

Civilian Police Oversight Agency Board

Patricia J. French, Chair *Jesse Crawford, Vice-Chair* *Greg Jackson*
Eric Nixon *Rashad Raynor* *Michael Wartell*
Deirdre Ewing, Executive Director

Thursday, October 13, 2022 - 5:00 p.m.

Members Present:

Patricia J. French, Chair
Jesse Crawford, Vice Chair
Greg Jackson
Rashad Raynor
Eric Nixon
Michael Wartell

Members Absent:

Others Present:

Deirdre Ewing, CPOA
Diane McDermott, CPOA
Valerie Barela, CPOA
Tina Gooch, CPOA/CPOAB Legal Counsel
Cmdr. Mark Torres, APD
Cmdr. Renae McDermott, APD
Lt. Jason Sanchez, APD
Sgt. Benito Martinez, APD
Trevor Rigler, Asst. City Atty
Chris Sylvan, City Council
Kelly Mensah, CPC
Marteessa Billy, CPC

Attendance: In response to the Public Health Emergency, the Civilian Police Oversight Agency (CPOA) Board meeting on Thursday, October 13, 2022, at 5:00 p.m. 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-10-13-2022>. (Please note that the link for YouTube has not yet been generated, however, the link could easily be found on the link provided above prior to the start of the meeting). The GOVTV live stream can be accessed at these addresses from most smartphones, tablets, or computers.

The video recording of this and all past meetings of the CPOA Board will also remain available for viewing at any time on the CPOA's website. CPOA Staff is available to help members of the public access pre-recorded CPOA meetings online 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, October 10, 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, October 13, 2022. Submit your public comments to: POB@cabq.gov. These comments will be distributed to all CPOA Board members for review.

Minutes

- I. Welcome and call to order** - Chair French called to order the regular meeting of the Civilian Police Oversight Agency Board at 5:11 p.m.
- II. Roll Call**
- a. A roll call vote of Board members present was taken. Chair French, Vice Chair Crawford, and Members Jackson, Nixon, and Wartell were present.
- III. Approval of the Agenda**
- a. **Motion.** A motion by Chair French to amend and remove agenda item VIII.i. *Corrections(s) to CPOA Policies and Procedures*. A roll call vote was taken. Motion passed.
- For: 6 – Crawford, French, Jackson, Nixon, Raynor, Wartell**
- b. **Motion.** A second motion by Member Nixon to approve the agenda as amended. A Roll call vote was taken. Motion passed.
- For: 6 – Crawford, French, Jackson, Nixon, Raynor, Wartell**
- IV. Approval of Consent Agenda.** The CPOA Executive Director’s findings in each case listed on the consent agenda have been provided to the CPOA Board for their information. The findings become part of the officer’s file, if applicable. Copies of the full findings letters to the citizens are located at <http://www.cabq.gov/cpoa/findings-letters/civilian-complaints-pob-findings>
- a. **Administratively Closed**
- 101-22 131-22
- b. **Exonerated**
- 094-22
- c. **Unfounded**
- 077-22 085-22 099-22
- d. **Exonerated and Unfounded**
- 065-22 068-22 070-22
- 090-22 107-22 120-22

1. **Motion.** A motion by Member Nixon to approve the consent agenda.

A roll call vote was taken. Motion passed.

For: 6 – Crawford, French, Jackson, Nixon, Raynor, Wartell

V. **Cases pulled from Consent Agenda.** The CPOA Executive Director’s findings in each case listed on the consent agenda have been provided to the CPOA Board for their information. The findings become part of the officer’s file, if applicable. Copies of the full findings letters to the citizens are located at

<http://www.cabq.gov/cpoa/findings-letters/civilian-complaints-pob-findings>

a. **Administratively Closed**

060-22 164-22

b. **Exonerated and Unfounded**

031-22 057-22

c. **Exonerated**

064-22

d. **Unfounded**

038-22 042-22 049-22

050-22 067-22 093-22

1. **Motion.** A motion by Member Nixon to approve the cases pulled from the consent agenda. A roll call vote was taken. Motion passed.

For: 6 – Crawford, French, Jackson, Nixon, Raynor, Wartell

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

a. Draft minutes from the Civilian Police Oversight Board regular meeting on September 9, 2022, were distributed to each Board Member electronically via a web link.

b. **Motion.** A motion by Member Nixon to approve the minutes from the September 9, 2022, regular meeting. A roll call vote was taken. Motion passed.

For: 6 – Crawford, French, Jackson, Nixon, Raynor, Wartell

VII. Public Comments

- a. Anonymous (*see attached*)
- b. Chair French noted that there were no public comments received via the POB email.

VIII. Discussion, Updates, and Possible Action:

a. Consideration of PPRB Policies with No Recommendation: -

Jesse Crawford

1. Vice Chair Crawford screen-shared and reviewed the language changes in APD SOP's for CPOAB's 30-day review period.
2. **Motion.** A motion by Chair Crawford to delegate Chair French to communicate to APD that the CPOA Board has no recommendations for SOP 1-1 Personnel Code of Conduct, 1-10 Peer Support Program, 1-50 Gun Violence Reduction Unit, 1-59 Impact Teams, 1-72 Organized Crime Unit (OCU), 2-12 Pursuit Intervention Technique (PIT), 2-31 Emergency Medical and Trauma Services, 2-74 Submission of Felony Cases to the District Attorney and 2-103 Trespass Notification. A roll call vote was taken. Motion passed. (*see attached*)

For: 6 – Crawford, French, Jackson, Nixon, Raynor, Wartell

b. SUOF/OIS Streamline Data Process – *Eric Nixon*

1. Member Nixon provided an update on the SUOF/OIS Data Process and noted that more cases are being populated in the folders/link provided by APD and that APD is working on the backlog of cases.
2. Chair French intends to invite EFIT to provide training for the Board.

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

1. CPOA/CPOAB Legal Counsel Tina Gooch provided an update and reported that there has been no progress and that the MOU is no

longer a CPOA Board issue and recommends that the CPOAB remove themselves from the proposed MOU.

d. Annual Training Status Update – Tina Gooch, CPOA/CPOAB Legal Counsel, and Mike Wartell

1. CPOA/CPOAB Legal Counsel Tina Gooch reported that all of the training and testing has been approved by the IMT and she is currently working with City IT for CPOAB access to the testing materials. She is also working with Executive Director Ewing on live training. APD will be reaching out to the Board members for IAFD training.
2. There are a few City and APD-based training that are still not available to the Board.

e. Draft 2022 January – June Semi-Annual Report - Deirdre Ewing, Executive Director

1. Executive Director Ewing advised that a link to review the draft Semi-Annual Report was provided to the CPOAB.

f. 2023 CPOA Board Meeting Schedule - Deirdre Ewing, Executive Director

1. **Motion.** A motion by Member Wartell to adopt the 2023 CPOA Board Meeting Schedule. A roll call vote was taken. Motion passed.

For: 5 - Crawford, Jackson, Nixon, Raynor, Wartell

***Chair French was not present for the vote**

2. **Motion.** A motion by Chair Crawford to defer agenda items VIII. g-j until Chair French returns. A roll call vote was taken. Motion passed.

