

# CIVILIAN POLICE OVERSIGHT AGENCY

Tuesday, May 19, 2015

Vincent E. Griego Chambers, Basement Level  
City/County Government Center - One Civic Plaza NW  
Albuquerque, New Mexico

## Members Present:

Leonard Waites (Chair, by Phone)  
Beth Mohr (Acting Chair)  
Jeffrey Scott Wilson (Co-Vice Chair)  
Dr. Jeanette Baca  
Susanne Brown  
Eric Cruz  
Joanne Fine  
Rev. David Ring III

## Others Present:

Robin Hammer  
Paul Skotchdopole  
Diane McDermott  
Chris Davidson  
Erin O'Neil  
Paul Cash  
Michelle Contreras  
Acting APD Lt. Mike Medrano  
Mark Barker, Esq.  
Jessica Hernandez, City Attorney  
Nicholas Bullock, Assistant City Attorney  
Julian Moya, City Council

## MINUTES

**I. WELCOME AND CALL TO ORDER:** Acting Chair Mohr called the meeting to order at 4:07 p.m.

**II. PLEDGE OF ALLEGIANCE:** Board Member Cruz led the Board in the Pledge.

**III. APPROVAL OF AGENDA -** Acting Chair Mohr requested that there be a reorder of the agenda. After Public Comment, Items VII and VIII will be discussed, followed by Item VI.6.3, followed by Item IX, and then back to VI.A and VI.B. Board Member Ring made a motion to approve the Agenda with the above changes. Board Member Ring seconded the motion. Passed. For: 8 – Waites, Mohr, Wilson, Baca, Brown, Cruz, Fine, Ring.

**IV. APPROVAL OF MINUTES –** Acting Chair Mohr requested that the minutes be amended to reflect changes suggested by Board Member Amado-McCoy. Board Member Ring moved for the approval of the minutes with the changes. Co-Chair Wilson seconded the motion. Passed. For: 8 – Waites, Mohr, Wilson, Baca, Brown, Cruz, Fine, Ring.

**V. PUBLIC COMMENTS –**

**Charles Arasim –** Mr. Arasim informed the Board that he sent an e-mail on April 13 requesting e-mail correspondence regarding business of the Board. He stated that the Board is on the verge of being implicated in a complaint to the Attorney General for being in violation of the Inspection of Public Records Act. He stated that the city attorney and city clerk are denying him information and he assumes that the Board's record custodian is in on this. If the information that he

requested is not received by May 20, 2015, by 2:00 p.m. he will file his complaint with the Attorney General. Mr. Arasim stated that the Acting Executive Director has no contract and he is curious why she is here, and that everything that the Acting Executive Director is doing is fraudulent.

## **VII. CIVIL RIGHTS TRAINING**

Attorney Mark Baker thanked the Board for their service. Mr. Baker discussed his background and experience in Civil Rights matters. Mr. Baker presented a slideshow and gave training to the Board on Civil Rights. He discussed the 4<sup>th</sup> Amendment and search and seizure issues. Mr. Baker cited examples of violations of the 4<sup>th</sup> Amendment. Mr. Baker discussed Use of Force and Use of Deadly Force. He also discussed Use of Force when dealing with the mentally ill. Mr. Baker discussed probable cause. He also discussed the Garrity Rule, which arises from the 5<sup>th</sup> Amendment. Mr. Baker took questions from the Board regarding his presentation.

## **VIII. DISCUSSION OF CONTRACT TO RETAIN INDEPENDENT LEGAL COUNSEL**

Acting Chair Mohr discussed the process that the Board undertook to hire the Independent Legal Counsel. Acting Chair Mohr stated that the Independent Legal Counsel's role is to represent the Board. After discussion, Board Member Fine made a motion to approve Mark Baker as the Independent Legal Counsel. Board Member Brown seconded the motion. Passed. For: 8 – Waites, Mohr, Wilson, Baca, Brown, Cruz, Fine, Ring.

## **VI.(C) REPORT FROM PERSONNEL SUBCOMMITTEE**

Board Member Fine made a motion that the Board meet in Executive Session regarding selection of the Executive Director. Board Member Ring seconded the motion. A roll call was taken and all Board members agreed. At 5:42 p.m., the Board met in Executive Session to discuss the process of hiring an Executive Director.

The Executive Session ended at 7:03 pm. After Executive Session, Board Member Fine made a motion to note that only personnel matters were discussed during the Executive Session. Board Member Baca seconded the motion. A roll call was taken and all Board members agreed.

## **IX. CITIZEN POLICE COMPLAINT FINDINGS BY CPOA**

Acting Chair Mohr stated that the Board is confused regarding whether the Board can hear Citizen Police Complaints. Acting Chair Mohr has been in contact with Mr. Ginger and stated that the Board will be getting more clarification regarding this. Acting Chair Mohr indicated that the Board is considering not hearing complaints at this time. Attorney Mark Baker stated that the Rules and Procedures need to be investigated, and that he is looking for effective models. Acting Chair Mohr discussed training for the Board. Acting Chair Mohr made a motion to table this issue. Board Member Ring seconded the motion. Passed. For: 8 – Waites, Mohr, Wilson, Baca, Brown, Cruz, Fine, Ring.

## **VI.(A) COMPLAINT REVIEW SUBCOMMITTEE**

Co-Chair Wilson reported that the Citizen Police Complaint Subcommittee met on two occasions. The Subcommittee is learning about the process regarding CPCs, and being informed on the status of CPCs. Co-Chair Wilson reported that there are CPCs available for review by the Board.

