

**Police Oversight Task Force
November 6, 2013
5:30 p.m.**

Summary Minutes

Members present*:

Frances Armijo
Ralph Arellanes
Fabrizio Bertolotti
Hans Erickson
Nancy Koenigsberg
Andrew Lipman
Craig Loy
Edmund Perea
Peter Simonson
Alan Wagman

Council staff present:

Stephanie Yara
Jessica Gonzales
Julian Moya
Donna Montoya

Others present:

Dr. Bruce Perlman, School of Public Administration, UNM
Robin Hammer, Independent Review Officer
Lieutenant Eric Jordan, Albuquerque Police Department

*Reflects members present when the meeting is called to order. Any excused absences will be reflected in actions taken in the summary minutes.

1. Call to order

Mr. Lipman called the meeting to order at 5:30 p.m.

Mr. Lipman announced that Dr. Julia Kennedy resigned from the POC Task Force effective October 31, 2013.

Mr. Lipman made a motion to require a vote by the Task Force when agenda items are added to future meetings, and added, the agenda will be emailed in advance for review by the Task Force prior to it being publically posted.

Mr. Wagman asked if making motions under “Other Business” is a violation of the Open Meetings Act. Mr. Melendrez responded that he does not know of any instance when an item taken under “Other Business” constitutes a violation of the Open Meetings Act. Mr. Melendrez responded that discussion items for placement on future agendas would likely be acceptable.

After some discussion, Mr. Loy made a motion to call the question. The motion carried by a vote of 8-1. Mr. Erickson voted no.

Mr. Wagman made a motion to require all items to be added to the Task Force agenda by the close of Friday preceding their next meeting. The motion was seconded by Mr. Erickson. The motion failed by a vote of 2-7. Mr. Erickson and Mr. Wagman voted in favor of the motion.

Mr. Wagman made a motion that each Task Force member has an opportunity to add items to the agenda for the following meeting. It was seconded by Ms. Koenigsberg.

After some discussion Mr. Simonson made a motion to call the question. The motion carried unanimously.

Mr. Wagman restated his motion that each Task Force member has an opportunity to add items to the agenda for the following meeting. It was seconded by Ms. Koenigsberg, and carried unanimously.

2. Approval of Agenda

Mr. Arrellanes made a motion to approve the agenda. It was seconded by Mr. Erickson and carried unanimously.

3. Public Comment

Don Schrader addressed the Task Force regarding the overturned conviction of Tony Nelsons, then spoke out against police torture and police brutality

Charlie Arasim thanked Ms. Koenigsberg for amending the minutes to the last meeting to correctly reflect his statements. He addressed ongoing issues at the POC meetings with recording problems and the accuracy of votes taken, conflicts with the IRO at the scene of an officer involved shooting, and referenced a news story from Utah suggesting the POC would fail without integrity and dedication in finding the truth from the District Attorney and Chief of Police.

Silvio Dell ‘Angela addressed the Task Force regarding time limits for general public comment, delay in appointing the Task Force members, Dr. Perlman’s

pay, lack of accomplishments by the Task Force, and the IPRA requests that have not been completed.

4. Approval of Summary Minutes

Ms. Koenigsberg asked on page 3, "Other Business" for the minutes to reflect "To be provided the information on what the City Council did with the MGT recommendations to the Council".

Mr. Simonson asked that the following subcommittee appointments be corrected:

- IRO subcommittee = Bertolotti, Erickson, and Wagman
- POC subcommittee = Armijo and Simonson
- APD subcommittee = Loy
- Management subcommittee = Bertolotti, Lipman, and Simonson

The following is the updated subcommittee appointments:

- IRO subcommittee = Bertolotti, Erickson, and Wagman
- POC subcommittee = Armijo, Koenigsberg, Perea, and Simonson
- APD subcommittee = Arellanes and Loy
- Management subcommittee = Bertolotti, Lipman, and Simonson

Mr. Loy made a motion to approve the October 30, 2013 summary minutes as amended. It was seconded by Mr. Arellanes, and carried unanimously.

5. Subcommittee Process & Guidance

Mr. Bertolotti reported the Subcommittee Guide (Attachment A) can be used for facilitation and evaluation of the subcommittees.

Ms. Koenigsberg thanked Mr. Bertolotti and the members of the Task Force for their work with the Subcommittee Guide.

6. Discussion – Attorney for Task Force

Mr. Wagman made a motion for the Task Force to request Independent Counsel, which was seconded by Mr. Arellanes.

Mr. Melendrez explained the justification for hiring Independent Counsel was to resolve conflict of interests and provide special expertise, and added the City Attorney will provide the Task Force with a staff person for their meetings.

Ms. Koenigsberg asked how quickly a request can be made for Independent Legal Counsel. Mr. Melendrez responded that he will ask for representatives from the Legal Department to attend the next Task Force meeting.