For: 5 – Crawford, Jackson, Nixon, Raynor, Wartell

***Chair French was not present for the vote**

g. CPOA Semi-Annual Audit - Patricia J. French

1. Chair French recommends that the CPOA Semi-Annual Audit be contracted out and conducted by a professional firm and noted that

she has had discussions related to the audit with Executive Director Ewing.

h. CPOA Board Job Description - Patricia J. French

1. Chair French recommends that Member Nixon and Rashad review other Police Oversight Board's Job Descriptions. Member Nixon and Rashad will reach out to other Boards for more information on Board Job Descriptions.

i. Recommended Changes to CASA - Patricia J. French

1. The CPOA Board had discussions related to the required continuing education per the CASA. Chair French recommends that CPOA/CPOAB Tina Gooch and a Board member are present during any City discussions if any recommendations or changes to the CASA would affect the Board. Member Wartell will represent the Board during any meetings related to changes to the CASA that may affect the Board.
2. **Motion.** A motion by Chair French to delegate CPOA/CPOAB Tina Gooch to draft a letter to City Legal that the CASA states the 24-hour and Annual Training is all that is required of the CPOA Board. A roll call vote was taken. Motion passed.

For: 6 – Crawford, French, Jackson, Nixon, Raynor, Wartell

j. Update Requests-Chair/Board Members - Patricia J. French

1. None.

- IX. Review of Cases (approval of recommended discipline)** The CPOA Board has approved or modified any disciplinary recommendations. The findings become part of the officer's file, if applicable. Copies of the full findings letters to the citizens are located at <http://www.cabq.gov/cpoa/findings-letters/civilian-complaints-pob-findings>

a. Sustained

117-22

- 1. Motion.** A motion by Vice Chair Crawford to adopt the CPOA's recommended discipline for sustained CPC 117-22 case. A roll call vote was taken. Motion passed.

For: 5 – Crawford, Jackson, Nixon, Raynor, Wartell

***Chair French was not present for the vote**

b. Unfounded, Not Sustained, Exonerated and Sustained NBOC

116-22

- 1. Motion.** A motion by Vice Chair to accept the CPOA's recommended discipline for Unfounded, Not Sustained, Exonerated and Sustained NBOC CPC 116-22 case. A roll call vote was taken. Motion passed.

For: 6 – Crawford, French, Jackson, Nixon, Raynor, Wartell

c. Sustained, Exonerated and Unfounded

100-22

- 1. Motion.** A motion by Vice Chair Crawford to accept the CPOA's recommended discipline for Sustained, Exonerated and Unfounded CPC 100-22 case. A roll call vote was taken. Motion passed.

For: 6 – Crawford, French, Jackson, Nixon, Raynor, Wartell

X. Non-Concurrence Cases

058-22 071-22 087-22

- 1.** The CPOA Board had discussions related to the methodology and/or structure used by APD in determining a non-concurrence and the Board would like to review the data. Chair French will discuss data tracking options with Executive Director Ewing.
- 2.** Chair French asked that if any Board Member would like a hard copy of APD SOP's to email Executive Director Ewing.

XI. Reports from Subcommittees

- a. None.

XII. Reports from City Departments

a. APD

1. APD Training Academy Semi-Annual Report – Commander Renae McDermott

- a. Commander Renae McDermott gave a verbal report on the following:
 - i. *Compliance with CASA training*
 - ii. *Current ongoing training*
 - iii. *Basic training*
 - iv. *126th cadet class size*
 - v. *Lateral class size*
 - vi. *127th cadet class is scheduled to start in December 2022*
 - vii. *Retention benefits for current officers*
 - viii. *Accelerated officer hiring program*
 - ix. *CPOA training courses*

2. ShotSpotter Program Briefing (SOP 2-98) – Deputy Commander Mark Torres

- a. Deputy Commander Mark Torres screen-shared and presented a PowerPoint presentation titled *ShotSpotter Policy CPOA 2022. (see attached)*

3. APD Quarterly Crash Report (SOP 2-50)– Sergeant Benito Martinez

- a. Sergeant Benito Martinez screen-shared, presented and submitted a PowerPoint Presentation titled *APD Crash Review Board Update Q1, FY 2022. (see attached)*

4. IA Professional Standards Division (SOP 7-1, SOP 3-41, SOP 3-46) – Acting Commander Mark Landavazo

- a. There was no one present from IA Professional Standards Division. A document titled *Civilian Police Oversight Board, Internal Affairs Professional Standards Division Statistical Data for the Month of September 2022* was distributed to CPOA Board members (*see attached*)
- b. The IAPS Division Statistical Data Report for September 2022 was not accepted as an official report by the CPOAB due to the report not being presented by IAPS personnel.

5. IA Force Division (SOP 2-52 through SOP 2-57) – Commander Scott Norris

- a. There was no one present from IA Force Division. A document titled *Civilian Police Oversight Board, Internal Affairs Force Division Statistical Data for the Month of September 2022* was distributed to CPOA Board members (*see attached*)
- b. The IAFD Statistical Data Report for the Month of September 2022 was not accepted as an official report by the CPOAB due to the report not being presented by IAFD personnel.

b. City Council – Chris Sylvan

- 1. City Council Representative** - Chris Sylvan reported that a perspective CPOA Board member will be on the City Council's October 17, 2022 agenda for confirmation.

c. Public Safety Committee - Chris Sylvan

- 1. Public Safety Committee Representative** – Chris Sylvan reported that the last Public Safety Committee was canceled and nothing concerning the Board was on the agenda.

d. Mayor's Office – Pastor David Walker

1. There was no one present from the Mayor's Office.

e. City Attorney – Carlos Pacheco

1. **Assistant City Attorney** - Trevor Rigler was present on behalf of City Attorney Carlos Pacheco and had no report.

f. CPC – Kelly Mensah

1. **Community Policing Council Liaison** - Kelly Mensah gave a verbal report.

g. APOA – Detective Shaun Willoughby, APOA President

1. There was no one present from the APOA.

h. CPOA – Deirdre Ewing, Executive Director

1. Executive Director Deirdre Ewing provided a verbal report and submitted a written report. *(see attached)*
2. Executive Director Ewing also noted that she will be touring a building for additional CPOA office space and will provide an update at the next Board meeting.
3. Chair French inquired into the methodology used to determine the average amount of cases assigned to CPOA investigative staff at any given time. Executive Director Ewing will get more information and report back to Chair French.
4. **CPC 157-20**
 - a. Executive Director Ewing reported that CPC 157-20 was duplicative with CPC 159-20 and is an IAFD investigation.
5. **CPC 159-20**
 - a. Executive Director Ewing reported that CPC 159-20 was duplicative with CPC 157-20 and is an IAFD investigation.
6. **CPC 158-20**

- a. Executive Director Ewing reported that the CPOA is working on finalizing the report.

XIII. Old Business

- a. None.

XIV. New Business

- a. None.

XV. Adjournment.

- a. The meeting was adjourned at 8:08 p.m.

A special meeting is scheduled for October 20, 2022, and the next regularly scheduled CPOA Board meeting will be on November 10, 2022, at 5:00 p.m.

