE UOF IS CONSISTENT WITH DEPARTMENT POLICY? (P78d)
MAJORITY VOTE	☐ YES ☐ NO ☒ NOT AN IAFD INVESTIGATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ 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	☐ YES ☐ NO ☒ 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.

TYPE: LEVEL 3 (P78)	DATE OF INCIDENT: MAY 20, 2020	LOCATION: [redacted]	DISPATCH / ON SITE: 2313 HOURS
CASE PRESENTER	DETECTIVE		
DID THE LEAD DETECTIVE PRESENT THE CASE? P78b)	☐ YES ☒ NO ☐ NOT APPLICABLE		
WHY DID THE LEAD INVESTIGATOR NOT PRESENT THE CASE?	☐ LEAD INVESTIGATOR NO LONGER IN UNIT ☐ LEAD INVESTIGATOR NOT AVAILABLE TO PRESENT ☐ LEAD INVESTIGATOR WAS CASE PRESENTER ☒ FRB DETECTIVE PRESENTER AND LEAD INVESTIGATOR PRESENT AS SME ☐ FRB DETECTIVE PRESENTER AND INVESTIGATIVE CHAIN UNAVAILABLE ☐ NOT AN IAFD PRESENTATION		
INJURIES SUSTAINED	☒ YES ☐ NO		
DAMAGE TO PROPERTY	☐ YES ☒ 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 ☒ YES ☐ NO ☐ NOT PRESENT ADMINISTRATIVE DEPUTY CHIEF REPRESENTATIVE ☐ YES ☐ NO ☒ NOT PRESENT INVESTIGATIVE DEPUTY CHIEF REPRESENTATIVE ☒ YES ☐ NO ☐ NOT PRESENT TRAINING ACADEMY REPRESENTATIVE ☐ YES ☐ NO ☒ NOT PRESENT FIELD SERVICES COMMANDER REPRESENTATIVE ☒ YES ☐ NO ☐ NOT PRESENT		
DID THE FRB REVIEW THE CASE WITHIN 30 DAYS OF THE COMPLETION OF THE INVESTIGATION? (P78a)	☐ YES ☒ NO		
DID THE BOARD GENERATE A REFERRAL REQUESTING ADDITIONAL INVESTIGATION TO IMPROVE THE FORCE INVESTIGATION FINDINGS? (P78c)	☐ YES ☒ NO		
DISCUSSION	☒ YES ☐ NO		
DISCUSSION TOPICS	1. BASED ON RE-REVIEW, HOW LONG DOES IT TAKE THE FRB UNIT TO COMPLETE THESE CASE PREPARATIONS? A. TYPICALLY ONE WEEK FOR EACH CASE		

i. WITH MORE COMPLEX REVIEWS, SUCH AS TODAY'S, IT TAKES A SIGNIFICANT LENGTH OF TIME.
ii. THIS CASE NEEDED A FULL REINVESTIGATION; HOWEVER, THERE WAS NOT TIME TO COMPLETE ONE DUE TO THE SCHEDULE.

B. TYPICAL STEPS OF THE CASE PREPARATION FOR EACH PRESENTATION ARE AS FOLLOWS:
i. AN ILD OFFICER CREATES THE "BONES" OF THE POWERPOINT.
ii. THE FRB SERGEANT AND/OR DETECTIVE RECEIVE THE POWERPOINT AND ADD THE INTRICATE DETAILS OF THE INVESTIGATION.
iii. ALL ISSUES AND/OR CONCERNS ARE ADDRESSED.
iv. MEETING WITH FRB LIEUTENANT AND/OR COMMANDER OCCURS TO INFORM AND WORK THROUGH ANY OF THE CONCERNS.
v. BASED ON THE MEETINGS, ADDITIONAL CHANGES WILL BE MADE TO THE POWERPOINT IN ORDER FOR IT TO BE READY TO PRESENT DURING FRB.

2. ACCOLADES TO IAFD FRB UNIT FOR LOOKING INTO THESE PAST CASES AND CORRECTING WHERE APPROPRIATE.
3. DURING THE INITIAL CONTACT AT THE HOUSE, NO FACT FINDING WAS COMPLETED DO WE KNOW IF THIS WAS ASKED BY THE INITIAL DETECTIVE OR WE DON'T KNOW BECAUSE THE INTERVIEWS WERE NOT RETAINED PROPERLY?
4. DOES THIS ALSO GO WITH THEIR IAFD INTERVIEWS FOR ACTIONS TAKEN BY THE OFFICER?
   A. CORRECT.
   B. THERE ARE DISCREPANCIES WE CANNOT ADDRESS BECAUSE OF THE EVIDENCE NOT BEING RETRAINED
5. HOW WERE THE VIDEOS OF THE INTERVIEWS PERSEVERED?
   A. IT ONLY SHOWS THEY WERE DELETED.
   B. APPEARS IT WAS AUTO DELETED AT THE 6-MONTH PERIOD AND WE CANNOT ASK THE DETECTIVE BECAUSE HE IS NO LONGER WITH THE DEPARTMENT.
6. THIS WAS A BACKLOG CASE CORRECT?
   A. CORRECT.
7. THIS CALL WAS INITIALLY LABELED AS A DISTURBANCE, POSSIBLE DOMESTIC VIOLENCE. A LOT OF MISSED OPPORTUNITIES BY NOT HANDLING THIS CALL CORRECTLY TO INCLUDE LACK OF DE-ESCALATION AND DEMEANOR.
8. WAS OFFICER WILSON ECIT?
   A. YES, ALL OFFICERS ON SCENE, WITH THE EXCEPTION OF OFFICER LAWS, WERE ECIT.

	9. SEEMS TO BE REOCCURRING ISSUES WITH ECIT OFFICERS. 10. WHAT IS THE STATUS WITH REVIEWING ECIT OFFICERS CALLS AND CONTACTS TO DETERMINE IF THERE IS A TRAINING NEED? A. THIS CONCERN WAS BROUGHT TO THE CIU COMMANDER'S ATTENTION. UNKNOWN IF THERE ARE ANY PATTERNS IDENTIFIED. 11. THERE HAVE BEEN TWO TRAINING REFERRALS FOR SEPARATE DE-ESCALATION CONCERNS FOR OFFICER [redacted] SINCE THIS INCIDENT OCCURRED. 12. BSD REFERRALS? A. YES, AND IS CURRENTLY IN MANDATORY CONTACT WITH BSD. 13. ADDITIONAL ACCOLADES TO FRB UNIT FOR REEVALUATION. 14. IS IT BEING TRACKED HOW LONG THESE REEVALUATIONS ARE TAKING TO COMPLETE? A. NOT SPECIFICALLY BUT IT DOES TAKE A LARGE AMOUNT OF TIME TO PREPARE THESE CASES FOR FRB. 15. IF THE 1ST AND 5TH USES OF FORCE ARE OUT OF POLICY, HOW CAN THE BOARD FIND ANY OTHERS IN POLICY? A. IF WE FOLLOW THE MINDSET THE OFFICERS MADE A LOT OF MISTAKES AND IGNITED ACTIONS. EVERYTHING ELSE WOULD BE OUT OF POLICY. B. OTHER WAY WOULD BE TO LOOK AT EVERY APPLICATION OF FORCE AND WHETHER OR NOT EACH APPLICATION IS IN OR OUT OF POLICY. i. ALSO BEING A SITUATION WHERE IT CANNOT BE POSITIVELY DETERMINED WHETHER OR NOT FORCE WOULD HAVE BEEN NECESSARY. 16. THE INITIAL INVESTIGATION WAS DEFICIENT; HOWEVER, RECOGNIZE THE STEPS IAFD HAS IDENTIFIED THE PROBLEMS AND HAVE AMELIORATED THE CONCERNS SO NO CORRECTIVE ACTIONS NEEDED AT THIS TIME. 17. BOARD IDENTIFIED USES OF FORCE 1 AND 5 ARE OUT OF POLICY. THE REST WERE DETERMINED TO BE REASONABLE, NECESSARY, AND PROPORTIONAL.
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO	DID THE FRB, BY A MAJORITY VOTE, IDENTIFY CONCERNS, DEFICIENCIES, OR SUCCESSES NOT IDENTIFIED BY THE CASE PRESENTER FOR:

(FTBe):	POLICY	TACTICS	EQUIPMENT	TRAINING	SUPERVISION	SUCCESSES
	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO

WAS A POLICY VIOLATION IDENTIFIED BY THE BOARD?	☐ YES ☒ 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? ☐ YES ☒ NO	FOR TACTICAL ACTIVATIONS ONLY: WAS THE TACTICAL ACTIVATION IN ACCORDANCE WITH THE DEPARTMENT'S SPECIALIZED RESPONSE PROTOCOLS?
MAJORITY VOTE	☐ YES ☐ NO ☒ NOT A TACTICAL ACTIVATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ 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	☐ YES ☐ NO ☒ NOT A TACTICAL ACTIVATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO	FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, VOTE THAT THE IAFD INVESTIGATION WAS THOROUGH AND COMPLETE? (P78a)
MAJORITY VOTE	☐ YES ☒ NO ☐ NOT AN IAFD INVESTIGATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO	FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THAT THE UOF IS CONSISTENT WITH DEPARTMENT POLICY? (P78g)
MAJORITY VOTE	☐ YES ☒ NO ☐ NOT AN IAFD INVESTIGATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ 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	☐ YES ☒ NO ☐ 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. ECHO THE BOARDS CONCERNS ON THE APPROACH AND LACK OF FACT FINDING. 2. WHAT WAS THE OFFICERS' THOUGHT PROCESS WHEN THEY DECIDED TO ENTER THE RESIDENCE? DID THEY ASK PERMISSION TO GO INSIDE, DID NOT SEE THIS DOCUMENTED IN THE REPORT. A. UPON APPROACH, THE OFFICERS ASKED IF THEY COULD GO INSIDE FROM THE FEMALE SITTING OUTSIDE WHO SAID "YES"; HOWEVER, THE

