

**POLICE OVERSIGHT BOARD
PERSONNEL SUBCOMMITTEE
Wednesday, August 10, 2016 – 4:00 pm
Plaza del Sol, 600 2nd Street NW
Planning Dept. 3rd Floor Small Conference Room**

Members Present

Beth Mohr, Chair
Joanne Fine
Eric Cruz

Members Absent

Others Present

Edward Harness, Exec. Director
Diane McDermott
Michelle Contreras

MINUTES

- I. Welcome and Call to Order:** *Beth Mohr.* Chair Mohr calls meeting to order at 4:08pm.
- A.** The following documents were distributed at the meeting:
- i. Document titled: Survey Monkey, CPOA Director Harness – Comments for Annual Performance Evaluation. See attachment “A.”
 - ii. Document titled: Job Description of Civilian Police Oversight Agency Director. See attachment “B.”
 - iii. Document titled: Core Competencies for Civilian Oversight Practitioners. See attachment “C.”
 - iv. Document titled: CPOA Executive Director Search – Candidate Attributes. See attachment “D.”
- II. Approval of the Agenda.** The Agenda was distributed. Board member Fine moved to approve the Agenda. Board member Cruz seconded the motion.
Approved.
For: Fine, Cruz, Mohr.
- III. Approval of Minutes (Not on original agenda)**
- A.** The Personnel Subcommittee meeting amended minutes from July 24, 2015 were distributed and reviewed. Subcommittee member Joanne Fine made a motion to accept the minutes as written. Subcommittee Chair Cruz seconded the motion. **Approved.**
For: Cruz, Fine, Mohr
- B.** The Personnel Subcommittee meeting minutes from July 6, 2016 were distributed and reviewed. Subcommittee member Joanne Fine made a motion to accept the minutes as written. Subcommittee Chair Cruz seconded the motion. **Approved.**
For: Cruz, Fine, Mohr
- IV. Public Comments.** No Public Comments.

- V. Discussion of Executive Director Evaluation Process**
- A. Members discussed the Survey Monkey form. See attachment “A.”**
- i. The following edits were done to the Survey Monkey form:
 1. As to question #2, change “number” to “frequency.”
 2. As to question #3, no changes
 3. As to question #4, no changes
 4. As to questions #5, no changes
 - ii. Member Cruz suggested the following changes:
 1. As to question #5, change “we” to the Police Oversight Board;
 2. As to questions #2 and #5, add “Executive” in front of “Director” to keep it consistent throughout the form.
 - iii. Director Harness submitted a list of emails to Chair Mohr. Chair Mohr says that Director Harness can send her additional email address because they can send 100 emails for free through Survey Monkey but after that, there is a fee.
 - iv. After a discussion about citizen complainant data, Members agreed to remove “Citizen Complainant” from question #1 of the Survey Monkey form.
- B. Member Cruz discussed his research of the Executive Director’s duties as outlined in the Settlement Agreement in Section XII, letter D: Civilian Police Oversight Agency.**
- C. Member Fine discussed her research of the Executive Director’s duties as outlined in the Ordinance.**
- D. Evaluation Form:** Members discussed drafting an evaluation form to include the following topics:
- i. Contributions towards to the purpose of the CPOA office;
 - ii. Community Outreach
 - iii. Policy Recommendations
 - iv. Quality investigations of citizen complaints and Officer Involved Shootings
 - v. Management of Staff
 - vi. Transparency
 - vii. Independence
 - viii. Data Analysis
 - ix. Quality investigations
 - x. Training for POB and staff
 - xi. Reporting to include quarterly reports and reporting to City Council
 - xii. Collaboration and relationships
 - xiii. Communications
 - xiv. Maintaining confidentiality
 - xv. Comment section at the end of the form.
- E. Rating Scale:** Members discussed creating a rating scale of 1 to 5, with 5 being the highest.

F. Evaluation Process and timeline: Chair Mohr recommended the following timeline:

- i.** The survey to be sent out by August 15, 2016.
- ii.** The Evaluation form to be sent to the POB by October 1, 2016.
- iii.** Collect the Evaluation forms at the October 13, 2016 POB Meeting during an executive session in order that the evaluation will be presented to Director Harness by his work anniversary date of October 17, 2016.
- iv.** In between August 15, 2016 and October 1, 2016, Chair Mohr will submit the draft Evaluation form via email to Members Fine and Cruz for review and edits.
- v.** A timeline will be drafted.

VI. Other business. None.

VII. Next Meeting: The next meeting of the Personnel Subcommittee will be held on September 7, 2016 at 4 p.m.

VIII. Adjournment. Subcommittee Member Cruz moved to adjourn the meeting. Subcommittee Member Fine seconded the motion. **Approved.**
For: Fine, Cruz, Mohr.

Meeting Adjourned at 4:45 pm.