Attachments

DRAFT

PUBLIC COMMENT **AL** **PUBLIC COMMENT** **OCTOBER 2022**

ALTHOUGH POLITICALLY FASHIONABLE,
"CIVILIAN" **POLICE REVIEW BOARDS**
ARE NOT ABOUT GIVING THE LOCALS
MEANINGFUL OVERSIGHT OR POWER
TO INFLUENCE ANYTHING. IT'S
ABOUT CONSOLIDATING **FEDERAL**
GOVERNMENT POWER OVER ALL
LOCAL POLICE AUTHORITY. THE

PASSAGE OF THE FEDERAL GOVERN-
MENT'S EXISTENCE A MERE **THREE**
YEARS AFTER THE CONCLUSION OF THE
REVOLUTIONARY WAR PUT A **STOP**
TO THE DEVELOPMENT OF LOCAL
POLICE POWER. OH, YES. THERE

WERE GANGS OF THUGS IN SOME
PLACES IN CONTROL OF SHERIFFS'
DEPARTMENTS. BUT HAD THE **REPUBLIC**
NOT BEEN **UNDONE** **LAWFUL SHERIFF**
AUTHORITY WOULD HAVE BEEN
FULLY IN THE LOCALS' CONTROL,
AS THE LOCALS WOULD'VE BEEN

THE SHERIFFS. THE FIRST JUDICIAL ACT
PASSED BY THE FIRST FDRL CONGRESS
AND SIGNED BY THE FIRST FEDERAL PREZ
UPENDED THE **PROGRESSION** TO A
TRULY **LOCALLY CONTROLLED POLICE**

POWER. THE **REPUBLIC** ["RES": PUBLIC: THE
PUBLIC'S GOVT] NEVER DEVELOPED. IT
WAS COÖPTED BY THE **GOLDEN RULE**.
THOSE WHO OWN THE GOLD RULE.
THEY'LL NOT GIVE UP THEIR POWER W/O A FIGHT.

PPRB Policies for Review – August 2022

P&P Meetings

- 2022-09-21
 - 1-19 Shield Unit
 - 1-36 Officer Wellness Program
 - 2-36 Police-News Media Relations
 - 2-67 Lineups and Field Identifications
 - 2-68 Interviews and Interrogations
 - 2-113 Custom Notification Gun Buy-Back Program
- 2022-10-05
 - 1-54 Honor Guard Team
 - 1-58 Gun Crime Intelligence Center
 - 1-67 Multi-Agency Task Force
 - 2-63 Crime Stoppers Investigations
 - 2-107 Use of Crime Scene Specialists Unit
 - 1-17 Aviation Division
 - 2-85 Certificates for Evaluation
- 2022-10-19
 - 1-2 Social Media
 - 1-13 Rapid Accountability Diversion Program
 - 1-97 Data Analysis Division
 - 2-50 Crash Review Board
 - 2-70 Execution of Search Warrants
 - 3-41 Complaints Involving Department Personnel
 - 3-46 Discipline System

PPRB Meetings

- 2022-09-14
 - 1-50 Gun Violence Reduction Unit
 - 2-21 Apparent Natural Death or Suicide by an Adult
 - 2-60 Preliminary and Follow-Up Criminal Investigations
 - 2-65 Language Access Procedure
 - 2-83 Hospital Procedure and Rules
 - 2-112 Violence Intervention Program Call-In
 - 3-6 Language Access Policy
 - 4-22 Shoplifting
- 2022-09-28
 - 1-1 Personnel Code of Conduct
 - 1-10 Peer Support Program
 - 1-50 Gun Violence Reduction Unit
 - 1-59 Impact Teams
 - 1-72 Organized Crime Unit
 - 2-12 Pursuit Intervention Technique
 - 2-31 Emergency Medical and Trauma Services
 - 2-74 Submission of Felony Cases to the District Attorney
 - 2-103 Trespass Notification
- 2022-10-12

- 1-30 Community Ambassador Program
- 1-53 Homicide Unit
- 2-14 Use of Cell-Site Simulator Technology
- 2-25 Bomb Threats and Bomb Emergencies
- 2-65 Language Access Procedure
- 3-6 Language Access Policy

CPOAB Review for Oct. 29

1-1 Personnel Code of Conduct

- Removes requirement to report dismissal of a case due to lack of OBRD
- Requires reporting of violations via IA system

1-10 Peer Support Program

- Language changes
- Some changes to Peer Support Program Board

1-50 Gun Violence Reduction Unit

- More specifically defines unit responsibilities
- Narrows responsibility for accidental shootings

1-59 Impact Teams

- Changes to reflect GVRU responsibilities
- Language changes
- Narrows responsibility for burglaries

1-72 Organized Crime Unit

- Clarification that disputed stolen property should be tagged into evidence

2-12 Pursuit Intervention Technique

- Restricts maneuver to trained sworn personnel
- Restricts use of ramming maneuvers

2-31 Emergency Medical and Trauma Services

- Language changes
- Requirement to report to emergency communications center when medical assistance is required

2-74 Submission of Felony Cases to the District Attorney

- Language changes
- Simplification to reporting requirements

2-103 Trespass Notifications

- Language changes

GUNSHOT DETECTION SYSTEM AT APD

SEPTEMBER 13TH, 2022



BEST PRACTICES: DISPATCH

- Prioritize ShotSpotter alerts
- Assign a CAD call type
- Dispatch to the Dot
- Self-dispatch

BEST PRACTICES: RESPONSE

- Comprehensive Policy
- Respond Quickly and Safely to the Dot
- Search the Right Crime Scene
- Provide feedback to ShotSpotter
- Next Day Follow-Ups

SHOTSPOTTER DASHBOARD



ShotSpotter Technology Statistical Dashboard

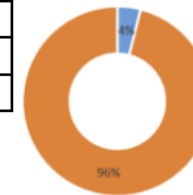


Use Custom Dates (Below) ***7 DAY LOOK**

Custom Start Date **10/03/2022** Custom End Date **10/09/2022**
 Start Time **00:00** End Time **23:59**

PRIMARY ALERT STATS FOR DATE RANGE

Total Alerts	276	Average Publish Time	00m 44s	No PR on Alert	11
Total Rounds	956	Average PR Time	10m 27s	PR on Alert	265
Total Casings	190	Alerts with Success*	52	No PR Percentage	3.99%
Total Suspects	3	Success Rate	18.84%		
Total Victims	2				



PRIMARY ALERT STATISTICS FOR DATE RANGE BY AREA COMMAND

Stats by Area Command	Alerts	CSS Casings Collected	Field Casings**	Suspects Located	Victims Located	SST Only Alerts	Alerts with PR	SST Only %	Alerts W/ Success*	Success %
Southwest	90	29	54	1	0	3	87	3.33%	21	23.33%
Valley	26	4	5	1	1	2	24	7.69%	7	26.92%
Southeast	110	1	32	0	1	5	105	4.55%	11	10.00%
Northeast	21	0	26	0	0	1	20	4.76%	5	23.81%
Foothills	22	14	7	0	0	0	22	0.00%	4	18.18%
Northwest	7	1	17	1	0	0	7	0.00%	4	57.14%