	OFFICERS DID NOT VERIFY IF SHE COULD GIVE THIS PERMISSION. B SEEMED LIKE THE PRIMARY PROBLEMS WERE BETWEEN THE FEMALES OUT AND THE FEMALE WHO WAS YELLING INSIDE. C. GOAL WAS TO INVESTIGATE THE DOMESTIC VIOLENCE CASE; HOWEVER, THEIR ACTIONS INSIDE WERE CONTRARY TO THIS INITIAL GOAL. D. ALL QUESTIONS NORMALLY ASKED DURING A DOMESTIC VIOLENCE CALL (EG. INJURIES, WHAT HAPPENED, ETC.) WERE NOT ASKED. 3. THEY WERE INITIALLY DISPATCHED TO A DISTURBANCE NOT A DOMESTIC VIOLENCE. THEIR ACTIONS PORTRAYED THIS. A. CALL WAS DISTURBANCE; HOWEVER, THE INFORMATION ON THE CAD READS LIKE A DOMESTIC VIOLENCE CALL. B. NOT HAVING THE RECORDINGS MAKES IT PROBLEMATIC TO KNOW WHETHER THESE QUESTIONS WERE ASKED. 4. ACCOLADES TO THE FRB UNIT FOR THEIR REANALYSIS. 5. IS THERE NOT AN AUDIT TRAIL IN EVIDENCE.COM TO DETERMINE WHY THE RECORDINGS WERE ERASED? A. YES; HOWEVER, DID NOT LOOK INTO WHY IT WAS SHOWING THE VIDEOS WERE ERASED AT 6 MONTH MARK SO PRESUMED IT WAS AN AUTO-DELETE. 6. COULD BE INTENTIONAL IF IT WAS DELETED AT 6 MONTHS. THIS SHOULD BE FOLLOWED UP ON TO VERIFY WHETHER THE OBRDS WERE DELETED ON PURPOSE. 7. AGREE WITH DETECTIVE CARR'S ANALYSIS. OFFICERS CAN ONLY ACT ON WHAT THEY COULD REASONABLE KNOW AT THE TIME THEY USED FORCE. 8. CONCURS WITH BOARD'S FINDINGS.

Next FRB Meeting: October 7, 2021

Signed: _____
Harold Medina, Chief of Police

Force Review Board

CHIEF'S REPORT
(P78F)

OCTOBER 28, 2021 | TIME: 1005 TO 1136 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) DCOP Michael Smathers (Special Operations Bureau) Interim DCOP Joshua Brown (Field Services Bureau) Commander Arturo Sanchez (Field Services – Northwest)
NON-VOTING MEMBERS (P78)	Judge Rod Kennedy (City Legal) – via teleconference Lieutenant [redacted] (FRB Admin Personnel/IAFD) Julie Jaramillo (FRB Admin Personnel/COD)
REPRESENTATIVES	Commander Renae McDermott (Training Academy) – via teleconference A/ Commander Richard Evans (IAFD) – via teleconference Sergeant [redacted] SOD/CNT) – via teleconference Sergeant [redacted] (CIU) – via teleconference A/ Lieutenant [redacted] (Training Academy) – via teleconference Patricia Serna (Policy and Procedure) – via teleconference
OBSERVERS (P78b)	Detective [redacted] (IAFD/Presenter) – via teleconference DCOP Eric Garcia (Police Reform) – via teleconference Interim DCOP Cori Lowe (Compliance Bureau) – via teleconference Chief of Staff Cecily Barker (Chief's Office) A/ Commander Jason Sanchez (COD) – via teleconference Deputy Commander Ben Bourgeois (IAFD) – via teleconference Sergeant [redacted] (TDY COD) – via teleconference Sergeant [redacted] (IAFD) – via teleconference A/ Sergeant [redacted] (IAFD) – via teleconference Marvin Barnes (IAFD) – via teleconference Dr. Jessica Henjy (Training Academy) – via teleconference Carlos Pacheco (City Legal) – via teleconference Elizabeth Martinez (USDOJ) – via teleconference Corey Sanders (USDOJ) – via teleconference Darryl Neier (EFIT) – via teleconference
PREVIOUS MINUTES	October 21, 2021
UNFINISHED BUSINESS	• None

CASE # 20-0085317 TYPE: LEVEL 3 (P78)	DATE OF INCIDENT: OCTOBER 21, 2020	LOCATION: [redacted]	TIMES: DISPATCH / ON SITE: 1319 HOURS
CASE PRESENTER	DETECTIVE [redacted]		

DID THE LEAD DETECTIVE PRESENT THE CASE? (P78b)	☐ YES ☒ NO ☐ NOT APPLICABLE
WHY DID THE LEAD INVESTIGATOR NOT PRESENT THE CASE?	☐ LEAD INVESTIGATOR NO LONGER IN UNIT ☐ LEAD INVESTIGATOR NOT AVAILABLE TO PRESENT ☐ LEAD INVESTIGATOR WAS CASE PRESENTER ☒ FRB DETECTIVE PRESENTER AND LEAD INVESTIGATOR PRESENT AS SME ☐ FRB DETECTIVE PRESENTER AND INVESTIGATIVE CHAIN UNAVAILABLE ☐ NOT AN IAFD PRESENTATION
INJURIES SUSTAINED	☒ YES ☐ NO
DAMAGE TO PROPERTY	☐ YES ☒ 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 ☒ YES ☐ NO ☐ NOT PRESENT ADMINISTRATIVE DEPUTY CHIEF REPRESENTATIVE ☒ YES ☐ NO ☐ NOT PRESENT INVESTIGATIVE DEPUTY CHIEF REPRESENTATIVE ☒ YES ☐ NO ☐ NOT PRESENT TRAINING ACADEMY REPRESENTATIVE ☐ YES ☐ NO ☒ NOT PRESENT FIELD SERVICES COMMANDER REPRESENTATIVE ☒ YES ☐ NO ☐ NOT PRESENT
DID THE FRB REVIEW THE CASE WITHIN 30 DAYS OF THE COMPLETION OF THE INVESTIGATION? (P78a)	☐ YES ☒ NO
DID THE BOARD GENERATE A REFERRAL REQUESTING ADDITIONAL INVESTIGATION TO IMPROVE THE FORCE INVESTIGATION FINDINGS? (P78c)	☐ YES ☒ NO
DISCUSSION	☒ YES ☐ NO
DISCUSSION TOPICS	1. WHAT IS THE TRAINING FOR OFFICERS OF WHEN THEY ADVISE AN INDIVIDUAL THEY ARE BEING DETAINED VERSUS ARRESTED? WHY DOES AN OFFICER ADVISE AN INDIVIDUAL THEY ARE BEING DETAINED IF THEY KNOW THE INDIVIDUAL IS UNDER ARREST? A. WHAT AN OFFICER ADVISES AN INDIVIDUAL HAS EVERYTHING TO DO WITH WHERE THEY ARE IN THE INVESTIGATIVE PROCESS.

I. IF THE OFFICER HAS REASONABLE SUSPICION TO DETAIN AN INDIVIDUAL BUT IS STILL LACKING PROBABLE CAUSE, THEY WILL ADVISE THE INDIVIDUAL THEY ARE DETAINED.

II. ONCE AN OFFICER ESTABLISHES PROBABLE CAUSE, THEY WILL ADVISE THE INDIVIDUAL THEY ARE UNDER ARREST.

2. ARE WE ELABORATING ON THIS TOPIC DURING TRAINING OF THE CADETS?
   A. YES.
3. DID ARCHULETA ADVISE HE WOULD PRESS CHARGES AGAINST THE INDIVIDUAL BEFORE OR AFTER OFFICERS DETAINED THE INDIVIDUAL?
   A. BEFORE.
      I. INITIALLY, WHEN ARCHULETA DECLINED, OFFICERS ADVISED HIM WITHOUT A VICTIM, THEY DO NOT HAVE A CRIME.
      II. ARCHULETA EXPRESSED CONCERN THINKING OFFICERS WERE NOT GOING TO TALK TO THE INDIVIDUAL, SO HE DECIDED TO PRESS CHARGES.
4. WHY DID OFFICERS NOT GO HANDS ON WHEN THE INDIVIDUAL WAS BEING COMPLIANT?
   A. THE OFFICERS KNEW THE INDIVIDUAL WAS THE SUSPECT OF A VIOLENT FELONY AND POTENTIALLY ARMED WITH A BOX CUTTER. THEY FELT THE RISK OF INJURY TO GO HANDS ON WAS TOO GREAT.
5. WHAT WAS THE APPROXIMATE TIMEFRAME BETWEEN WHEN THE INDIVIDUAL WENT TO HIS KNEES TO WHEN HE BECAME NONCOMPLIANT AND HE TOOK OFF RUNNING?
   A. APPROXIMATELY 10-SECOND PERIOD WHERE THE INDIVIDUAL BECAME NON-COOPERATIVE FROM WHEN THEY WERE GIVING ORDERS.
6. THE ON-SCENE ACTING SERGEANT WAS ORDERING FORCE. DID SHE FEEL THE OFFICERS WERE NOT TAKING ACTION OR WAS SHE JUST BEING PROACTIVE TO CONTROL THE SITUATION?
   A. SHE WAS BEING PROACTIVE. THE OFFICER WAS A P2/C AT THE TIME OF THIS INCIDENT.
      I. THE OFFICER ALSO EXPLAINED THIS DURING HIS USE OF FORCE INTERVIEW.
7. USE OF FORCE #5 (USE OF 40MM) WAS DEEMED OUT OF POLICY; HOWEVER, USE OF FORCE #6 (SHOW OF FORCE WITH THE 40MM) WAS IN POLICY. WHY IS ONE IN AND THE OTHER OUT OF POLICY WHEN THE BEHAVIOR OF THE INDIVIDUAL WAS SIMILAR DURING THOSE MOMENTS?
   A. THE USE OF 40MM WAS DETERMINED TO BE AN OUT OF POLICY USE OF FORCE BECAUSE IT WAS NOT AN IMMINENT THREAT. THE SHOW OF FORCE WHEN THE INDIVIDUAL WAS RUNNING WAS REASONABLE DUE TO IT BEING THE MINIMUM AMOUNT OF FORCE NECESSARY AND THE

OFFICER WAS TRYING TO GET THE INDIVIDUAL TO STOP HIS ACTIONS.