APPROVED:

Beth Mohr, Chair
Personnel Subcommittee

Date

CC: Julian Moya, City Council Staff
Natalie Howard, City Clerk
Dan Lewis, City Council President

ATTACHMENTS



CPOA Director Harness - Comments for Annual Performance Evaluation

Comments to contribute to CPOA Director's Annual Evaluation

1. You are invited to share your comments on the performance of Ed Harness, the Executive Director of the City of Albuquerque Civilian Police Oversight Agency (CPOA). These comments will inform the decisions and opinions of the Police Oversight Board (POB) members as they evaluate Mr. Harness' performance.

Please indicate your relationship to Mr. Harness, the CPOA or POB.

- City Official
- Albuquerque Police Department Official
- Community stakeholder
- Citizen complainant
- Albuquerque Police Officers' Association (Union) official, member or counsel
- POB Member or CPOA Staff member
- Other (please specify)

2. How long have you known or worked with Mr. Harness? Describe the number and type of encounters or interactions that you have had with Mr. Harness in his capacity as Director of the CPOA.

Draft - Survey Monkey

3. Describe an interaction that defines how you view Mr. Harness and his performance as CPOA Executive Director.

4. From your experience and perspective, describe Mr. Harness' strengths and any areas where he could improve.

5. What else do we need to know as we evaluate Mr. Harness' performance as CPOA Director?

Attachment "A"

CIVILIAN POLICE OVERSIGHT AGENCY DIRECTOR

Job descriptions are intended to present a general list of tasks/duties performed by employees within this job classification. Job Descriptions are not intended to reflect all duties performed within the job.

POSITION SUMMARY:

Under the direction and supervision of the Police Oversight Board (POB), the Director supervises and directs the operations of the Civilian Police Oversight Agency (CPOA). The Director oversees, monitors, and reviews all citizen police complaints or complements, serious uses of force including officer-involved shooting cases, and claims directed against officers and employees of the Albuquerque Police Department (APD). The Director will act as lead investigator and supervise the investigative and administrative staff of the CPOA; as well as assigning citizen police complaints to CPOA staff for investigation. The Director will provide recommendations and advice regarding Departmental policies and procedures to the POB; the Director will also provide advice, as appropriate, to the APD, the City Council, and the Mayor. The Director is responsible for the performance of the CPOA staff's duties in line with policy, guidance, and city ordinance.

SUPERVISION RECEIVED AND EXERCISED:

Receives direction from, reports directly to, and is responsible to, and is evaluated by the Police Oversight Board (POB).

Exercises direct supervision over the investigative and administrative staff of the Civilian Police Oversight Agency, and manages the agency, in accordance with the Police Oversight Ordinance; is primarily responsible for all investigations and work product of the CPOA Agency and Agency staff.

ESSENTIAL FUNCTIONS:

Essential functions may include, but are not limited to the following:

1. Oversees, reviews, and investigates all citizen police complaints against the officers and employees of the APD and delegates work as necessary to CPOA staff.
2. Analyzes citizen police complaints and assigns complaints for investigation by CPOA staff in accordance with policy, guidance, and city ordinance.
3. Monitors and conducts supervisory oversight of all of the investigations above, makes thorough and objective findings or disposition for each complaint, and reports these findings or other disposition of these citizen police complaints to the POB.
4. May refer cases to impartial mediation or other alternative dispute resolution as appropriate.
5. Provides recommendations and advises the APD, the City Council, and the Mayor in police department policies and procedures, as directed by the POB.
6. Monitors all claims of excessive force and lawsuits against the APD, acting as an ex-officio member of the Claims Review Board.
7. Reviews and reports on the investigations on all officer involved shootings to the POB as well as to the Chief of Police and other appropriate parties. Is available for response to officer involved shootings, or other incidents as appropriate.
8. Compiles data for the analysis of applicable areas of concern within citizen complaints. Coordinates with CPOA staff to provide recommendations, analysis, and comment to the POB from collected data.
9. Collects and compiles information so as to satisfy all reporting requirements under the Oversight Ordinance for the POB.
10. Participates in budget preparation, attends related meetings, monitors expenditures, recommends budgetary adjustments, and makes quarterly budget reports to the POB.

Attachment "B"

11. Plays an active role in providing pro-active outreach to the community regarding police oversight. Responsible for the development of an outreach plan with the goals to educate the public and publicize the citizen complaint process.
12. Develops recommendations to the POB regarding the APD on specific training, changes in policy, or standard operating procedures (SOPs).
13. Provides staff support and technical assistance to the POB. Ensures the appropriate support for the POB, its subcommittees, and meetings.
14. Oversees the creation and maintenance of a public website for the posting of POB-related material, to include social medial presence in coordination with the POB's Community Engagement Subcommittee and the Community Outreach Coordinator.
15. Works collaboratively with the POB, the APD, the community and other stakeholders in order to facilitate communication between the POB, APD, the community and other groups.
16. Promote a spirit of accountability and communication between citizens and the APD, while working to improve community-police relations.