SHOTSPOTTER ACTIVATIONS YEAR TO DATE

Use Custom Dates (Below) ***YTD LOOK**

Custom Start Date
Start Time

01/01/2022

00:00

Custom End Date
End Time

10/09/2022

23:59

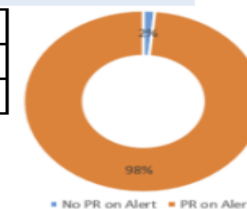
PRIMARY ALERT STATS FOR DATE RANGE

Total Alerts	9,048
Total Rounds	33,614
Total Casings	10,590
Total Suspects	61
Total Victims	181

Average Publish Time	00m 46s
Average PR Time	09m 33s

Alerts with Success*	2,252
Success Rate	24.89%

No PR on Alert	179
PR on Alert	8,869
No PR Percentage	1.98%



PRIMARY ALERT STATISTICS FOR DATE RANGE BY AREA COMMAND

Stats by Area Command	Alerts	CSS Casings Collected	Field Casings**	Suspects Located	Victims Located	SST Only Alerts	Alerts with PR	SST Only %	Alerts W/ Success*	Success %
Southwest	2,895	908	3,466	10	28	73	2,822	2.52%	771	26.63%
Valley	1,184	157	925	9	40	16	1,168	1.35%	298	25.17%
Southeast	3,356	705	2,279	25	72	65	3,291	1.94%	775	23.09%
Northeast	716	233	845	7	11	8	708	1.12%	202	28.21%
Foothills	647	128	783	6	23	11	636	1.70%	164	25.35%
Northwest	250	70	91	4	7	6	244	2.40%	42	16.80%

*Alerts with Success is calculated for Alerts where Firearms, Casings, Projectiles, Victims or Suspects were located
 Northeast, Foothills, & Northwest ShotSpotter went live middle of 2021 – Phase 3 Expansion went live 12/23/2021 – Phase 4 Expansion went live 03/17/2022
 Casings Collected and Alerts with Success are subject to change
 CSS Casings Collected and Field Casings are added to calculate total casings.

**Field casings are based off officer reports at time of report submission. "Several Casings Collected" is counted as 2 casings collected

SUCCESS STORIES

APD | CRIME ANALYSIS UNIT



10/01/2022

Quarter 3 ShotSpotter Successes

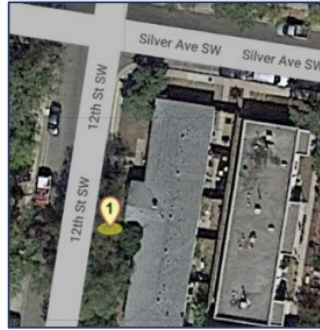
SOUTHWEST

Case 220050767 at 619 Shire St SW - On 07/03/2022, officers were dispatched in reference to a shooting. Officers on scene advised that a physical altercation occurred between two brothers at the listed location and resulted in a shooting. It was also advised that the victim was shot in the leg by his brother, Hansen Monte, who was seen walking in the Mesa after the shooting. Both the victim and offender were transported to UNMH by ambulance. Officers made contact with the victim who stated he and his brother got into a physical altercation because his brother was “trying to get with his girlfriend”. The victims stated after the altercation, Hanson got a firearm and shot him in the leg. After shooting his brother Monte he put the firearm back in the barrel in the victims room. Detectives were not able to locate the firearm in the room at the time of the search. On 07/06/2022 the victim passed away due to is GSW and Monte was arrested for Murder.



VALLEY

Case 220060426 at 408 12th St SW – On 08/06/2022, Marvin shot Daniel in the pelvis after Daniel approached him with a knife, threatening to mess him up. Marvin went outside to his truck when Daniel came outside with a Knife. He walked toward Marvin stating that he would mess him up while wielding a knife, approximately 12 inches long. Marvin feared for his life and shot Daniel in the leg. He aimed for Daniel's leg because he did not want to kill him, but he did not want to get stabbed either. Daniel retreated away from Marvin and onto the curb approximately 30 feet away.



Case 220073444 at 320 Gold Ave SW – On 09/20/2022, Jacob Reyna was arrested on negligent use of a deadly weapon, resisting/evading arrest, Aggravated burglary, and receiving/transferring stolen firearm, following a ShotSpotter activation.

SOUTHEAST

Case 220054233 at 7610 Central Ave SE – On 07/15/2022, after being choked and thrown against the wall Sherry drew her Glock 43X 9mm handgun from her appendix and fired at Jonathan. She stated that she has PTSD from prior domestic violence incidents and was in fear for her life when she fired her firearm. She stated that she fired all of the bullets that were inside of the magazine (approximately 12 9mm rounds). Jonathan told her that she shot him and fled the area. After the altercation, she ran upstairs and placed her firearm on the nightstand of their bedroom, and called 911. At approximately 2208 hours Albuquerque Fire and Rescue called and advised dispatch that a male subject showed up at Station Five with a gunshot wound to his shoulder. Jonathan Charlile was arrested for Domestic Violence charges.



Case 220075032 at 1023 La Luz Dr NW – On 09/25/2022, a witness stated he was at home when he heard numerous gunshots outside. He then exited the residence and he observed a victim inside of a vehicle bleeding heavily. He then contacted emergency services and began rendering aid to the victim. Officers at the scene conducting witness canvassing encountered a male subject, later identified as Marquis Valdez. Marquis was making suspicious statements regarding the incident. A ShotSpotter activation confirmed that at least one firearm was discharged in front of 1013 La Luz Dr NW, just prior to the call for service regarding the shooting. A casing was located on the ground in front of the residence. Detectives obtained and executed a search warrant for Marquis's home. Officers located a firearm and casings during the execution of the warrant. Marquis stated that he wanted to tell officers the truth earlier; however, he was advised by his mother not to talk. He stated there has been an ongoing issue with the victim. He admitted that during the altercation, he shot at Matthew. Additionally, he said that after he shot Matthew, he picked up the casings and hid them along with the firearm. He informed officers on the scene where he hid the firearm and casings. An arrest warrant was drafted for Marquis on the charges of Aggravated Battery, Shooting from a motor vehicle, Use of a firearm, and Tampering with evidence. He was transported and booked into the Metropolitan Detention Center.



NORTHEAST



Case 220054962 at 6000 Topke Pl NE – On 07/18/2022, officers were dispatched in reference to a disturbance. Prior to police arrival several individuals called 911 stating there was a large fight happening in the parking lot between several individuals. As the fight progressed one subject shot another subject. The victim left the scene in a Toyota driven by his wife. The victim and his wife located a PSA at Montgomery and Monroe and stopped for help. Albuquerque Ambulance was on scene at this location and transported Raul Gallelgos to the hospital where he was pronounced deceased. Officers arrived on scene at 6000 Topke PL NE where they located

several individuals in the parking lot. It was determined that the victim arrived at 6000 Topke PL NE when a large fight broke out in the parking lot between the two families when Michael Koester pulled out a gun and shot the victim. Homicide conducted several interviews with witnesses and involved individuals in this case. The shooter Michael Koester requested an attorney before providing an interview. Michael Koester was arrested and booked into MDC for second degree murder.

Case 220067561 at 8123 Waterbury Pl NW – On 08/31/2022, Michael Runio-Maestas negligently fired a firearm from his home. Officers arrived on scene to check the immediate area saw the southeast gate on the side of the house open and could see straight to the backyard of listed address. The ShotSpotter App indicated that the two activations were fired from the backyard or the street (Parkway Dr. NW) behind it. An anonymous neighbor flagged officers down saying that she heard the gun shots as well. This neighbor went back to look at her security video and stated that at the time of the shots, no vehicles were seen driving on the street and no persons walking by. Michael Runio-Maestas was discovered to be the shooter and was arrested.