   B. HAD THE OFFICER USED THE 40MM IT WOULD HAVE BEEN DETERMINED TO BE AN OUT OF POLICY USE OF FORCE AS WELL.

   C. THERE WERE DISCUSSIONS BETWEEN IAFD AND COD TO DETERMINE IF THE FORCE USED WOULD BE OUT OF POLICY THEN THE SHOW OF FORCE WOULD ALSO BE OUT OF POLICY.

8. WERE THE USES OF FORCE #7 AND #8 DETERMINED TO BE OUT OF POLICY BECAUSE THEY WERE TASINGS FROM AN ELEVATED AND ON A FLEEING INDIVIDUAL ONLY?
   A. BOTH USES OF FORCE WERE OUT OF POLICY REGARDLESS BECAUSE THEY WERE FLEEING AND ELEVATED POSITION.
9. THE PRESENTER'S STATEMENT OF THE CONVERSATION BETWEEN IAFD AND COD THAT IF A USE OF FORCE IS OUT OF POLICY, THEN A SHOW OF FORCE WITH THE SAME WEAPON SYSTEM WOULD ALSO BE OUT OF POLICY IS CONCERNING.
   A. ULTIMATELY, IT WAS DETERMINED THIS WOULD NOT BE APPROPRIATE TO SAY, WHICH IS WHY THE SHOW OF FORCE WAS FOUND POLICY.
10. A SHOW OF FORCE IS SEEN AS THE SAME AS A LEVEL 1 USE OF FORCE. THIS SHOULD BE REEVALUATED BECAUSE THE INTENT BEHIND A SHOW OF FORCE IS TO CHANGE THE MIND FRAME OF AN INDIVIDUAL TO PREVENT THE NEED TO USE FORCE.
11. IS THERE A WAY TO WRITE THIS INTO POLICY TO COVER THE DIFFERENT CONCERNS?
   A. THIS WOULD BE DIFFICULT TO COMPLETE.
12. HAD THE OFFICERS TACKLED THE INDIVIDUAL INSTEAD, WOULD IT HAVE BEEN AN IN POLICY USE OF FORCE?
   A. IT WOULD BE EVALUATED WITH THE USE OF FORCE POLICY, NOT THE ECW POLICY.
13. THE UNREPORTED USE OF FORCE (SHOW OF FORCE) WAS DETERMINED TO BE IN POLICY. HOW WAS IT RECTIFIED THAT SHE MISSED THE SHOW OF FORCE?
   A. DURING THE USE OF FORCE INTERVIEW, THE IAFD DETECTIVE ASKED THE OFFICER IF SHE REALIZED SHE MISSED THE SHOWS OF FORCE.
      I. THE OFFICER ADVISED DID NOT REALIZE SHE HAD SHOWN FORCE.
14. SHE DID NOT KNOW SHE USED FORCE BUT HAD SHE USED FORCE, IT WOULD BE IN POLICY?
   A. CORRECT.
15. THERE WERE TWO INSTANCES WHERE SHE DID NOT RECOGNIZE SHE USED FORCE?
   A. CORRECT. WHEN DISCOVERED, SHE DID NOT RECEIVE ANY CORRECTIVE ACTION; HOWEVER, THEY DID NOT DO ANY FOLLOW UP DUE TO HER NO LONGER BEING WITH THE DEPARTMENT.

	16. WHAT TYPE OF CORRECTIVE ACTION WOULD OCCUR IF AN OFFICER FAILED TO IDENTIFY FORCE THEY USED NOW? A. IF IAFD IDENTIFIES THIS NOW, A TARGET LETTER AND CORRECTIVE ACTION HAPPEN THROUGH THE INVESTIGATION. B. WHEN IT GETS TO COMPLIANCE FOR FRB PREPARATION AND IS DISCOVERED, SOME TYPE OF DOCUMENTATION WILL OCCUR AND LIKELY FOLLOW UP WITH IAFD WILL OCCUR. 17. PRESENTER STATED THE SHOW OF FORCE WAS USED TO DEESCALATE, THEN THEY SAID IT WAS USED TO GAIN COMPLIANCE. ARE WE USING A SHOW OF FORCE TO DEESCALATE? A. NO, MISSPOKE. 18. DID OFFICER #1 IDENTIFY WHETHER HE RECOGNIZED HE WAS INDEPENDENTLY JUSTIFIED TO USE FORCE OR WAS HE ONLY DOING IT BECAUSE HE WAS COMMANDED? A. THE OFFICER IDENTIFIED IT AS INDEPENDENTLY JUSTIFIED ACTIONS, APART FROM THE ORDER FROM THE ACTING SERGEANT.
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ 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
	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO

WAS A POLICY VIOLATION IDENTIFIED BY THE BOARD?	☐ YES ☒ 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? ☐ YES ☒ NO	<u>FOR TACTICAL ACTIVATIONS ONLY</u>: WAS THE TACTICAL ACTIVATION IN ACCORDANCE WITH THE DEPARTMENT'S SPECIALIZED RESPONSE PROTOCOLS?
MAJORITY VOTE	☐ YES ☐ NO ☒ NOT A TACTICAL ACTIVATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ 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	☐ YES ☐ NO ☒ NOT A TACTICAL ACTIVATION

DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO	FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, VOTE THAT THE IAFD INVESTIGATION WAS THOROUGH AND COMPLETE? (P78a)
MAJORITY VOTE	☒ YES ☐ NO ☐ NOT AN IAFD INVESTIGATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO	FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THAT THE UOF IS CONSISTENT WITH DEPARTMENT POLICY? (P78d)
MAJORITY VOTE	☐ YES ☒ NO ☐ NOT AN IAFD INVESTIGATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ 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	☒ YES ☐ NO ☐ NOT AN IAFD INVESTIGATION

DID THE CPOA EXECUTIVE DIRECTOR HAVE THE OPPORTUNITY TO ASK QUESTIONS OR MAKE A STATEMENT TO THE PRESENTER? ☐ YES ☒ NO (NOT PRESENT)	
DISCUSSION TOPICS	1. NOT PRESENT.

CASE # 21-0055772 TYPE: LEVEL 2 (P78)	DATE OF INCIDENT: JULY 17, 2021	LOCATION: [redacted]	TIMES: DISPATCH / ON SITE: 1406 HOURS
CASE PRESENTER	DETECTIVE [redacted]		
DID THE LEAD DETECTIVE PRESENT THE CASE? (P78b)	☐ YES ☒ NO ☐ NOT APPLICABLE		
WHY DID THE LEAD INVESTIGATOR NOT PRESENT THE CASE?	☐ LEAD INVESTIGATOR NO LONGER IN UNIT ☐ LEAD INVESTIGATOR NOT AVAILABLE TO PRESENT ☐ LEAD INVESTIGATOR WAS CASE PRESENTER ☒ FRB DETECTIVE PRESENTER AND LEAD INVESTIGATOR PRESENT AS SME ☐ FRB DETECTIVE PRESENTER AND INVESTIGATIVE CHAIN UNAVAILABLE ☐ NOT AN IAFD PRESENTATION		
INJURIES SUSTAINED	☒ YES ☐ NO		
DAMAGE TO PROPERTY	☐ YES ☒ 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 ☒ YES ☐ NO ☐ NOT PRESENT ADMINISTRATIVE DEPUTY CHIEF REPRESENTATIVE ☒ YES ☐ NO ☐ NOT PRESENT INVESTIGATIVE DEPUTY CHIEF REPRESENTATIVE ☒ YES ☐ NO ☐ NOT PRESENT TRAINING ACADEMY REPRESENTATIVE ☐ YES ☐ NO ☒ NOT PRESENT FIELD SERVICES COMMANDER REPRESENTATIVE ☒ YES ☐ NO ☐ NOT PRESENT
DID THE FRB REVIEW THE CASE WITHIN 30 DAYS OF THE COMPLETION OF THE INVESTIGATION? (P78a)	☒ YES ☐ NO
DID THE BOARD GENERATE A REFERRAL REQUESTING ADDITIONAL INVESTIGATION TO IMPROVE THE FORCE INVESTIGATION FINDINGS? (P78c)	☐ YES ☒ NO
DISCUSSION	☒ YES ☐ NO
DISCUSSION TOPICS	1. LOOKING AT A COST BENEFIT ANALYSIS WITH THIS ONLY BEING A SHOPLIFTING, THIS DOES NOT MAKE SENSE; HOWEVER, DUE TO THE ACTIONS OF THE INDIVIDUAL, IT WAS NECESSARY. HAD HE COOPERATED, WOULD THE INDIVIDUAL RECEIVED A CITATION AND BE ON HIS WAY? A. CORRECT. 2. REFERRAL FOR REVIEW OF POLICIES 2.56.5.C.1 AND 2.57.3.C.1.G REGARDING COMPLETION OF USE OF FORCE NARRATIVES TO TAKE INTO ACCOUNT OFFICER FATIGUE AND THE ABILITY FOR A SUPERVISOR TO GRANT AN EXTENSION WHERE NECESSARY. DUE IN 60 DAYS. A. IAFD IS WORKING WITH DEPUTY CHIEF BROWN ON LEVEL 1 USE OF FORCE NARRATIVES, NOT SPECIFICALLY TO EXTENSIONS. 3. PROCESS TO DEAL WITH THE CASA LIMITATIONS REGARDING EXTENSIONS ON USE OF FORCE NARRATIVES.
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ 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
	☒ YES ☐ NO	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO

WAS A POLICY VIOLATION IDENTIFIED BY THE BOARD?	☐ YES ☒ 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? ☐ YES ☒ NO	FOR TACTICAL ACTIVATIONS ONLY: WAS THE TACTICAL ACTIVATION IN ACCORDANCE WITH THE DEPARTMENT'S SPECIALIZED RESPONSE PROTOCOLS?
MAJORITY VOTE	☐ YES ☐ NO ☒ NOT A TACTICAL ACTIVATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ 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	☐ YES ☐ NO ☒ NOT A TACTICAL ACTIVATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO	FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, VOTE THAT THE IAFD INVESTIGATION WAS THOROUGH AND COMPLETE? (P78a)
MAJORITY VOTE	☒ YES ☐ NO ☐ NOT AN IAFD INVESTIGATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO	FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THAT THE UOF IS CONSISTENT WITH DEPARTMENT POLICY? (P78d)
MAJORITY VOTE	☒ YES ☐ NO ☐ NOT AN IAFD INVESTIGATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ 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	☒ YES ☐ NO ☐ NOT AN IAFD INVESTIGATION

DID THE CPOA EXECUTIVE DIRECTOR HAVE THE OPPORTUNITY TO ASK QUESTIONS OR MAKE A STATEMENT TO THE PRESENTER? ☐ YES ☒ NO (NOT PRESENT)	
DISCUSSION TOPICS	1. NOT PRESENT

DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE FOR THE REFERRAL? ☐ YES ☒ NO ☐ IAR	REFERRAL INFORMATION
TYPE OF REFERRAL(S): (P78e)	☒ POLICY ☐ POLICY VIOLATION (IAR) ☐ TRAINING ☐ SUPERVISION ☐ EQUIPMENT ☐ TACTICS ☐ SUCCESS (IAR)
REFERRAL(S): (P78e)	POLICY AND PROCEDURE MANAGER PATRICIA SERNA WILL REVIEW POLICIES 2.56.5.C.1 AND 2.57.3.C.1.G REGARDING COMPLETION OF USE OF FORCE NARRATIVES TO TAKE INTO ACCOUNT OFFICER FATIGUE AND THE ABILITY FOR A SUPERVISOR TO GRANT AN EXTENSION WHERE NECESSARY.
EMPLOYEE RESPONSIBLE FOR RESPONDING TO REFERRAL(S): (P78e)	POLICY AND PROCEDURE MANAGER PATRICIA SERNA
DEADLINE: (P78e)	JANUARY 3, 2022

Next FRB Meeting: November 4, 2021

Signed: _____

Harold Medina, Chief of Police

Force Review Board

CHIEF'S REPORT
(P78F)

SEPTEMBER 2, 2021 | TIME: 1006 TO 1150 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) DCOP Michael Smathers (Special Operations Bureau) Interim DCOP Joshua Brown (Field Services Bureau) – not present for 1st presentation Commander Timothy Espinosa (Field Services – Southwest) A/ Commander [redacted] (Training Academy) – via teleconference
NON-VOTING MEMBERS (P78)	Judge Rod Kennedy (City Legal) Edward Harness (CPOA Director) – via teleconference Lieutenant [redacted] (FRB Admin Personnel/IAFD)
REPRESENTATIVES	Commander Terysa Bowie (SOD) A/ Commander Richard Evans (IAFD) – via teleconference Lieutenant [redacted] (SOD) A/ Lieutenant [redacted] (Training Academy) – via teleconference Sergeant [redacted] (SOD) Sergeant [redacted] (CIT) – via teleconference Policy Manager Patricia Serna (Policy and Procedure) – via teleconference Detective [redacted] (IAFD/Presenter) – via teleconference Sergeant [redacted] (SOD/Presenter) Superintendent Sylvester Stanley (Police Reform) DCOP Eric Garcia (Police Reform) – via teleconference Interim DCOP Cori Lowe (COD) – via teleconference Commander Renae McDermott (Training Academy) Deputy Commander Ben Bourgeois (IAFD) – via teleconference A/ Commander Jason Sanchez (COD) – via teleconference
OBSERVERS (P78b)	Sergeant [redacted] (IAFD) – via teleconference Sergeant [redacted] (IAFD) – via teleconference Detective [redacted] (IAFD) – via teleconference Dr. Jessica Henjy (Training Academy) – via teleconference Christine Bodo (Compliance Bureau) – via teleconference Silvia McElvany (Compliance Bureau) – via teleconference Elizabeth Martinez (USDOJ) – via teleconference Corey Sanders (USDOJ) –via teleconference Patrick Kent (USDOJ) – via teleconference Bill Hurlock (EFIT) Darryl Neier (EFIT)
PREVIOUS MINUTES	August 26, 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.	Commander Renae McDermott	A/[redacted] provided an extension memorandum responding to the requested update.	Update due October 1, 2021.
20-0036730	7/29/2021	Internal Affairs Force Division will present cases under current standards and any discrepancies or issues will be addressed prior to presentation.	A/Commander Richard Evans	A/ Commander Evans provided a memo addressing the referral.	Closed.

CASE #: 21-0049778	DATE OF INCIDENT: JUNE 26-27, 2021	LOCATION: [redacted]	TIMES: DISPATCH / ON SITE: 1832 HOURS CALL TO TACTICAL: 2028 HOURS SWAT ACTIVATION: 2356 HOURS
TYPE: SOD (P78)			

CASE PRESENTER	**SERGEANT** [redacted]
DID THE LEAD DETECTIVE PRESENT THE CASE? (P78b)	☐ YES ☐ NO ☒ NOT APPLICABLE
WHY DID THE LEAD INVESTIGATOR NOT PRESENT THE CASE?	☐ LEAD INVESTIGATOR NO LONGER IN UNIT ☐ LEAD INVESTIGATOR NOT AVAILABLE TO PRESENT ☐ LEAD INVESTIGATOR WAS CASE PRESENTER ☐ FRB DETECTIVE PRESENTER AND LEAD INVESTIGATOR PRESENT AS SME ☐ FRB DETECTIVE PRESENTER AND LEAD INVESTIGATIVE CHAIN UNAVAILABLE ☒ NOT AN IAFD PRESENTATION
INJURIES SUSTAINED	☐ YES ☒ NO
DAMAGE TO PROPERTY	☐ YES ☒ 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.	FIELD SERVICES DEPUTY CHIEF REPRESENTATIVE ☒ YES ☐ NO ☐ NOT PRESENT ADMINISTRATIVE DEPUTY CHIEF REPRESENTATIVE ☒ YES ☐ NO ☐ NOT PRESENT

"DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE." TO BE ANSWERED "YES".)	INVESTIGATIVE DEPUTY CHIEF REPRESENTATIVE ☒ YES ☐ NO ☐ NOT PRESENT TRAINING ACADEMY REPRESENTATIVE ☒ YES ☐ NO ☐ NOT PRESENT FIELD SERVICES COMMANDER REPRESENTATIVE ☒ YES ☐ NO ☐ NOT PRESENT
DID THE FRB REVIEW THE CASE WITHIN 30 DAYS OF THE COMPLETION OF THE INVESTIGATION? (P78a)	☐ YES ☒ NO
DID THE BOARD GENERATE A REFERRAL REQUESTING ADDITIONAL INVESTIGATION TO IMPROVE THE FORCE INVESTIGATION FINDINGS? (P78c)	☐ YES ☒ NO
DISCUSSION	☒ YES ☐ NO
DISCUSSION TOPICS	1. CONCERNS REGARDING THE FOUR-HOUR PERIOD TO SECURE THE WARRANT. WAS THERE ANYTHING TO BE DONE TO EXPEDITE? A. THIS WAS MERELY THE TIME TO COMPLETE THE ON-SCENE INVESTIGATION AND GET THE WARRANT DRAFTED, APPROVED, AND SIGNED. 2. HAS SOD CONTINUED TO SEE WHAT THEY WOULD CONSIDER AN EXTENDED AMOUNT OF TIME ON WARRANTS? A. IT IS CASE BY CASE ON HOW LONG A WARRANT TAKES TO GET COMPLETED, WHICH IS DUE TO THE COMPLEXITY OF THE INCIDENT. B. SOD PERSONNEL ARE NOT ACTIVATED UNTIL THE WARRANTS ARE APPROVED BY DISTRICT ATTORNEY'S OFFICE IN ORDER TO MINIMIZE THE LENGTH OF THE ACTIVATION FOR THE ENTIRE TEAM. C. THIS DOES NOT ASSIST FIELD SERVICES WITH RELIEF; HOWEVER, THE INVESTIGATION HAS TO BE COMPLETED. 3. WHAT WAS EXIGENCY OF APPREHENDING THIS INDIVIDUAL? A. THE KIDNAPPING CHARGE REGARDING A DOMESTIC VIOLENCE. B. EVEN THOUGH THE VICTIM WAS NO LONGER INSIDE, POLICE STILL LAWFUL DUTY TO GET THE INDIVIDUAL INTO CUSTODY. IF HE WAS NOT TAKEN INTO CUSTODY AND HE REOFFENDS THE VICTIM OR ANOTHER CITIZEN, THE DEPARTMENT WOULD BE LIABLE. C. HE HAD A DOCUMENTED HISTORY OF VIOLENT CRIMES.

DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ 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
	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO
WAS A POLICY VIOLATION IDENTIFIED BY THE BOARD?			☐ YES ☒ 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? ☐ YES ☒ NO			FOR TACTICAL ACTIVATIONS ONLY: WAS THE TACTICAL ACTIVATION IN ACCORDANCE WITH THE DEPARTMENT'S SPECIALIZED RESPONSE PROTOCOLS?			
MAJORITY VOTE			☒ YES ☐ NO ☐ NOT A TACTICAL ACTIVATION			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ 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			☐ YES ☒ NO ☐ NOT A TACTICAL ACTIVATION			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO			FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, VOTE THAT THE IAFD INVESTIGATION WAS THOROUGH AND COMPLETE? (P78a)			
MAJORITY VOTE			☐ YES ☐ NO ☒ NOT AN IAFD INVESTIGATION			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO			FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THAT THE UOF IS CONSISTENT WITH DEPARTMENT POLICY? (P78d)			
MAJORITY VOTE			☐ YES ☐ NO ☒ NOT AN IAFD INVESTIGATION			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ 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			☐ YES ☐ NO ☒ 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.

CASE #: 21-0056845 TYPE: SOD (P78)	DATE OF INCIDENT: JULY 20-21, 2021	LOCATION: [redacted]	TIMES: DISPATCH / ON SITE: 1924 HOURS CALL TO TACTICAL: 2146 HOURS SWAT ACTIVATION: 2300 HOURS

CASE PRESENTER	SERGEANT [redacted]
DID THE LEAD DETECTIVE PRESENT THE CASE? (P78b)	☐ YES ☐ NO ☒ NOT APPLICABLE
WHY DID THE LEAD INVESTIGATOR NOT PRESENT THE CASE?	☐ LEAD INVESTIGATOR NO LONGER IN UNIT ☐ LEAD INVESTIGATOR NOT AVAILABLE TO PRESENT ☐ LEAD INVESTIGATOR WAS CASE PRESENTER ☐ FRB DETECTIVE PRESENTER AND LEAD INVESTIGATOR PRESENT AS SME ☐ FRB DETECTIVE PRESENTER AND INVESTIGATIVE CHAIN UNAVAILABLE ☒ NOT AN IAFD PRESENTATION
INJURIES SUSTAINED	☐ YES ☒ NO
DAMAGE TO PROPERTY	☐ YES ☒ 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 ☒ YES ☐ NO ☐ NOT PRESENT ADMINISTRATIVE DEPUTY CHIEF REPRESENTATIVE ☒ YES ☐ NO ☐ NOT PRESENT INVESTIGATIVE DEPUTY CHIEF REPRESENTATIVE ☒ YES ☐ NO ☐ NOT PRESENT TRAINING ACADEMY REPRESENTATIVE ☒ YES ☐ NO ☐ NOT PRESENT FIELD SERVICES COMMANDER REPRESENTATIVE ☒ YES ☐ NO ☐ NOT PRESENT
DID THE FRB REVIEW THE CASE WITHIN 30 DAYS OF THE COMPLETION OF THE	☒ YES ☐ NO

INVESTIGATION? (P78a)						
DID THE BOARD GENERATE A REFERRAL REQUESTING ADDITIONAL INVESTIGATION TO IMPROVE THE FORCE INVESTIGATION FINDINGS? (P78c)			☐ YES ☒ NO			
DISCUSSION			☒ YES ☐ NO			
DISCUSSION TOPICS			1. NONE.			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ 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
	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO
WAS A POLICY VIOLATION IDENTIFIED BY THE BOARD?			☐ YES ☒ 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? ☐ YES ☒ NO			FOR TACTICAL ACTIVATIONS ONLY: WAS THE TACTICAL ACTIVATION IN ACCORDANCE WITH THE DEPARTMENT'S SPECIALIZED RESPONSE PROTOCOLS?			
MAJORITY VOTE			☒ YES ☐ NO ☐ NOT A TACTICAL ACTIVATION			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ 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			☐ YES ☒ NO ☐ NOT A TACTICAL ACTIVATION			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO			FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, VOTE THAT THE IAFD INVESTIGATION WAS THOROUGH AND COMPLETE? (P78a)			
MAJORITY VOTE			☐ YES ☐ NO ☒ NOT AN IAFD INVESTIGATION			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO			FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THAT THE UOF IS CONSISTENT WITH DEPARTMENT POLICY? (P78d)			
MAJORITY VOTE						

	☐ YES ☐ NO ☒ NOT AN IAFD INVESTIGATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ 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	☐ YES ☐ NO ☒ 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.

CASE # 21-0002324 TYPE: LEVEL 3 (P78)	DATE OF INCIDENT: JANUARY 9, 2021	LOCATION: 401 ROMA AVE NW	TIMES: DISPATCH / ON SITE: 1200 HOURS
CASE PRESENTER	DETECTIVE [redacted]		
DID THE LEAD DETECTIVE PRESENT THE CASE? (P78b)	☐ YES ☒ NO ☐ NOT APPLICABLE		
WHY DID THE LEAD INVESTIGATOR NOT PRESENT THE CASE?	☐ LEAD INVESTIGATOR NO LONGER IN UNIT ☐ LEAD INVESTIGATOR NOT AVAILABLE TO PRESENT ☐ LEAD INVESTIGATOR WAS CASE PRESENTER ☒ FRB DETECTIVE PRESENTER AND LEAD INVESTIGATOR PRESENT AS SME ☐ FRB DETECTIVE PRESENTER AND INVESTIGATIVE CHAIN UNAVAILABLE ☐ NOT AN IAFD PRESENTATION		
INJURIES SUSTAINED	☒ YES ☐ NO		
DAMAGE TO PROPERTY	☐ YES ☒ 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 ☒ YES ☐ NO ☐ NOT PRESENT ADMINISTRATIVE DEPUTY CHIEF REPRESENTATIVE ☒ YES ☐ NO ☐ NOT PRESENT INVESTIGATIVE DEPUTY CHIEF REPRESENTATIVE ☒ YES ☐ NO ☐ NOT PRESENT TRAINING ACADEMY REPRESENTATIVE ☒ YES ☐ NO ☐ NOT PRESENT		

	FIELD SERVICES COMMANDER REPRESENTATIVE ☒ YES ☐ NO ☐ NOT PRESENT
DID THE FRB REVIEW THE CASE WITHIN 30 DAYS OF THE COMPLETION OF THE INVESTIGATION? (P78a)	☐ YES ☒ NO
DID THE BOARD GENERATE A REFERRAL REQUESTING ADDITIONAL INVESTIGATION TO IMPROVE THE FORCE INVESTIGATION FINDINGS? (P78c)	☐ YES ☒ NO
DISCUSSION	☒ YES ☐ NO
DISCUSSION TOPICS	1. THE STATEMENT THAT A HANDCUFF SUBJECT CANNOT OUTRUN AN OFFICER IS SUBJECTIVE. HOW WAS THIS DETERMINATION MADE? A. THIS WAS SPECIFIC TO THIS CASE THE OFFICER WAS ABLE TO CATCH UP, NOT BLANKET STATEMENT FOR ALL SITUATIONS. 2. OFFICER #3 DID STATE THEY DID NOT BELIEVE THE WARNING WOULD BE HEARD DUE TO THE TRAFFIC AND THE SUBJECT ACTIVELY FLEEING. A. CORRECT; HOWEVER, IT WAS NOT KNOWN AS TO WHETHER IT WOULD HAVE BEEN EFFECTIVE SINCE IT WAS NOT DONE. 3. HOW IS THIS WEIGHED AGAINST THE TIME IT TOOK FOR THE OFFICER TO CATCH UP TO THE INDIVIDUAL, ESPECIALLY WITH OFFICER #3 COMING INTO THE INCIDENT AT THE FOOT CHASE? A. AGREED. WITH THIS TIME ONLY BEING 13 SECONDS. DUE TO THE FACT THERE WAS 13 SECONDS, IAFD DETERMINED THERE WAS TIME AND DETERMINED IT WAS FEASIBLE TO GIVE A WARNING. 4. HAD A WARNING BEEN GIVEN AND WAS IGNORED BY THE INDIVIDUAL CHANGED THE OUTCOME? A. YES, IT WOULD GO TOWARDS THE TOTALITY OF THE CIRCUMSTANCES. 5. DID THE FACT THE INDIVIDUAL WAS ESCAPING FROM JAIL WEIGH INTO THE DETERMINATION? A. YES IT WOULD BE TOWARDS THE SEVERITY OF CRIME AND WHETHER THE INDIVIDUAL KNEW HE WAS BEINGS CONTACTED BY OFFICERS. I. IN THIS CASE, THE INDIVIDUAL KNEW OFFICERS WERE CONTACTING HIM BECAUSE HE WAS ALREADY IN CUSTODY. 6. DID THE OFFICERS KNOW THE INDIVIDUAL HAD BEEN INVOLVED IN THREE OTHER USE OF FORCE INCIDENTS? A. UNKNOWN WHETHER OFFICERS #1 AND #2 KNEW. OFFICER #3 WOULD NOT HAVE HAD THIS INFORMATION PRIOR TO THE USE OF FORCE

BECAUSE HE HAD NO INVOLVEMENT WITH THE INDIVIDUAL PRIOR TO THE FOOT CHASE.

