



City of Albuquerque - Office of Civil Rights
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City of Albuquerque Human Rights Board Minutes

Date/Time: Wednesday, June 16, 2020 starting at 4:30 pm (MST)
Location: Zoom
Contact: Crystal Velarde, 505-768-4544

Board Members Present:

Virginia Necochea, Chair
Adrien Lawyer, Vice-Chair
Michael Jefferson
Douglas Alsup
Samia Assed
Joan Yazze-Gallegos
Sradha Patel

City Staff Present:

Torri Jacobus, Managing Assistant City Attorney, Office of Civil Rights
Michelle Melendez, Director of Office of Equity & Inclusion
Lara Christensen, Assistant City Attorney
Jordan Vargas, ADA Coordinator
Crystal Velarde, Program Coordinator, Office of Civil Rights
Raquel Pinto, Law Clerk

I. Call to Order

- a. The meeting was called to order by Chair Necochea at approximately 4:10 pm.

II. Approval of Agenda

- a. Chair Necochea requested amendments for the Agenda.
 - i. Requested item V be changed to: Report from Sub-Committee on Process and Procedure Regarding Investigation of Albuquerque Police Department's Response and Actions in Connection with the Black Lives Matter/George Floyd Protest.
 - ii. Requested a Discussion of the June 15th Oñate Statue Protest be added as item VI.
- b. Chair Necochea called for discussion of the amendments or objections. Members had no objections therefore the amendments to the agenda were passed by Chair Necochea.

III. Approval of Minutes from 1/21/20, 5/19/20, 5/26/20 & 6/3/20

- a. Chair Necochea called for unanimous consent to approve the January 21, 2020, minutes as written. There was no objection therefore the minutes from January 21, 2020, were approved as written.
- b. Chair Necochea called for unanimous consent to approve the May 19, 2020, minutes as written. There was no objection therefore the minutes from May 19, 2020, were approved as written.
- c. Chair Necochea called for unanimous consent to approve the May 26, 2020, minutes as written. There was no objection therefore the minutes from May 26, 2020, were approved as written.
- d. Chair Necochea called for unanimous consent to approve the June 3, 2020, minutes as written. There was no objection therefore the minutes from June 3, 2020, were approved as written.

IV. Public Comment

- a. Edward Harness, Executive Director of the Civilian Police Oversight Agency (COPA) discussed their role in investigating Albuquerque Police Department (APD). Under the Oversight Ordinance as well as the court ordered settlement agreement between the City of Albuquerque and the Department of Justice (DOJ), the COPA has the authority to compel APD employees to cooperate with any administrative investigations. These investigations include any civilian complaints into APD's policies or tactics.
- b. Other members of the public shared concerns regarding APD's militarized approach to protests, civilians being allowed to carry guns openly, the HRB complaint process not being accessible, Albuquerque Public Schools (APS) police and their interactions with students. Especially students with disabilities. One member asked the board if they could work with APS to create a peace studies curriculum. He would like it to be offered to young students and include anti-violence, human right curriculum, women's studies, and ethnic studies.

V. Report from Sub-Committee on Process and Procedure Regarding Investigation of Albuquerque Police Department's Response and Actions in Connection with the Black Lives Matter/George Floyd Protest

- a. Recommended Procedures for Investigation into the George Floyd/Black Lives Matter protest regarding the use of force/civil rights/human rights violations against Selena Guerrero and other protesters.
 - i. Extrapolate complaints
 - ii. List all individuals involved with the allegations (victims and offenders)
 - iii. List of witness HRB should interview
 1. Draft letters of inquiry
 2. Mail out letters
 3. Set appropriate timeline for compliance
 - iv. Review APD policy/procedures for gatherings/protests/riots
 - v. Review other cities policy/procedures for gatherings/protest/riots

- vi. Conduct interviews
 - 1. HRB create suite of questions
 - 2. HRB create flowchart
- vii. Chronicling and journaling of evidence
- viii. Set timeline to publicize findings of boards investigation
- ix. Draft a recommendation for City Council and/or the Mayor
- b. Member Jefferson spoke to Ms. Guerrero and encouraged her to file a complaint online for the HRB as well as with the CPOA. He also spoke to officers regarding APD procedures. They shared that there is a special unit assigned for protests, riots, and gatherings. Member Jefferson would also like to recommend the HRB adopt the recommendation of Ms. Christensen and write a formal complaint to the CPOA and work in conjunction with them. Member Assed does not wish to repeat work that is being done by the CPOA but would like to bring a broader lens to investigations.