FOOTHILLS



the firearm that was concealed from his right front pocket (A black Smith and Wesson M&P Shield .380 caliber), as well as two small bottles of 99 Bananas alcohol.

Case 220055878 at 12700 Mountain View Ave NE – On 07/21/2022, officers issued a summons for David Arredondo for negligent use of a deadly weapon when they received a shots fired call located at 12700 Mountain View Ave NE with a ShotSpotter activation.

Case 220074505 at 13001 Singing Arrow Ave SE - On 09/23/2022 Dominic Montoya was arrested for negligent use of a firearm as well as unlawful carrying of a deadly weapon. Officers walked south toward the arroyo and saw Montoya as well as two other unidentified individuals at the top of the arroyo. Officers identified themselves as Albuquerque Police Officers and told them they heard a gunshot coming from the area. Montoya said that he was in the area grieving over his father's death. It appeared that Montoya was intoxicated because his speech was slurred. Montoya stated that he had a firearm in his pocket that was concealed and that he did shoot a round into the air. Officers removed



DISCLAIMERS



- Shooting with Injury is defined as an incident where a person is struck by a projectile from a firearm and survived. This will also include accidental shootings
- Shooting with Damage is defined as an incident where property is struck by a projectile from a firearm, but no persons are struck
- Shooting No Injury is defined as an incident where no persons or property is struck by a projectile, but there is evidence of a firearm having been discharged
- Developed by the Crime Analysis Unit, Real Time Crime Center, Albuquerque Police Department on 10/13/2022
- APD Internal Use Only; not for public release



Albuquerque Police Department Crash Review Board Update

DATA IS FOR DEPARTMENT PERSONNEL INVOLVED IN CRASHES FROM:
JULY 1, 2022 – SEPTEMBER 30, 2022 (Q1; FY 22)

APD Crashes and Claims:

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

Crash Review Board Members

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

Crash Review Board Decision Categories

- ▶ There are three categories a crash will fall under:
 - ▶ Non-Preventable
 - ▶ Preventable
 - ▶ Non-Crash

- ▶ The Crash Review Board will also identify employees who have had 2 or more preventable crashes within a 12 month period.

Non-Preventable Crashes

- ▶ Q1 (July 1, 2021 – September 30, 2022) 28
- ▶ Q2 (October 1, 2021- December 31, 2021) 25
- ▶ Q3 (January 1, 2022 – March 31, 2022) 20
- ▶ Q4 (April 1, 2022 – June 30, 2022) 20

Preventable Crashes

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

Non-Crash

- ▶ Q1 (July 1, 2022 – September 30, 2022) 0
- ▶ Q2 (October 1, 2021- December 31, 2021) 2
- ▶ Q3 (January 1, 2022 – March 31, 2022) 1
- ▶ Q4 (April 1, 2022 – June 30, 2022) 3

Previous Preventable Crash within a 12 month period

- ▶ Q1 (July 1, 2022 – September 30, 2022) 3
- ▶ Q2 (October 1, 2021- December 31, 2021) 2
- ▶ Q3 (January 1, 2022 – March 31, 2022) 1
- ▶ Q4 (April 1, 2022 – June 30, 2022) 5

3rd Party Claim Payout

- ▶ Q1 (July 1, 2022 – September 30, 2022) \$181,707.05 (25 Claims)
- ▶ Q2 (October 1, 2021- December 31, 2021) \$314,286.37 (22 Claims)
- ▶ Q3 (January 1, 2022 – March 31, 2022) \$40,096.93 (17 Claims)
- ▶ Q4 (April 1, 2022 – June 30, 2022) \$21,683.02 (11 Claims)

1st Party Claim Payout

- ▶ Q1 (July 1, 2022 – September 30, 2022) \$127,725.07 (52 Claims)
- ▶ Q2 (October 1, 2021- December 31, 2021) \$342,087.73 (58 Claims)
- ▶ Q3 (January 1, 2022 – March 31, 2022) \$270,134.49 (44 Claims)
- ▶ Q4 (April 1, 2022 – June 30, 2022) \$239,694.06 (43 Claims)

Top 3 preventable crash contributing Factors are the same

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

CIVILIAN POLICE OVERSIGHT BOARD

INTERNAL AFFAIRS PROFESSIONAL STANDARDS DIVISION
STATISTICAL DATA FOR THE MONTH OF **September 2022**

INTERNAL CASES FOR THE MONTH OF SEPTEMBER 2022

Total Internal Cases Completed in the month of **September 2022**- 33

44 completed cases (sent out to the area command)

1. IA Cases opened in the month of **September 2022**: 27
 2. Area Command IA cases opened for the month of **September 2022**: 42
 3. Pending IA Cases for the month of **September 2022**: 87
 4. Internal Cases Mediated: **0**
-

DISCIPLINE IMPOSED FOR INTERNAL CLOSED CASES IN SEPTEMBER 2022

I-554-22

1-1-5-A1 Public Welfare
Admin Closed
None

I-453-22

1-1-4-A3 Authority of Federal, State, and Local Laws and Regulations
Exonerated
None

I-381-22

1-1-5-D1 Reporting for Duty
Sustained
Written Reprimand

I-357-22

1-1-7-D8 Personnel Code of Conduct
Unfounded
None

I-354-22

1-1-7-D8 Personnel Code of Conduct

Unfounded

None

I-351-22

1-1-7-D8 Personnel Code of Conduct

Unfounded

None

I-341-22

1-1-5-D1 Reporting for Duty

Sustained

Written Reprimand

1-1-5-D2 Reporting for Duty

Sustained

Written Reprimand

I-334-22

1-1-6-C3 Obey All Department and Supervisory Orders

Exonerated

None

2-1-5-A8ai Uniform Requirements for Specialized Personnel

Exonerated

None

3-41-4-B3 Complaints

Exonerated

None

I-332-22

1-1-4-A2 Authority of Federal, State, and Local Laws and Regulations

Unfounded

None

I-291-22

2-8-4-F2a Timelines for Uploading OBRD Footage

Sustained

Verbal Reprimand

.