## **VI.(B) OUTREACH SUBCOMMITTEE**

Board Member Baca reported that the Outreach Subcommittee has had one meeting where the hiring of an Outreach Coordinator was discussed. The City will advertise the position to be titled as Community Engagement and Communications Specialist. Board Member Baca stated that the New Mexico Youth Forum has been invited back to future Board meetings. Business cards and e-mail accounts were discussed, and a motion was made that Board Member Baca will follow up with the City on the issue of business cards and e-mail accounts. Board Member Cruz seconded the motion. Passed. For: 8 – Waites, Mohr, Wilson, Baca, Brown, Cruz, Fine, Ring.

## **VI.(C) PERSONNEL SUBCOMMITTEE**

Acting Chair Mohr reported that the Personnel Subcommittee has been busy. They had one meeting in which discussion was had regarding the hiring of Independent Legal Counsel. The Board discussed the job description and selection of the Executive Director. The Board discussed several changes to the Executive Director job description. For the Executive Director job description, refer to Attachment A. Board Member Ring made a motion to adopt the changes to the Executive Director job description. Board Member Wilson seconded the motion. Passed. For: 8 – Waites, Mohr, Wilson, Baca, Brown, Cruz, Fine, Ring.

## **VI.(D) ADDITIONAL SUBCOMMITTEES**

Acting Chair Mohr stated that she wanted to be on a committee that looks at training and policies of APD. Chair Waites stated his desire for a subcommittee to assist the Independent Legal Counsel regarding rules and regulations. Board Member Cruz made a motion to create a subcommittee to assist the ILC regarding rules and regulations. Board Member Ring seconded the motion. Committee members will be Chair Waites, Co-Chair Wilson, and Board Member Ring. Passed. For: 8 – Waites, Mohr, Wilson, Baca, Brown, Cruz, Fine, Ring.

## **X. DISCUSSION OF LETTERS FROM POB REGARDING CPCs FROM PRIOR MEETINGS**

Co-Chair Wilson made a motion to defer this discussion. Board Member Brown seconded the motion. Passed. For: 8 – Waites, Mohr, Wilson, Baca, Brown, Cruz, Fine, Ring.

## **XI. DISCUSSION OF POB RIDE-ALONG PROTOCOLS**

The Board discussed the ride-along protocols, and agreed that the Board members should be allowed to ride-along with officers who may have been involved in previous shooting **cases**. If a Board member participated in a ride-along with an officer who had been involved in a shooting, the Board member could recuse themselves from hearing any cases involving that officer. Board Member Cruz made a motion to allow Board members to ride-along with officers who may have been involved in a shooting case. Board Member Fine seconded the motion. Passed. For: 8 – Waites, Mohr, Wilson, Baca, Brown, Cruz, Fine, Ring.

## **XII. REPORTS FROM CITY STAFF**

**A. Acting Executive Director Hammer** – Acting Executive Director Hammer reported April 2015 statistics as follows:

### **April 2015:**

13 new Citizen Police Complaints

10 Job Well Done Letters

A motion was made by Board Member Fine that the CPC Subcommittee will look at the backlog of CPC cases. Co-Chair Wilson seconded the motion. This issue will be on the agenda of the June 2015 Board meeting. Passed. For: 8 – Waites, Mohr, Wilson, Baca, Brown, Cruz, Fine, Ring.

**B. SOP Update** – CPOA Lead Investigator Paul Skotchdopole had nothing to report and has not attended any APD meetings. Mr. Skotchdopole stated that he has not yet been placed back on the attendee list for meetings. Attorney Mark Baker will work with Ms. Hernandez to have Mr. Skotchdopole put back on the attendee list.

**C. Mayor’s Staff** – No one was present to report.

**D. City Council Staff** – Mr. Moya stated that City Council is finalizing the budget for fiscal year 2016.

**E. City Attorney’s Staff** – Assistant City Attorney Bullock had nothing to report.

**F. APD** – Acting Lt. Medrano from APD Internal Affairs presented the report for April 2015.

APD Calls for Service: 39,606		
Internal Affair cases for April 2015		
Received - 13	Inactivated - 0	Completed -10
Mediated - 0	Pending - 12	

Discipline imposed in April 2015	
0 verbal reprimands	5 letters of reprimands
1 8-hour suspension	1 16-hour suspension
1 80-hour suspension	1 120-hour suspension
2 termination	

Internal Affairs personnel presented information on IA complaints for 2014. The Board received the printed report and discussed the information with APD.

**XIII. DISCUSSION TO CONSIDER SPECIAL MEETING**

A motion was made by Board Member Baca to defer this matter until the June 2015 Board meeting. Co-Chair Wilson seconded the motion. Passed. For: 8 – Waites, Mohr, Wilson, Baca, Brown, Cruz, Fine, Ring.

**XIV. OTHER BUSINESS** – No other business.

**XV. ADJOURNMENT** - *Next POB meeting will be on Thursday, June 11, 2015, at 4:00 PM in the Vincent E. Griego Chambers.* The meeting adjourned at 9:07 p.m.

**APPROVED:**

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**Beth Mohr, Acting Chair**  
**Civilian Police Oversight Agency**

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DATE

cc: Julian Moya, City Council Staff  
Natalie Y. Howard, City Clerk  
Rey Garduño, City Council President