Mr. Perea asked if this process is already in place. Mr. Melendrez responded a Council attorney is in place but not from the City Attorney's Office.

Mr. Loy stated the Task Force is under the authority of the City Council who has their own attorney and also the Legal Department.

Mr. Perez asked how long it would take to hire an independent counsel. Mr. Melendrez responded that the City Attorney has an approved list of attorneys available. Mr. Simonson asked if a list of questions can be submitted to an attorney on the approved list. Mr. Melendrez responded yes.

Mr. Wagman made a motion to hire an Independent Legal Counsel not currently employed by the City, which was and seconded by Mr. Perea.

Mr. Lipman clarified that Mr. Wagman's motion was to request the City Attorney be present at the next Task Force meeting to explain the process for obtaining outside counsel. The motion carried unanimously.

Mr. Lipman directed staff to add this item to the agenda for the next Task Force meeting and request staff from the Legal Department to be present.

7. Discussion – Task Force compliance with IPRA requests

Mr. Wagman stated the City Council Office received two IPRA requests with regard to how the POC Task Force was formed, and response had not been provided in the timely manner that is required by law. Ms. Yara responded that the City Council Office did receive two IPRA requests from Silvio Dell 'Angela. Laura Mason, Director of Council Services, did respond to both IPRA requests via email since documents do not exist. Mr. Wagman asked if the IPRA requests were fulfilled. Mr. Melendrez responded yes.

Mr. Melendrez reported that the Task Force will not be asked to respond to IPRA requests.

8. Presentation on the Status of MGT 2011 Report Recommendations

a. IRO

Ms. Hammer gave a brief presentation on the recommendations by MGT and the current status of those recommendations. (Attachment B).

Mr. Lipman asked the Task Force to review (Attachment C) and bring forth any questions at their next meeting.

Mr. Lipman changed the order of the next two items.

c. Council

Ms. Yara reported that the City Council funded a full time Analyst position and created a Task Force to recommend changes to the POC Ordinance.

Ms. Koenigsberg asked if the City Council reviewed the adopted MGT recommendations. Ms. Yara responded that the process is reviewed every four years, and the action by the City Council was "Receipt Be Noted" since it is a report. Ms. Yara added that copies are available of the discussion at the City Council and Study Session for review by the Task Force.

APD/IA

Lieutenant Eric Jordan reported on the following recommendations by MGT:

- Develop criteria to establish times for Internal Affairs (IA) and staff
- Limit staff IA cases not CPC, which is not currently being done. The IRO has the authority to assign CPC investigations to IA

Mr. Simonson asked why the IA would investigate complaints. Mr. Lipman responded that the IRO previously stated the lack of staff to investigate all complaints filed.

Mr. Perea asked why MGT recommendations have not been implemented. Lieutenant Jordan responded that bids have been submitted to purchase software for an early intervention system.

Mr. Wagman expressed concern with the City Council having a history that is documented in the MGT Report as not following recommendations.

Ms. Armijo asked if one of the recommendations by MGT is to increase staff in the IRO's Office. Ms. Hammer responded yes, an analyst position.

9. Announcement of Upcoming Meetings

Mr. Lipman announced the following upcoming POC Task Force Meetings:

Wednesday, December 4th, Council Committee Room, 9th Floor

Wednesday, December 11th, DMD Conference Room, 7th Floor

Wednesday, December 18th, Council Committee Room, 9th Floor

Mr. Lipman announced that after this meeting adjourned, the sub committees would reconvene, elect a chair, and schedule their upcoming meetings.

Mr. Erickson asked for the City Council's website to state that the sub committees are open to the public. Ms. Yara responded that she will update the Council website.

10. Other business

Mr. Lipman announced that an outside facilitator will be attending the next Task Force Meeting.

Mr. Simonson made a motion to add to the next Task Force agenda an item to extend the deadline to submit the final report to the City Council. It was seconded by Mr. Erickson. The motion carried unanimously.

Ms. Koenigsberg asked about staffing the subcommittee meetings. Ms. Yara responded that it would be difficult for Council staff to staff all the subcommittee meetings. Ms. Koenigsberg requested that all subcommittee meetings be in City Hall and posted on the City council website.

Mr. Erickson made a motion to request at the December 4th meeting a representative from the 2nd Judicial District Attorney's Office/Criminal Division to explain how they treat investigations of potential criminal conduct by a police officer; specifically with regards to garret and casita. It was seconded by Mr. Arellanes. The motion carried by a vote of 8-1. Mr. Bertoletti voted no.

Mr. Erickson volunteered to draft a letter to the District Attorney's Office.

11. Meeting Adjourned

There being no further business, the meeting adjourned at 7:50 pm.