I-289-22

3-30-4-A1 Line Inspection Process

Sustained

Written Reprimand

I-288-22

1-1-6-C2 Obey All Department and Supervisory Orders

Unfounded

None

I-238-22

2-5-4-G1 Department Personnel Shall Not

Sustained

Termination

1-1-6-F1 Substance Use and Abuse

Sustained

Suspension

1-1-5-E2 Department-Issued Property

Sustained

Written Reprimand

I-236-22

2-80-2-K2 Execution of Search Warrants

Admin Closed

None

1-1-5-A1 General Conduct and Responsibilities

Unfounded

None

2-71-4-A1 Authority to Make an Arrest, Search, or Seizure

Sustained

Suspension

2-8-5-A Mandatory Recording

Exonerated

None

2-73-2-A Evidence/Property/Found Item Accountability

Sustained

Suspension

I-233-22

2-8-5-A Mandatory Recording

Sustained

Suspension

I-228-22

1-1-5-C2 General Conduct and Responsibilities

Sustained

Written Reprimand

1-1-6-C3 Obey All Department and Supervisory Orders

Sustained

Suspension

I-210-22

2-45-5-A1 ai Sworn Personnel Assigned as Initiating/Primary Pursuit Unit

Unfounded

None

2-5-4-A3 Department Personnel Shall:

Exonerated

None

1-1-5-E2 Department-Issued Property

Sustained

Verbal Reprimand

I-205-22

2-76-3-C1 Court, Pretrial, MVD Hearing Attendance, and Missed Court

Sustained

Suspension

I-173-22

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

Exonerated

None

I-58-22

1-1-7-D1b Personal Relationships and Relatives

Sustained

Suspension

I-178-22

2-57-3-D3b Supervisor Documentation of Level 1 Use of Force

Sustained

NDCA

3-41-7-A2 Reporting

Sustained

Suspension

2-57-3-D3a Supervisor Documentation of Level 1 Use of Force

Sustained

Suspension

3-41-7-A2 Reporting

Sustained

NDCA

I-170-22

1-1-6-C2 Obey All Department and Supervisory Orders

Sustained

Written Reprimand

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

Unfounded

None

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

Sustained

Termination

1-1-6-C2 Obey All Department and Supervisory Orders

Sustained

Suspension

1-1-6-C3 Obey All Department and Supervisory Orders

Sustained

Suspension

3-41-9-A Cooperation with Investigation

Sustained

Suspension

1-1-6-A6 Honesty, Integrity, and Accountability
Not Sustained
None

2-8-5-B Mandatory Recording
Exonerated
None

I-83-22

1-1-6-A1 Honesty, Integrity, and Accountability
Admin Closed
None

3-14-4-A1fi General Rules
Sustained
Suspension

2-73-2-A Evidence/Property/Found Item Accountability
Sustained
Written Reprimand

1-1-4-A2b Authority of Federal, State, and Local Laws and Regulations
Not Sustained
None

3-41-9-B Cooperation During An Investigation
Exonerated
None

I-76-22

1-1-4-A2b Authority of Federal, State, and Local Laws and Regulations
Sustained
Suspension

1-1-6-A1 Professional Conduct While On- and Off-Duty
Sustained
Suspension

1-1-5-D5 Reporting for Duty
Sustained
Written Reprimand

I-70-22

1-1-6-C2 Obey All Department and Supervisory Orders

Unfounded

None

2-8-5-D Mandatory Recording

Sustained

Suspension

2-82-4-B2 Transporting of Individuals

Sustained

Verbal Reprimand

I-65-22

2-82-4-B5a Transporting of Individuals

Sustained

Written Reprimand

2-8-5-D Mandatory Recording

Sustained

Written Reprimand

2-82-4-B5a Transporting of Individuals

Admin Closed

None

2-8-5-A Mandatory Recording

Sustained

Written Reprimand

2-80-2-O2g Booking

Sustained

Suspension

1-1-5-C2 Misconduct

Exonerated

None

I-655-21

3-14-4-A6 Procedures

Exonerated

None

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

SO.20.103 Sexual Assaults Reported by Prisoners
Sustained
Written Reprimand

2-16-2-E1 Timeliness of Reports
Sustained
Verbal Reprimand

2-80-2-R1a Photographs of Officers and Suspects/Prisoners
Sustained
Suspension

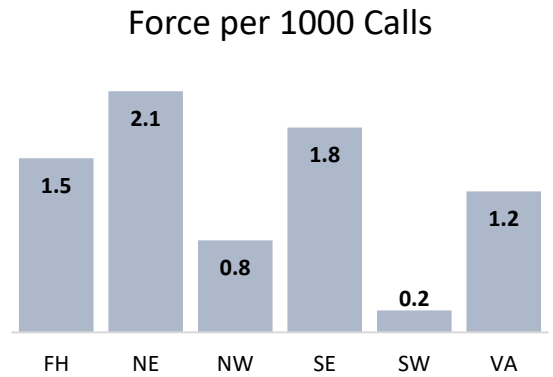
2-5-4-A2 General Procedures for Department-Issued Vehicles
Sustained
Suspension

Civilian Police Oversight Agency Board

INTERNAL AFFAIRS FORCE DIVISION

STATISTICAL DATA FOR THE MONTH OF SEPTEMBER 2022

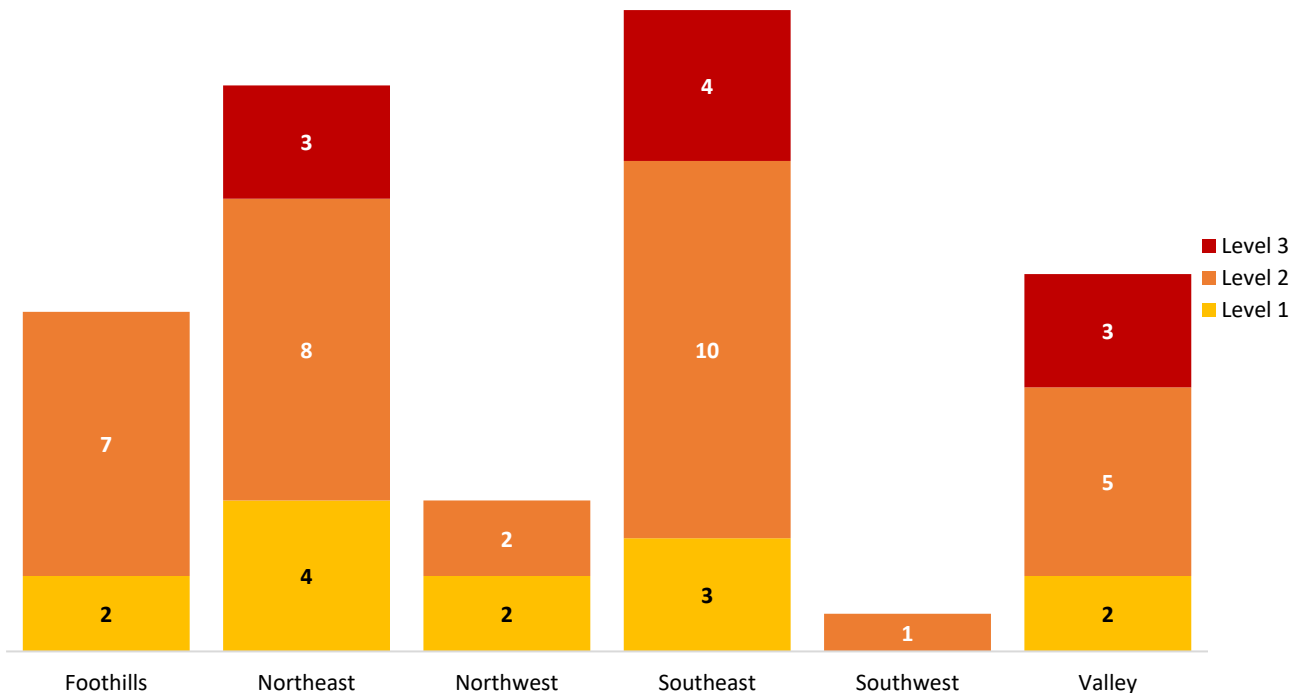
	Level 1	Level 2	Level 3	CADs	Total Force
Foothills	2	7		5863	9
Northeast	4	8	3	7055	15
Northwest	2	2		4930	4
Southeast	3	10	4	9415	17
Southwest		1		5178	1
Valley	2	5	3	8046	10
<i>PTC</i>					
Total	13	33	10	40487	56



Force cases are now categorized by three levels. If a case involves multiple applications of force, it is categorized as the most serious at the case level. These counts are not considered final as investigations are continuously updated.

