

CIVILIAN POLICE OVERSIGHT AGENCY

Thursday, October 15, 2015 – 5:00 PM
Vincent E. Griego Chambers, Basement Level
City/County Government Center – One Civic Plaza NW
Albuquerque, New Mexico

Members Present:

Leonard Waites (Chair)
Jeffrey Scott Wilson (Co-Vice Chair)
Dr. Moira Amado-McCoy
Eric H. Cruz
Susanne Brown
Joanne Fine
Dr. Jeannette Baca

Members Absent

Beth Mohr (Co-Vice Chair)
Dr. David Z. Ring III

Others Present:

Mark Baker
Paul Skotchdopole
Michelle Contreras
Diane McDermott
Lt. Garcia, APD
Julian Moya
Samantha Hults, Asst. City

Minutes

- I. Welcome and call to order:** Chairman Leonard Waites called the meeting to order at 5:02 pm.
- II. Pledge of Allegiance** – Chairman Waites led the Board in the Pledge.
- III. Approval of the Agenda:** Copies of the agenda were distributed. Chair Waites suggested the following changes to the agenda:
 - A.** On item 7, change “review” to “reports” and add Policy and Procedure Subcommittee;
 - B.** Add Paul Skotchdopole from the CPOA under item 8.Board Member Wilson moved to approve the agenda with changes. Board Member Fine seconded the motion. Passed.
For: Waites, Amado-McCoy, Wilson, Cruz, Brown, Fine, Baca.
- IV. A. Approval of minutes (September 10, 2015):**
Copies of the September 10, 2015 meeting minutes were distributed. These minutes were reviewed and a motion was made by Member Fine and seconded by Member Wilson to approve the minutes with changes. Member Wilson seconded the motion. Passed.
For: Fine, Wilson, Baca, Brown
Against: Waites, Amado-McCoy, Cruz
- B. Approval of Minutes (September 28, 2015):**
Copies of the September 28, 2015 meeting minutes were distributed. These minutes were reviewed and a motion was made by Member Cruz and seconded by Member Wilson to approve the minutes with changes. Passed.
For: Brown, Cruz, Baca, Fine, Wilson
Against: Waites, Amado-McCoy

V. **Public Comments.** None.

VI. **Discussion of NACOLE Conference:** The members and the CPOA staff discussed their learning experiences while attending the NACOLE Conference (National Association for Civilian Oversight of Law Enforcement) in Riverside, California on October 4, 2015 through October 8, 2015 and the future NACOLE conference that will be coming to Albuquerque in 2016.

VII. **Sub-committee reports**

A. **Outreach Committee:** Member Baca gave a report concerning Outreach Subcommittee activities. A few of the items are stated below:

- i. The Outreach Subcommittee has a short list of six candidates for the CPOA's Community Engagement Specialist position;
- ii. Member Baca attended the MHRAC training subcommittee meeting and has been discussing with them the importance of ethics training;
- iii. Member Baca attended the round table forum at UNM on Saturday, October 10 in representation of the board at the UNM Museum's exhibit titled *Necessary Force: Art in the Police State*.

B. **Case Review Subcommittee:** Member Amado-McCoy gave a report concerning Case Review Subcommittee activities. The key items were:

- i. A copy of a document titled *Simplified Investigative Process + Mapping of New CRC/POB Insertion Points* and a document titled *CRC Procedures* were distributed to the members and it was discussed in detail.

C. **Policy Subcommittee:** Member Brown gave a report concerning Policy Review Subcommittee activities. The key items were:

- i. A copy of a document titled *Proposed APD Retaliation Policy* was distributed and discussed in detail.

VIII. **Reports from City Staff**

A. **APD** - Lt. Garcia from APD Internal Affairs presented the report for September 2015. Copies of the documents titled *Internal Affairs Statistical Data for the Month of September and Internal Investigations January through September* were distributed. The key items were:

APD Calls for Service: 45,002
Internal Affairs cases for September 2015
Received – 23 Completed -6
Pending - 19 Mediated - 0
Administratively Closed - 3

Discipline imposed in September 2015
1 - Verbal reprimands
1 - Letters of reprimands
4 - Termination

B. **City Council** – Mr. Moya stated that Bill OC 1528 is the approval of the Policy and Procedure of the Civilian Police Oversight Agency. Bill OC 1528 will be on the City Council Meeting agenda for the Monday, October 19, 2015 for a final approval.