VI. Discussion of Process and Procedure Regarding Investigation of Albuquerque Police Department's Response and Actions in Connection with the Black Lives Matter/George Floyd Protest

- a. Director Harness explained there are three investigations currently pending around the George Floyd/Black Lives Matter Protest. He also explained the HRB can file a third-party complaint if they can formulate a complaint with specifics for the CPOA to investigate. Director Harness shared the CPOA process and timelines under the settlement agreement entered by the City and the DOJ. He explained possible ways for the board to move forward. Members asked questions as to how they could work together with the CPOA. Director Harness suggested the HRB reach out to the CPOA board members as well as review data available. Director Harness also shared the case load of the CPOA as well as positions open. The CPOA does have a way of prioritizing their cases.
- b. Chair Necochea moved for the Human Rights Board to set up a meeting with the CPOA and their board to discuss their investigative process and to discuss the details of the current investigations they have specific to the protest for Black Lives Matter/George Floyd. Chair Necochea called the question, all members voted in favor of the meeting with the CPOA and their board. Director Harness stated the boards could meet to have the generalized discussion about a common mission. However, the CPOA would not be discussing the current investigations as they do not go before the board until they are complete. He would be willing to discuss a third-party complaint process with the HRB and what they may feel is not being covered under current investigations.
- c. Chair Necochea moved for the Human Rights Board to schedule a meeting with the Mayor and/or the Chief Administrative Officer Sarita Nair to ask for a staff that reports to the HRB as well as needed resources. The vote passed with a vote of six voting in favor and Member Jefferson abstaining.

- d. Chair Necochea requested APD policies, procedures, and mandates. A link with those materials was provided to the Board.

VII. Discussion of the June 15th Oñate Statue Protest

- a. Members of the Board discussed their feeling and thoughts about the protest, removal of the Oñate Statue, the shooting that took place at the protest as well as how Albuquerque Police handled the protest. Member Jefferson also suggested a town hall or forum to discuss racism.

VIII. Topics for Next Meeting/Announcements

- a. Seattle recently had a unanimous City Council vote to ban tear gas, pepper spray, rubber bullets and like products during protests.
- b. Discuss actions that can be taken to address the citizen militia.
- c. Review APD policy and procedure for any ways they can be improved without violating human rights.
- d. Discussion with UNM regarding the Hate Crime against Dr. Charles Becknell.

IX. Adjournment

- a. Chair Necochea adjourned the meeting at 7:25 pm.

Virginia Necochea, Chair

Date

00:49:53 Sradha Patel (She/ They): I'm having a lot of issues with all my devices

00:51:32 Lawrence Roybal: I sincerely appreciate your commitment and transparency.

00:56:06 Joan Yazze-Gallegos: Thank you Director Harness.

00:59:54 E. Diane Torres-Velasquez: Right on Jorge!

01:00:28 Mirle Hernandez: Thank you Jorge

01:01:02 Joan Yazze-Gallegos: Thank you for your valued comments Mr. Garcia

01:02:35 Maria Brazil-audio: Please raise your hand if you wish to comment. The Human Rights Board will try to hear from as many people as they can tonight. However, if you want to send your comments in writing to civilrights@cabq.gov – your comments will be seen by the HRB.

01:07:01 Joan Yazze-Gallegos: Thank you Rosemary Blanchard, it is great to hear from you again.

01:08:27 Lawrence Roybal: Thanks, Jorge & Rosemary, for your valued voices and contributions!

01:12:41 Maria Brazil-audio: Please raise your hand if you wish to comment. The Human Rights Board will try to hear from as many people as they can tonight. However, if you want to submit your comments in writing- please send to civilrights@cabq.gov – your comments will be seen by the HRB.

01:12:48 Joan Yazze-Gallegos: Thank you Charmaine for your thought provoking words and questions. Thank you

01:16:59 Lawrence Roybal: I am extremely grateful for the amazing diversity in our community. Thanks, Charmaine, for joining us to advance our collaborative endeavors.

01:17:01 Liota Weinbaum: Glad to see you have ASL interpretation this time!

01:17:33 Sarah Wilkinson: Hey Danny, great suggestion

01:18:05 Joan Yazze-Gallegos: Thank you Mr. Kesner for your comments and questions.

01:18:29 Maria Brazil-audio: Please send your comments to civilrights@cabq.gov – your comments will be seen by the HRB.

01:18:51 Joan Yazze-Gallegos: Yes, stay in contact and even attend our future meetings Mr. Kesner

01:20:14 E. Diane Torres-Velasquez: I do have a comment

01:20:53 E. Diane Torres-Velasquez: I would like to ask that we look at other school districts and how they have stopped hiring policing staff.

01:21:55 E. Diane Torres-Velasquez: I also would like to see districts actively working to teach an Anti-Racist curriculum, including the types mentioned above.

01:22:19 E. Diane Torres-Velasquez: And I'd like to see schools hire teachers that are not part of these militia groups or that are openly racist.

01:24:31 Joan Yazze-Gallegos: Thank you Ms. Weinbaum

01:25:51 Dawn Begay: Thank you for your comment or question. The Human Rights Board will try to hear from as many people as they can tonight. However, you can also email public comments to civilrights@cabq.gov – your comments will be seen by the HRB.

01:28:48 Joan Yazze-Gallegos: Thank you Ms Torres-Velasquez - great comments thank you so much

01:30:14 Lawrence Roybal: I appreciate you both emphasizing the importance of elevating anti-racism training and diversity curriculum across the spectrum.