7. OFFICER #3 WAS GIVING CHASE FOR THE ESCAPE ONLY.
    A. CORRECT.
8. HOW DID IAFD HANDLE THE SEARCH AND SEIZURE CONCERNS?
    A. IARS GENERATED.
9. WHAT WERE THOSE CONCERNS?
    A. PAT DOWN WITHOUT HAVING JUST CAUSE OF KNOWING THE INDIVIDUAL WAS ARMED WITH A WEAPON
10. BOARD REQUESTED BETTER CLARIFICATION BECAUSE ACCORDING TO THE DOCUMENTS, THE OFFICER COULD SEE THE MANAGER RUNNING AFTER THE INDIVIDUAL AND THE MANAGER STATED THE INDIVIDUAL HAD SHOPLIFTED PRIOR TO OFFICERS CONTACTING HIM
    A. THESE WERE GENERATED BY THE DETECTIVE FROM IAFD UNKNOWN THE OUTCOME OF THE INVESTIGATION.
    B. IT WAS UNDER THE PREMISE OF THE PAT DOWN ONLY AND NOT A SEARCH INCIDENT TO ARREST.
11. DID THE IAR GO TO IAPS TO INVESTIGATE?
12. DID IAFD FEEL IT WAS POOR ARTICULATION SURROUNDING THE PAT DOWN OR THE OFFICER DID NOT HAVE THE LAWFUL OBJECTIVE?
    A. IT WAS ONLY IDENTIFIED AS A POTENTIAL POLICY VIOLATION UNKNOWN WHAT THE INVESTIGATION REVEALED.
    B. WHEN THE OFFICERS CONTACTED THE INDIVIDUAL, THEY ADVISED HIM HE WAS GOING INTO CUFFS BUT IT DID NOT MEAN HE HAD TO GO TO JAIL.
    C. THEY ALSO REMOVED HIS WALLET DURING THE PAT DOWN.
        I. THAT IS HOW THEY IDENTIFIED HIM AS HAVING WARRANTS.
13. IMPORTANT TO RECOGNIZE THERE IS NO REQUIREMENT TO IN FACT PHYSICALLY ARREST AN INDIVIDUAL IN ORDER TO SEARCH THEM. A CITATION OR SUMMONS ARE BOTH IN LIEU OF AN ARREST AND AN OFFICER HAS THE DISCRETION TO RELEASE AN INDIVIDUAL EVEN IF THEY HAVE PROBABLE CAUSE FOR THE ARREST.
    A. IAFD IS REQUIRED TO GENERATE AN IAR FOR A POTENTIAL POLICY VIOLATION.
    B. THE INVESTIGATION IS FORTHCOMING AFTER THE IAR IS GENERATED.
        I. THE INVESTIGATORS ARE NOT ABLE TO COMPLETE THE INVESTIGATION INTO THE MISCONDUCT FIRST.
14. NEWSLETTER FROM IAFD INFORMS COMMANDS ARE NOT DE-ESCALATION. IS IT THE STANCE OF IAFD BY THE OFFICER NOT GIVING COMMANDS, THEY FAILED TO DEESCALATE?
    A. WARNINGS ARE STILL UNDER DE-ESCALATION, WHICH IS WHAT WAS NOT GIVEN.

15. DID THE OFFICERS INDICATE WHY IT WAS NOT FEASIBLE TO GIVE A WARNING?
    A. DO NOT BELIEVE THEY PROVIDED AN ANSWER TO THIS QUESTION.
16. IAFD CHAIN OF COMMAND DETERMINED "MINIMAL AMOUNT OF FORCE NECESSARY" WAS NOT MET, WHAT WOULD HAVE BEEN MORE MINIMAL?
    A. WHEN IAFD COMMAND INITIALLY REVIEWED ON POLICY STANDARD, THEY DETERMINED IT TO BE IN POLICY BECAUSE THE DEPARTMENT DOES NOT HAVE A POLICY TO ADDRESS FOOT CHASES AND DETENTION ON A HANDCUFFED INDIVIDUAL.
    B. WHEN THEY LOOKED AT THE INVESTIGATION AGAIN, THEY ASSESSED THE FORCE BY ASKING, "IS IT REASONABLE TO BELIEVE THE OFFICER COULD HAVE USED SOMETHING MORE MINIMAL?"
        I. THEY CONCLUDED A REASONABLE OFFICER WOULD KNOW TO SLOW DOWN AND GRAB HIM.
    C. THEY REVIEWED THE INVESTIGATION AGAIN AND DETERMINED THIS QUESTION WAS NOT PROPERLY ANSWERED; THEREFORE, THEY CONCLUDED THE FORCE TO BE OUT OF POLICY.
17. IS THIS BELIEF BASED ON THE OFFICER'S PHYSICAL FITNESS? EVERY OFFICER'S ABILITY IS DIFFERENT. HOW CAN IAFD GENERICALLY WEIGH THIS FOR ALL OFFICERS?
    A. IN ANY CASE, IT IS THE MINIMAL FORCE STANDARD AND NOT DISPARITY OF FORCE.
    B. IT IS THE RESPONSIBILITY OF THE OFFICER TO ANSWER THIS QUESTION.
        I. THE OFFICER WOULD HAVE TO IDENTIFY WHY THE DISPARITY IS THERE.
    C. IAFD HAS TO MAKE THE DETERMINATION BASED ON WHAT THE INVESTIGATION PROVIDES.
18. WERE THEY EVER ASKED TO CLARIFY?
    A. AT THE TIME, THE SKILL LEVEL WAS NOT THERE BY THE INVESTIGATOR SO THEY DID NOT.
    B. IT WAS NEVER FOLLOWED UP ON.
19. SO WE ARE HAMMERING THE OFFICER FOR NOT ANSWERING THIS AND NOT ENSURING THE INVESTIGATOR ASKS THE QUESTION? IT IS NOT FAIR TO SAY THE FORCE IS OUT OF POLICY BECAUSE THE PROPER QUESTIONS WERE NOT ASKED AND/OR ANSWERED.
20. UNDERSTANDING OF THE BOARD THE DEPARTMENT MAKES THE FORCE DETERMINATION BY WHAT THE OFFICER SAYS AND USING OBJECTIVE EVIDENCE TO MAKE THE DETERMINATION.
    A. ABSENT ANY STATEMENT FROM OFFICER, HAVE TO GO BY OBRD FOOTAGE.
        I. OBSERVED IT ONLY TOOK 7 SECONDS FOR THE OFFICER TO CATCH THE INDIVIDUAL SO COMMANDER ASKED, "COULD A REASONABLE OFFICER HAVE USED LESSER FORCE?"

1. HIS ANSWER WAS YES SO HE FOUND IT OUT OF POLICY.

21. OFFICER MADE STATEMENTS ABOUT BEING EXHAUSTED WHEN HE CAUGHT UP TO THE INDIVIDUAL. THE OFFICER ADVISED HE THOUGHT OF GRABBING THE INDIVIDUAL BUT BELIEVED HE WOULD SERIOUSLY INJURY THE INDIVIDUAL IF HE GRABBED THE INDIVIDUAL BY THE HANDCUFFS. THE OFFICER ALSO ADVISED HE COULD NOT MAINTAIN THE SPEED OF THE INDIVIDUAL.
22. ACADEMY REPRESENTATIVE ADVISED THE DEPARTMENT HAS NEVER TRAINED TO CHASE AND DETAIN AN INDIVIDUAL IN HANDCUFFS. THERE ARE NO "BEST PRACTICES" TO DO THIS SO THE BOARD HAS TO DETERMINE WHAT OPTIONS AN OFFICER HAS TO ACCOMPLISH THIS.
23. SOUNDS LIKE THIS IS NOT OUT OF POLICY BUT WE NEED BETTER PRACTICES.
    A. NOT SAYING TECHNIQUE IS OUT OF POLICY, SAYING IF WE DO NOT USE A LOWER LEVEL OF FORCE IAFD HAS TO HAVE THIS ANSWERED.
    B. DISAGREEMENTS ARE GOING TO HAPPEN BETWEEN IAFD AND THE BOARD, WHICH IS NOT A BAD THING.
    C. COMMANDER DID NOT HAVE ANYTHING CONTRARY TO SAY THE FORCE WAS MINIMAL FORCE.
24. WHAT STOPS IAFD FROM GOING BACK AND ASKING THE PROBING QUESTIONS?
    A. IN THIS CASE, DEADLINES. IT WAS PAST DEADLINE TO GO BACK AND ASK. WE CAN'T DO THIS ON ALL BACKLOG CASES.
25. BOARD IS NOT SAYING TO REINVESTIGATE. ASKING FOLLOW UP QUESTIONS? YES.
26. BOARD ASKED ACADEMY REPRESENTATIVE WHAT OTHER OPTIONS THE OFFICER MIGHT HAVE USED.
    A. ABSENT THE INDIVIDUAL STOPPING ON HIS OWN, THE DEPARTMENT DOES NOT HAVE OTHER OPTIONS. ANY SORT OF FOOT CHASE WILL VERY LIKELY END UP ON THE GROUND.
27. IS IAFD TAKING THE POSITION THAT ALL USES OF FORCE ARE OUT OF POLICY UNTIL THE OFFICER PROVES IT WAS IN POLICY?
    A. NO. IN THIS PARTICULAR CASE, THE COMMANDER QUESTIONED WHETHER THE OFFICER COULD HAVE USED LESS FORCE.
    B. WHEN THE ANSWER WAS YES, NOW NEED FURTHER EXPLANATION AS TO WHY THIS MET MINIMAL.
    C. IAFD INVESTIGATORS CANNOT USE THEIR OWN KNOWLEDGE AND EXPERIENCE TO ANSWER, IT HAS TO COME FROM THE INVOLVED OFFICER.
28. DID IAFD NOT HAVE THIS BY KNOWING WE HAVE NOT GIVEN AND/OR EQUIPPED OUR OFFICERS WITH ANY OTHER OPTIONS? MAKES IT A SUBJECTIVE DETERMINATION TO SAY THE OFFICER COULD HAVE USED SOMETHING ELSE BUT NOT HAVING ANY OTHER

OPTIONS THE DEPARTMENT HAS TRAINED OR PROVIDED IN POLICY.