- Level 1 is force that is likely to cause only transitory pain, disorientation, or discomfort during its application as a means of gaining compliance. This includes techniques which are not reasonably expected to cause injury, do not result in actual injury, and are not likely to result in a complaint of injury (i.e., pain compliance techniques and resisted handcuffing). Pointing a firearm, beanbag shotgun, or 40 millimeter launcher at a subject, or using an ECW to “paint” a subject with the laser sight, as a show of force are reportable as Level 1 force. Level 1 force does not include interaction meant to guide, assist, or control a subject who is offering minimal resistance.
- Level 2 is force that causes injury, could reasonably be expected to cause injury, or results in a complaint of injury. Level 2 force includes use of an ECW, including where an ECW is fired at a subject but misses; use of a beanbag shotgun or 40 millimeter launcher, including where it is fired at a subject but misses; OC Spray application; empty hand techniques (i.e., strikes, kicks, takedowns, distraction techniques, or leg sweeps); and strikes with impact weapons, except strikes to the head, neck, or throat, which would be considered a Level 3 use of force.
- Level 3 is force that results in, or could reasonably result in, serious physical injury, hospitalization, or death. Level 3 force includes all lethal force; critical firearms discharges; all head, neck, and throat strikes with an object; neck holds; canine bites; three or more uses of an ECW on an individual during a single interaction regardless of mode or duration or an ECW application for longer than 15 seconds, whether continuous or consecutive; four or more strikes with a baton; any strike, blow, kick, ECW application, or similar use of force against a handcuffed subject; and uses of force resulting in a loss of consciousness.