01:31:06 E. Diane Torres-Velasquez: Absolutely. Totally agree. Yes, that is correct.

01:32:11 Joan Yazze-Gallegos: Thank you Ms. Berger for your comments

01:34:52 E. Diane Torres-Velasquez: Thank you Ms. Berger for adding your information about the suspensions and expulsion rates of students of color in APS.

01:40:31 Rosemary Blanchard: Amnesty International has a comprehensive process for building a human rights friendly system of education. Their resources are used all over this country and all over the world. It would provide a valuable starting place for working with all stakeholders within the Albuquerque Public Schools and the City of Albuquerque to address the human rights climate within APS and in regard to education of youth in all environments. Check out this link: <https://www.amnesty.org/en/human-rights-education/human-rights-friendly-schools/>

01:46:10 Dawn Begay: You can continue to provide public comment in the chat or send via email at civilrights@cabq.gov – your comments will be seen by the HRB.

01:51:14 Rosemary Blanchard: Can the email from Counsel about the "limits" of the role of the Human Rights Board in regard to APD be made public? It is the public's concern to know what interpretations of the powers of the Human Rights Board are being provided by the legal staff of the City of Albuquerque. This is particularly important since the Board does not have counsel that are independent of the City of Albuquerque's legal office.

02:05:31 Joan Yazze-Gallegos: Thank you Director Harness for your information.

02:08:58 Rosemary Blanchard: The Human Rights Board has the authority to recommend changes in Administrative policy and city Ordinances. If the Board conducts an investigation and makes findings, they are expected to "C)Recommend to the City Council and Mayor legislation to aid in carrying out the purposes of [the Human Rights Ordinance]".

02:18:15 Rosemary Blanchard: Does the Human Rights Board or any dedicated staff of the Human Rights Board receive notice of when the Federal Oversight Monitor will be in the area or when a series of meetings are being held on compliance with the consent agreement? What is the role of the APOA or APOB in addressing possible human rights violation that are not within the settlement agreement? Is there any body other than the Human Rights Board that can review or investigate conduct of APD that has not yet been specifically addressed by the Settlement Agreement which the HR Board, through investigation, concludes creates a human rights challenge? If not, how will the HR Board be situated to perform this unique function?

02:22:02 Dawn Begay: Thank you for your comments or questions. Your public comments in the chat will be seen by the HRB.

02:22:38 Dawn Begay: You can continue to provide public comment in the chat box or email to civilrights@cabq.gov.

02:32:36 Liota Weinbaum: I think it's of value to have parallel investigations, to see if both groups arrive at the same interpretation.

02:50:28 Brian Colon: Maybe suggest City Attorney Aguilar join in the meeting...

02:55:19 Michelle Melendez: They are all online and have been for some time

02:56:55 Michelle Melendez: <https://www.cabq.gov/police>

03:17:15 E. Diane Torres-Velasquez: Thank you, Samia!

03:17:29 Brian Colon: I will renew my request (from my last meeting) that this Board convene a difficult dialogue/forum for our community members...you are trusted voices and can create the just space for community members to be heard. Last night is yet ANOTHER reason this needs to happen sooner rather than later.

03:29:21 Brian Colon: :0) You'll always be my friend, Member Jefferson.

03:34:31 E. Diane Torres-Velasquez: Thank you, Virginia! Yes!

03:35:33 Brian Colon: Seattle ban: <https://www.king5.com/article/news/local/seattle-council-bans-police-use-of-crowd-control-weapons/281-803e2730-87bd-4800-a492-13bef65722bb>

03:36:25 Brian Colon: Judge upheld BLM move: <https://www.foxnews.com/us/judge-bans-seattle-police-tear-gas-pepper-spray>

03:41:15 Lawrence Roybal: I concur that community dialogue is extremely valuable to foster greater awareness and understanding as we strive to embrace and advance our commitment to diversity, equity, and inclusion.

03:48:40 Edward McCorkindale: If the Board decides to pursue such an ordinance or policy change now, but finds that there is no ready route for it with the Council, the conclusion of the investigation may make a stronger case later. The conclusion and findings of the investigation might actually support a better change than one that is created quickly and is mostly based on what Seattle did. Albuquerque isn't Seattle, vice-versa.

03:49:47 Samia Assed: The Education Committee is in Communication with grassroots organizations about a forum. Thank you so much for your input!

03:51:21 Lawrence Roybal: Very grateful for your committed leadership throughout the years, Samia Assed. Sincerest gratitude for moving forward with an important forum.

03:52:30 Muhammad Hussain: Thank you so much for everything that you all are doing !

03:53:43 E. Diane Torres-Velasquez: Thank you all for your dedication and service.

03:53:57 Lawrence Roybal: With all authenticity our Albuquerque Human Rights Board is extremely impressive. Thanks for your commitment and contributions!

03:54:58 Rosemary Blanchard: Thank you members of the Human Rights Board and staff of the City of Albuquerque.