A. YES THIS WAS CONSIDERED BUT IT GOES BEYOND THIS. IAFD HAS TO EXPLAIN WHY THE FORCE MEETS THE MINIMAL.

B. THIS CASE WAS DEFICIENT IN ANSWERING THE QUESTION AS TO WHY JUST GRABBING THE INDIVIDUAL WOULD NOT HAVE WORKED.

29. RECENT TRAINING GIVEN BY THE DEPARTMENT WAS TO TRIP THE INDIVIDUAL?
    A. CORRECT, BUT THIS IS ON A NON-HANDCUFFED INDIVIDUAL.
30. UNDERSTOOD ABOUT DEADLINE. HOW DO WE BALANCE THIS AGAINST APPROPRIATE DUE PROCESS FOR OUR OFFICERS WHEN WE ARE DEALING WITH CASA AND THE NEED TO NEED FOLLOW UP WITH THE OFFICER BUT CANNOT DUE TO TIMELINES.
    A. DURING THIS INVESTIGATION, WE STILL HAD DETECTIVES AND OFFICERS NOT UNDERSTANDING HOW TO PROPERLY ASK AND ANSWER THESE QUESTIONS.
    B. IAFD HAS BEEN DIRECTED TO EVALUATE UNDER CURRENT STANDARDS AND PRESENT THE OLD CASES UNDER THE NEW STANDARDS.
31. WHAT IS CURRENT STANDARD NOW?
    A. IAFD IS NOT REINVESTIGATING OLD CASES.
        I. COMMANDER EXPRESSED THE UNIT WOULD LOVE TO GO BACK AND ASK WHY THIS APPLICATION OF FORCE WAS THE MINIMUM AND GET A GOOD ANSWER; HOWEVER, THEY ARE UNABLE TO DO SO WITH THE CURRENT PROCESS.
    B. CURRENT STANDARD IS TO CONDUCT BETTER INTERVIEWS AND CLARIFY ANY QUESTIONS.
32. WHAT CAUSED THE COMMANDER TO REVISIT THE CASE TO GET A DIFFERENT FINDING?
    A. REQUIRED TO PRESENT CASE UNDER CURRENT STANDARD DIRECTIVE FROM FRB REFERRAL.
33. POLICY STATES WARNING REQUIRED IF FEASIBLE. IF THIS PORTION IS NOT MET, DOES IT PUT THE USE OF FORCE OUT OF POLICY?
    A. NO IT IS A FACTOR TO THE TOTALITY OF CIRCUMSTANCES.
34. FAILURE TO GIVE WARNING AND THE FORCE ITSELF CORRECT?
    A. YES.
35. NOT REOPENING CASES, EVIDENCE IN THIS CASE IS THERE CORRECT? IF IN THE EVIDENCE IT DID NOT COVER MINIMAL SO IT IS TREATED AS IF THIS DOES NOT EXIST?
    A. CORRECT.
36. THE INDIVIDUAL WAS ON HIS STOMACH AND SIDE FOR A WHILE. ANY CONCERNS IDENTIFIED ON THIS?
    A. YES AND AN IAR WAS GENERATED.

			37. BOARD UNDERSTANDS THE STEPS BEING TAKEN BY IAFD TO MOVE FORWARD AND LEARN ARE IN PLACE SO THIS COVERS THE CONCERN ABOUT THE INVESTIGATION NOT BEING THOROUGH AND COMPLETE.			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ 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
	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO
WAS A POLICY VIOLATION IDENTIFIED BY THE BOARD?			☐ YES ☒ 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? ☐ YES ☒ NO			FOR TACTICAL ACTIVATIONS ONLY: WAS THE TACTICAL ACTIVATION IN ACCORDANCE WITH THE DEPARTMENT'S SPECIALIZED RESPONSE PROTOCOLS?			
MAJORITY VOTE			☐ YES ☐ NO ☒ NOT A TACTICAL ACTIVATION			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ 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			☐ YES ☐ NO ☒ NOT A TACTICAL ACTIVATION			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO			FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, VOTE THAT THE IAFD INVESTIGATION WAS THOROUGH AND COMPLETE? (P78a)			
MAJORITY VOTE			☐ YES ☒ NO ☐ NOT AN IAFD INVESTIGATION			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO			FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THAT THE UOF IS CONSISTENT WITH DEPARTMENT POLICY? (P78d)			
MAJORITY VOTE			☒ YES ☐ NO ☐ NOT AN IAFD INVESTIGATION			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ 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						

	☐ YES ☒ NO ☐ 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. IS THE TRAINING THAT DURING A FOOT PURSUIT TO GIVE A WARNING THAT IF THEY DO NOT STOP, FORCE WOULD BE USED AGAINST THEM? A. TRAINING IS TO PROVIDE A WARNING DURING ANY USE OF FORCE IF FEASIBLE. I. DOES NOT BREAK DOWN A FOOT CHASE. B. THERE IS FOOT PURSUIT CLASS BUT NOT ON DETAINING SOMEONE IN A FOOT CHASE. 2. IN POLICY.

Next FRB Meeting: September 9, 2021

Signed: _____
Harold Medina, Chief of Police

Force Review Board

CHIEF'S REPORT
(P78F)

OCTOBER 7, 2021 | TIME: 1004 TO 1035 HOURS | APD HEADQUARTERS - CHIEF'S CONFERENCE ROOM (VIA TELECONFERENCE)

FRB CHAIR (P78)	DCOP JJ Griego (Management Services and Support Bureau)
VOTING MEMBERS (P78)	DCOP JJ Griego (Management Services and Support Bureau) Interim DCOP Joshua Brown (Field Services Bureau) Commander Arturo Sanchez (Field Services – Northwest)
NON-VOTING MEMBERS (P78)	Judge Rod Kennedy (City Legal) – via teleconference Edward Harness (CPOA Director) – via teleconference Lieutenant [redacted] (FRB Admin Personnel/IAFD)
REPRESENTATIVES	Commander Terysa Bowie (SOD) A/ Commander Richard Evans (IAFD) – via teleconference Lieutenant [redacted] (CIU) – via teleconference A/ Lieutenant [redacted] (Training Academy) – via teleconference Patricia Serna (Policy and Procedure) – via teleconference Detective [redacted] (IAFD/Presenter) DCOP Eric Garcia (Police Reform) – via teleconference Interim DCOP Cori Lowe (COD) – via teleconference A/ Commander Jason Sanchez (COD) – via teleconference Deputy Commander Ben Bourgeois (IAFD) – via teleconference
OBSERVERS (P78b)	Sergeant [redacted] (TDY COD) – via teleconference Sergeant [redacted] (IAFD/FRB) Dr. Jessica Henjy (Training Academy) – via teleconference Carlos Pacheco (City Legal) – via teleconference Elizabeth Martinez (USDOJ) – via teleconference Patrick Kent (IMT) – via teleconference Darriell Bone (EFIT) – via teleconference
PREVIOUS MINUTES	September 30, 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.	Commander Renae McDermott	Dr. Hejny provided an update on the progress of the training, requesting a 1-2 month extension due to the explained pending steps.	Update die November 8, 2021

CASE # 21-0009559 TYPE: LEVEL 3 (P78)	DATE OF INCIDENT: FEBRUARY 4, 202	LOCATION: [redacted]	TIMES: DISPATCH / ON SITE: 1806 HOURS

CASE PRESENTER	DETECTIVE [redacted]
DID THE LEAD DETECTIVE PRESENT THE CASE? (P78b)	☐ YES ☒ NO ☐ NOT APPLICABLE
WHY DID THE LEAD INVESTIGATOR NOT PRESENT THE CASE?	☐ LEAD INVESTIGATOR NO LONGER IN UNIT ☐ LEAD INVESTIGATOR NOT AVAILABLE TO PRESENT ☐ LEAD INVESTIGATOR WAS CASE PRESENTER ☒ FRB DETECTIVE PRESENTER AND LEAD INVESTIGATOR PRESENT AS SME ☐ FRB DETECTIVE PRESENTER AND INVESTIGATIVE CHAIN UNAVAILABLE ☐ NOT AN IAFD PRESENTATION
INJURIES SUSTAINED	☒ YES ☐ NO
DAMAGE TO PROPERTY	☐ YES ☒ 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 ☒ YES ☐ NO ☐ NOT PRESENT ADMINISTRATIVE DEPUTY CHIEF REPRESENTATIVE ☐ YES ☐ NO ☒ NOT PRESENT INVESTIGATIVE DEPUTY CHIEF REPRESENTATIVE ☐ YES ☐ NO ☒ NOT PRESENT TRAINING ACADEMY REPRESENTATIVE ☐ YES ☐ NO ☒ NOT PRESENT FIELD SERVICES COMMANDER REPRESENTATIVE ☒ YES ☐ NO ☐ NOT PRESENT
DID THE FRB REVIEW THE CASE WITHIN 30 DAYS OF THE COMPLETION OF THE INVESTIGATION? (P78a)	☐ YES ☒ NO
DID THE BOARD GENERATE A REFERRAL REQUESTING ADDITIONAL INVESTIGATION TO IMPROVE THE FORCE INVESTIGATION FINDINGS? (P78c)	☐ YES ☒ NO
DISCUSSION	☒ YES ☐ NO
DISCUSSION TOPICS	1. POWERPOINT STATES, "VIOLATIONS WERE IDENTIFIED." A. MISTAKE ON POWERPOINT. I. SHOULD STATE, "NO VIOLATIONS WERE IDENTIFIED."