C. **City Attorney** – A copy of the draft contract for Edward Harness, Executive Director, was distributed and discussed in detail. The key items were:

i. Chair Waites motioned that the salary in the amount of \$105,019.20 be approved for Executive Director, Edward Harness. Member Baca seconded the motion. Passed.

For: Waites, Amado-McCoy, Wilson, Cruz, Brown, Fine, Baca.

ii. After further discussion regarding the contract for the Executive Director, Edward Harness, Member Fine motioned to approve the contract as amended and seconded by Member Amado-McCoy. Passed.

For: Waites, Amado-McCoy, Wilson, Cruz, Brown, Fine, Baca.

D. **Mayor's Staff** – None.

E. **(Continued after the Executive Session) -- CPOA Staff – Paul Skotchdopole, Assistant Lead Investigator** – Mr. Skotchdopole discussed the following key points:

iii. The process of assigning incoming complaints at the CPOA office;

iv. Mr. Skotchdopole discussed with the POB the importance of following the City's Procurement Policy when obtaining training;

v. Between the four (4) CPOA investigators, there are about 120 active cases in the CPOA office. This number does not include the cases the POB is waiting to review and new cases coming into the office.

vi. On average, about 20 to 30 complaints a month; however, the CPOA is seeing an increase in complaints.

IX. Meeting with Counsel re: Pending litigation pertaining to possible action related to APOA v City of Albuquerque (closed discussion). 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).

A. Member Fine motioned to go into an executive session to discuss the items that are on the agenda. Member Brown seconded the motion. Passed.

For: Waites, Amado-McCoy, Wilson, Cruz, Brown, Fine, Baca.

Roll Call: Waites, Amado-McCoy, Wilson, Cruz, Brown, Fine, Baca.

B. After the Executive Session, Member Fine motioned that they reconvene having come out of executive session were we discussed 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). Member Wilson seconded the motion.
Passed.

For: Waites, Amado-McCoy, Wilson, Cruz, Brown, Fine, Baca.

Roll Call: Waites, Amado-McCoy, Wilson, Cruz, Brown, Fine, Baca.

C. Member Amado-McCoy motioned to instruct the POB’s Counsel, Mark Baker, to:

- i. Make one more attempt over the next few weeks to resolve the APOA’s –the Albuquerque Police Officer Association or the Police Union—to resolve APOA’s concerns with the Police Oversight Ordinance in a manner that:
 - 1. Preserves the POB’s authority to access officers statements and other important APD documents for our work;
 - 2. Effectively review serious uses of force and officer involved shootings;
 - 3. Fulfill its oversight responsibility in a meaningful way.
- ii. If those efforts do not result in a prompt resolution of the disputes after consultation with Chair Waites, file a motion to intervene in the APOA’s pending case attacking the Police Oversight Ordinance in order to pursue all relief appropriate to protect the CPOA’s interests.

Member Wilson seconded the motion. Passed.

For: Waites, Amado-McCoy, Wilson, Cruz, Brown, Fine, Baca.

X. Approval of Executive Director, Edward Harness’s Contract – This item was addressed in item 8 paragraph C and subsection 1 & 2.

XI. Other Business – Member Brown would like to hear a budget report. Chair Waites says that he will give a status report at future POB meetings.

XII. Adjournment- *Next Regularly scheduled POB meeting will be on Thursday, November 12, 2015 at 5 p.m. in the Vincent E. Griego Chambers.*

Member Wilson motioned to adjourn the meeting. Member Cruz seconded the motion. Passed.

For: Waites, Amado-McCoy, Wilson, Cruz, Brown, Fine, Baca.

The meeting adjourned at 8:54 p.m.

APPROVED:

Leonard Waites, Chair
Civilian Police Oversight Agency

Date

CC: Julian Moya, City Council Staff
Natalie Howard, City Clerk
Rey Garduno, City Council President