September 2022 Force Events

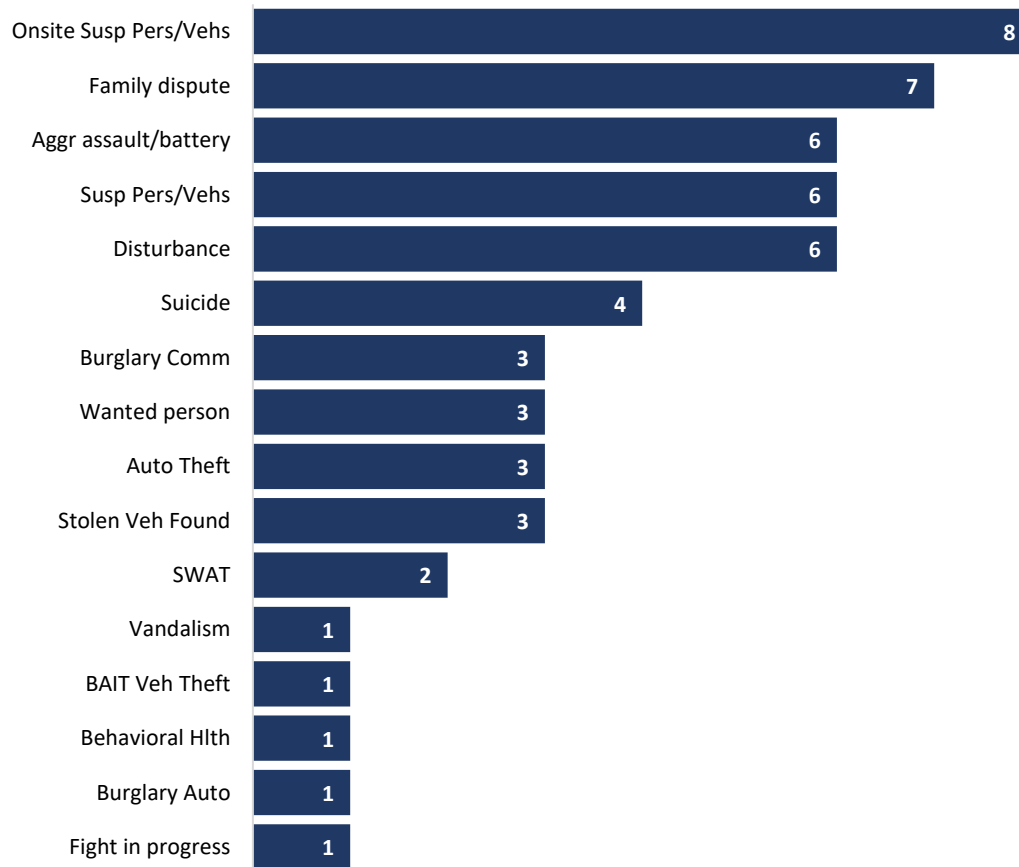


Civilian Police Oversight Agency Board

INTERNAL AFFAIRS FORCE DIVISION

STATISTICAL DATA FOR THE MONTH OF SEPTEMBER 2022

Call Types Associated with September 2022 Force Events

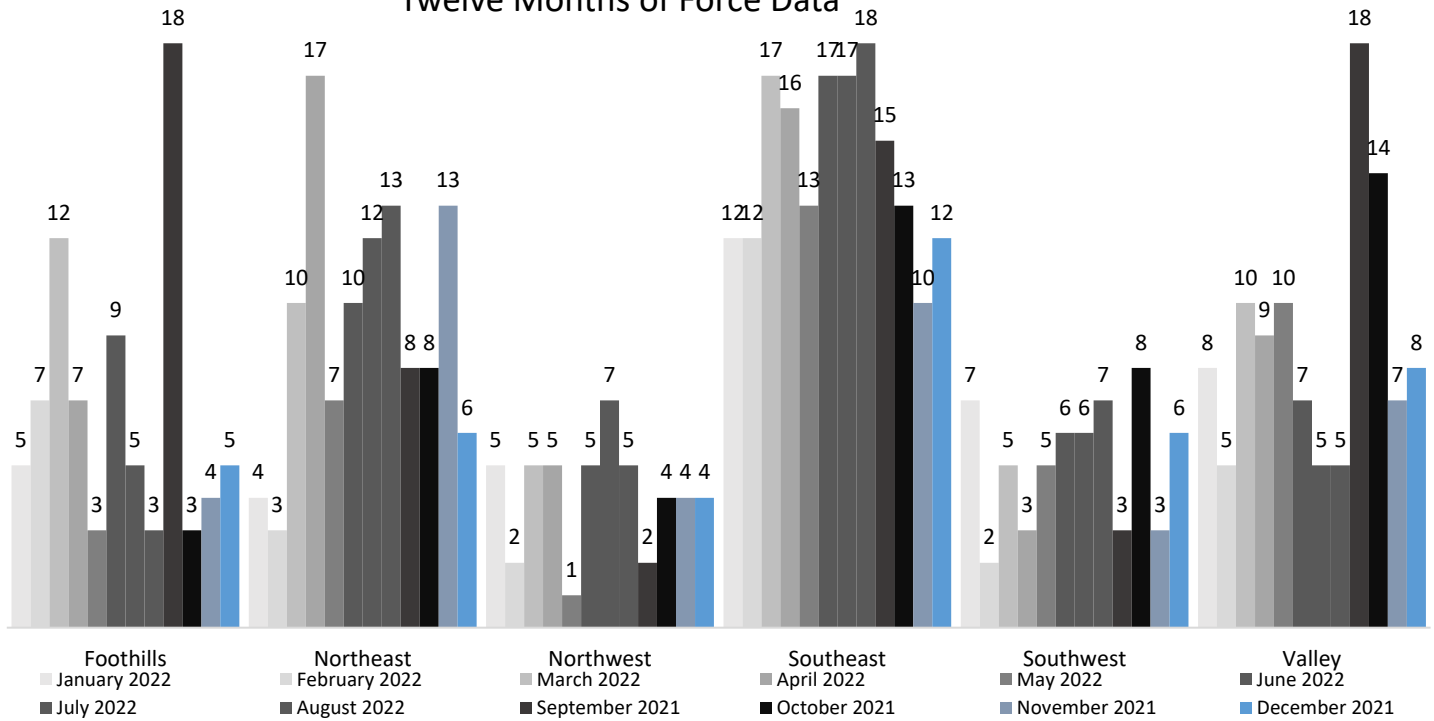


Civilian Police Oversight Agency Board

INTERNAL AFFAIRS FORCE DIVISION

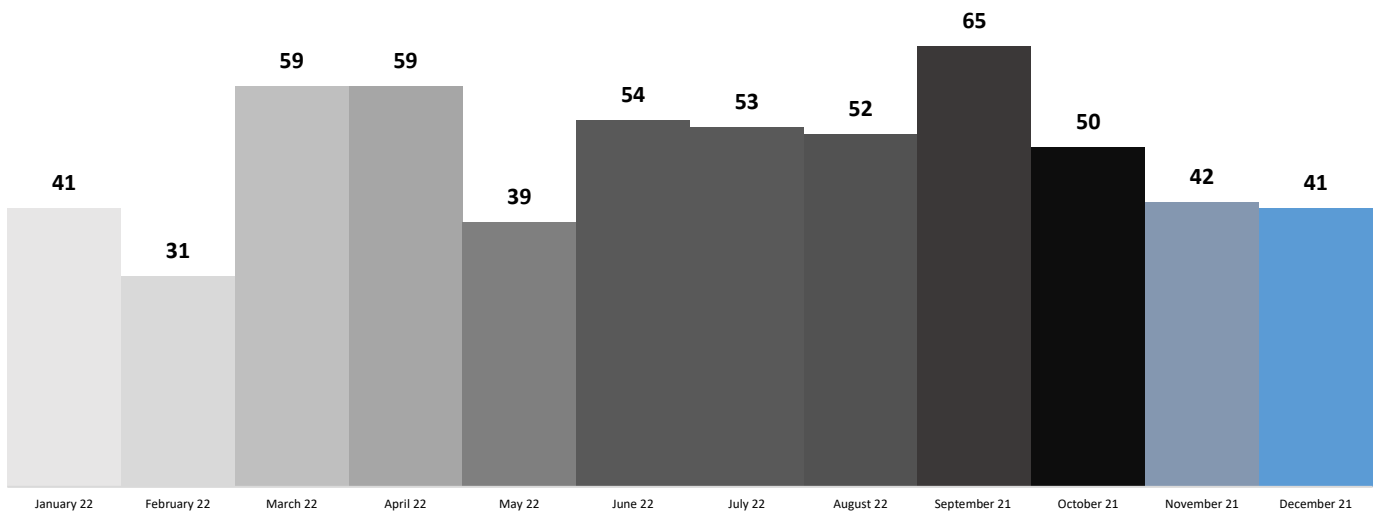
STATISTICAL DATA FOR THE MONTH OF SEPTEMBER 2022

Twelve Months of Force Data



Twelve Months of Force Data

(Includes Out of Area)



Executive Director Report—September 8, 2022 Board Meeting

- I. Since the September 8, 2022 meeting, CPOA has received:
 - a. 12 driving complaints (predominantly from 311)
 - b. 31 new CPCs
 - c. 3 commendations

- II. Additional data
 - a. Average caseload for investigators is currently 18 cases (contrast with IAFD, for example, which was at 6.5 as of last week's EFIT hearing)
 - b. The vast majority of our cases are being finished at or just before the 120 day mark. There are, however, currently 18 cases that are past the 120 day mark. None of them are expected to have sustained findings. At least three of these are late due to a need for refinement in the writing of the report. This does not count any of the investigations that are suspended due to officer FMLA or military leave.
 - c. The backlog of cases left undone from 2020 & 2021 due to covid and lack of staff is 88. These cases are planned and/or in progress with the contractor firm, RCI.

- III. In response to member Wartell's inquiry at last month's meeting, the vast majority of officer interviews are being done via Zoom rather than on the phone. The primary reason for an officer interview not to be conducted by zoom is when there are technical difficulties and/or a bad zoom connection. The other reason we allow phone interviews with officers is when the choice is between conducting the interview now by phone because the officer has a gap in their schedule or continuing to try to find a mutually convenient time for a Zoom, which can drag out the process. However, in deference to the expressed concern, going forward, when an investigator conducts an officer interview by phone rather than Zoom, they will make a note in their report about the circumstances surrounding that decision.

In person interviews remain impractical at best in the current office space occupied by the Agency. Our investigators remain on a rotation for when they come in, and still frequently have to share office space, none of which is conducive to a good interview.

We also remain more willing to allow phone interviews with complainants and civilian witnesses as much of the population that we serve doesn't always have the technological access to conduct Zoom interviews.

- IV. In response to Chair French's inquiry at the last meeting about the outstanding protest cases: 157-20 and 158-20 were duplicative with IAFD investigations, so they are in IAFD hands. It is our understanding that 157-20 is tentatively scheduled to be presented to the FRB on December 10. 158-20 is still a part of the backlog that the secondary EFIT team is dealing with. 159-20 is still in process; we're working on finalizing the report.

- V. I have a couple of examples of the business cards that were produced for CPC members which might also serve as a template for Board business cards.

- VI. Retired Judge Victor Valdez started work as the Superintendent of Police Reform on September 12. He has been vocal about his eagerness to speak to and work with stakeholders in the reform process. Would the Board like to extend him an invitation to speak at November's meeting?

- VII. The primary takeaways from last week's hearing in front of Judge Browning on the EFIT report were:
 - a. Things are going well with EFIT and everyone is optimistic about their handing back control to IAFD in a timely manner;
 - b. Similarly, the frequency of UOF being out of policy has gone down from 10% of case to
 - c. Staffing of IAFD remains the biggest challenge to long term sustainability of the gains seen under EFIT, but the department is working to remedy that issue;
 - d. Flaws in an investigation's following of the process narrative do not necessarily equate to flaws in the end product;
 - e. UOF data is trending in the right direction, with both uses of force per month and percentage of uses of force found to be out of policy going down. Uses of force have gone from approximately 50/month to 35/month. Out of policy uses of force have gone down from approximately 10% of those cases to 5.45%; and
 - f. While there is widespread concern about the civilian investigators unionizing specifically under APOA, there is no objection to their unionization generally.