2. WERE ANY OF THE OFFICERS ECIT?
   A. NEITHER WERE.
3. REASON FOR MENTAL HEALTH HOLD WAS FOR THE INDIVIDUAL HITTING HIS HEAD AND TRYING TO JUMP OUT OF WINDOW. HE ALSO MADE STATEMENTS OF SELF-HARM, ADVISING HE TRIED TO COMMIT SUICIDE IN THE PAST; HOWEVER, HE WOULD NOT PROVIDE THE TIMEFRAME OF WHEN HE ATTEMPTED SUICIDE CORRECT?
   A. CORRECT.
4. WHAT WAS THE TRAINING REFERRAL FOR OFFICER [redacted]?
   A. THE IAFD DETECTIVE FELT OFFICER [redacted] CIT SKILLS WERE LACKING. SHE WAS ONLY GIVING WARNINGS AND WAS NOT PROVIDING EMPATHETIC STATEMENTS.
5. IT WAS DETERMINED NOT TO BE A POLICY VIOLATION?
   A. CORRECT BECAUSE OFFICER #2 WAS USING DE-ESCALATION TECHNIQUES AND THE OFFICERS WERE WORKING AS A TEAM. OFFICER #1 WAS PROVIDING WARNINGS AND OFFICER #2 WAS DEESCALATING.
6. WERE THE INDIVIDUAL'S RUG BURNS CONSIDERED AN INJURY? IF SO, WHY WAS THE USE OF FORCE NOT DETERMINED TO BE A HIGHER LEVEL OF FORCE? IF NOT, WHY NOT? HOW IS IT DETERMINED WHAT IS AN ACTUAL INJURY?
   A. DEFICIENCY FOR POLICY THERE IS NO DEFINITION OF WHAT AN INJURY IS IT MAKES IT DEBATABLE AS TO WHETHER OR NOT IT IS AN INJURY.
7. IT IS IMPORTANT TO MAKE THIS DETERMINATION SO THERE IS NO INTERPRETATION OF WHAT AN INJURY IS FOR EACH PERSON. SHOULD BE IF AN INJURY CAN BE SEEN, IT IS AN INJURY AND CLASSIFIED APPROPRIATELY. THE INVESTIGATION WILL DETERMINE HOW THE INJURY OCCURRED SO IT IS INVESTIGATED PROPERLY.
8. CALL SAYS THE DAD WAS HOLDING THEM DOWN SO IT IS UNKNOWN WHERE THE INJURY CAME FROM.
   A. CORRECT, IT WAS NEVER CLARIFIED.
9. THE INDIVIDUAL WAS A THREAT TO HIMSELF. WAS THIS TAKEN INTO CONSIDERATION FOR THE OFFICER FOR TAKING THE INDIVIDUAL INTO CUSTODY?
   A. YES, IT WAS IDENTIFIED FOR BOTH THREAT TO HIMSELF AND THE OFFICERS, SO VALID REASON TO DETAIN.

DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE?
☐ YES ☒ NO

DID THE FRB, BY A MAJORITY VOTE, IDENTIFY CONCERNS, DEFICIENCIES, OR SUCCESSES NOT IDENTIFIED BY THE CASE PRESENTER FOR:

(P73e)	POLICY	TACTICS	EQUIPMENT	TRAINING	SUPERVISION	SUCCESSES
	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO

WAS A POLICY VIOLATION IDENTIFIED BY THE BOARD?	☐ YES ☒ 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? ☐ YES ☒ NO	FOR TACTICAL ACTIVATIONS ONLY: WAS THE TACTICAL ACTIVATION IN ACCORDANCE WITH THE DEPARTMENT'S SPECIALIZED RESPONSE PROTOCOLS?
MAJORITY VOTE	☐ YES ☐ NO ☒ NOT A TACTICAL ACTIVATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ 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	☐ YES ☐ NO ☒ NOT A TACTICAL ACTIVATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO	FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, VOTE THAT THE IAFD INVESTIGATION WAS THOROUGH AND COMPLETE? (P78a)
MAJORITY VOTE	☒ YES ☐ NO ☐ NOT AN IAFD INVESTIGATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO	FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THAT THE UOF IS CONSISTENT WITH DEPARTMENT POLICY? (P78d)
MAJORITY VOTE	☒ YES ☐ NO ☐ NOT AN IAFD INVESTIGATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ 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	☒ YES ☐ NO ☐ 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. IN POLICY.

Signed: _____
Harold Medina, Chief of Police

Next FRB Meeting: October 14, 2021

Force Review Board- Chief's Report

CHIEF'S REPORT

MAY 21, 2020 | **TIME: 1006 TO 1125 HOURS** | **APD HEADQUARTERS - CHIEF'S CONFERENCE ROOM**

FRB CHAIR	Chief of Staff John Ross - via teleconference
VOTING MEMBERS	DCOP [redacted] - via teleconference DCOP [redacted] - via teleconference DCOP [redacted] Commander [redacted] - via teleconference Commander [redacted] - via teleconference
NON-VOTING MEMBERS	Robyn Rose (City Legal) - via teleconference Edward Harness (CPOA) - via teleconference Lieutenant [redacted] (FRB Admin Personnel/AOD) Julie Jaramillo (FRB Admin Personnel/AOD)
REPRESENTATIVES	Commande [redacted] (IAFD) - 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 Lieutenant [redacted] (AOD) - via teleconference Sergeant [redacted] (IAFD) - via teleconference Corey Sanders (USDOJ) - via teleconference Elizabeth Martinez (USDOJ) - via teleconference Stephen Ryals (USDOJ) - via teleconference
PREVIOUS MINUTES	May 14, 2020 - approved
UNFINISHED BUSINESS	• None

CASE #: 18-0105978 **TYPE: SERIOUS/OIS**	**DATE OF INCIDENT: NOVEMBER 11, 2018** **LOCATION: [redacted]** **TIME:1430 HOURS**
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**
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? **☐ YES ☒ 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
☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒NO	☒ YES ☐ NO	☐ YES ☒ NO	☐ YES ☒ NO

DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO	FOR TACTICAL ACTIVATIONS ONLY: WAS THE TACTICAL ACTIVATION IN ACCORDANCE WITH THE DEPARTMENT'S SPECIALIZED RESPONSE PROTOCOLS?
MAJORITY VOTE	☐ YES ☐ NO ☒ NOT A TACTICAL ACTIVATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ 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	☐ YES ☐ NO ☒ NOT A TACTICAL ACTIVATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO	FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, VOTE THAT THE IAFD INVESTIGATION WAS THOROUGH AND COMPLETE?
MAJORITY VOTE	☒ YES ☐ NO ☐ NOT AN IAFD INVESTIGATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO	FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THAT THE UOF IS CONSISTENT WITH DEPARTMENT POLICY?
MAJORITY VOTE	☒ YES ☐ NO ☐ NOT AN IAFD INVESTIGATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ 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	☒ YES ☐ NO ☐ NOT AN IAFD INVESTIGATION
DISCUSSION	☒ YES ☐ NO

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

DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE FOR THE REFERRAL? ☐ YES ☒ NO	REFERRAL INFORMATION

TYPE OF REFERRAL(S):	☐ POLICY DEFICIENCY ☐ POLICY VIOLATION (IAR) ☒ TRAINING ☐ SUPERVISION ☐ EQUIPMENT ☐ TACTICS ☐ SUCCESS (IAR)
REFERRAL(S)	*THE FRB HAS IDENTIFIED A CONCERN RELATED TO TRAINING, SPECIFIC TO BEST PRACTICES ON LONG DISTANCE OPEN AREA ENCOUNTERS ON ARMED SUBJECTS. THE TRAINING ACADEMY WILL RESEARCH BEST PRACTICES ON LONG DISTANCE OPEN AREA ENCOUNTERS ON ARMED SUBJECTS. THE BUREAU OR DIVISION EMPLOYEE RESPONSIBLE FOR COMPLETING THE REFERRAL IS COMMANDER [redacted] THE DUE DATE IS JULY 23RD, 2020.*
EMPLOYEE RESPONSIBLE FOR RESPONDING TO REFERRAL(S)	*COMMANDER* [redacted]
DEADLINE	July 23, 2020

CASE #: 20-0004795 TYPE: LEVEL 3		DATE OF INCIDENT: JANUARY 15, 2020	LOCATION: [redacted] (CAD) / 1515 57TH ST NW (UOF)	TIME: 1443 HOURS	
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? ☐ YES ☒ 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**
☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO

DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO	**FOR TACTICAL ACTIVATIONS ONLY: WAS THE TACTICAL ACTIVATION IN ACCORDANCE WITH THE DEPARTMENT'S SPECIALIZED RESPONSE PROTOCOLS?**
MAJORITY VOTE	☐ YES ☐ NO ☒ NOT A TACTICAL ACTIVATION

DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO	FOR TACTICAL ACTIVATIONS ONLY: ARE THERE ANY OTHER CONCERNS, DEFICIENCIES, OR SUCCESSES RELATED TO THE UNITS WHO REQUESTED TACTICAL SUPPORT NOT IDENTIFIED BY THE CASE PRESENTER?
MAJORITY VOTE	☐ YES ☐ NO ☒ NOT A TACTICAL ACTIVATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO	FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, VOTE THE IAFD INVESTIGATION WAS THOROUGH AND COMPLETE?
MAJORITY VOTE	☒ YES ☐ NO ☐ NOT AN IAFD INVESTIGATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO	FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THE UOF IS CONSISTENT WITH DEPARTMENT POLICY?
MAJORITY VOTE	☒ YES ☐ NO ☐ NOT AN IAFD INVESTIGATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO	FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THE IAFD INVESTIGATOR'S FINDINGS ARE SUPPORTED BY THE PREPONDERANCE OF EVIDENCE?
MAJORITY VOTE	☒ YES ☐ NO ☐ NOT AN IAFD INVESTIGATION
DISCUSSION	☒ YES ☐ NO

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

Next FRB meeting: May 28, 2020

Approved: [redacted]
Michael J. Geier, Chief of Police