SUPPLEMENTAL FUNCTIONS:

1. Attends and participates in professional group meetings related to police oversight; stays abreast of new trends and innovations in the field of police oversight, police professionalism and police-community relations.
2. Performs other related duties and responsibilities as required or requested by the POB.

MINIMUM EDUCATION AND EXPERIENCE REQUIREMENTS:

Whether an applicant is qualified for the position of Director shall be determined by the POB. However, the minimal qualifications shall include the following:

1. Must possess a professional law degree (J.D. or LL.B) from an ABA accredited law school.
2. Must be active members in good standing of the bar of any US state or territory, or the District of Columbia.
3. Experienced in criminal investigations.
4. Knowledge of administrative and judicial processes, policies, and procedures.
5. Knowledge of employment contract interpretation.
6. Proven track record of effective management experience.

All applicants must meet all minimum qualifications requirements described in this announcement by the closing date.

ADDITIONAL REQUIREMENTS: *(Licenses, Certifications, etc.):*

1. Possession of, or must obtain within ninety (90) days of employment, a valid New Mexico Driver's License.
2. Must undergo and pass a background check.
3. May require working non-traditional hours, including being on-call.

PREFERRED KNOWLEDGE, SKILL AND ABILITY:

Knowledge of:
 Effective interpersonal communication skills
 Standard investigative techniques

Attachment "B"

Pertinent Federal Law, State Statutes, City Ordinances, City and State Traffic Codes, APD SOPs and Albuquerque Police Officers Association contract
Investigative and procedural standards and guidelines that pertain to the CPOA Office
Principles and practices of policy development and implementation
Data collection and data related software
Knowledge of Board dynamics; compliance with NM Open Meetings Act & NM Inspection of Public Records Act
Experienced with conflict resolution and mediation.

Skill and Ability to:

Develop and administer program goals, objectives, policies and procedures
Plan, organize, direct and coordinate the work of staff
Select, supervise, train and evaluate staff
Analyze and assess Investigative Review program, policies and operational needs and make appropriate adjustments
Establish and maintain effective communication within the Agency, the community and the APD, as well as other stakeholders
Prepare administrative reports; analyze factual trends
Prepare business correspondence and reports
Prepare and make public presentations
Ability to develop collaborative working relationships with a variety of stakeholders and community members
Maintain confidentiality
Communicate clearly and concisely
Explain complex procedural processes and analysis in common language
Perform the essential functions of the job with or without reasonable accommodation
Develop and maintain positive, productive internal and external professional relationships
Demonstrated effective management skills.

WORKING CONDITIONS:

Environmental:

Office environment, exposure to computer screens.

Physical:

Essential and marginal functions may require maintaining physical condition necessary for sitting, walking or standing for prolonged periods.

Attachment "B"

Core Competencies for Civilian Oversight Practitioners

Civilian Oversight of Law Enforcement

- Models
- History
- Current trends
- Theories, standards, and practices

Investigations

- Basic investigative skills and techniques in the following areas (not an exhaustive list):
 - Interviewing
 - Writing clear, concise, well-organized and thorough investigative reports
 - Communication
 - Planning
 - Collection and preservation of evidence
 - Conducting independent and objective investigations
- Review and/or Audit of Internal Investigations
 - Using matrices, timelines and relational database software to organize and conduct timely and thorough reviews of investigations
 - Basic auditing principles (Yellow Book)

The Public and Transparency

- Community Outreach
 - Holding meetings and keeping stakeholders informed
 - Receiving and processing stakeholder input
- Public Reporting
 - Tools/methods for making reports available to the public
 - Media relations
 - Public speaking

Law

- United States Constitution
- Important/Relevant Case Law for Civilian Oversight (not an exhaustive list):
 - Tennessee v. Garner
 - Graham v. Connor
 - Terry v. Ohio
 - Miranda v. Arizona (Arizona v. Gant)
 - Loudermill
 - Garrity
- Peace Officer's Bills of Rights/Labor Law
- Public records acts
- HIPPA
- Ethics of law enforcement and oversight

Adopted January 14, 2012

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Attachment "C"

Policing/Law Enforcement Policies and Procedures

- Understanding of the criminal justice system/process, including basic policing models and tactics
- Technology
- Use of force (non-lethal, less-lethal, and lethal force)
- Community policing
- Police accountability mechanisms (e.g. EIS) and internal/external review
- Jail procedures

Remediation and Discipline

- Mediation
- Education-based discipline
- Early warning systems
- Disciplinary process including arbitration/grievance/appeal rights of officers and role of the police union in the disciplinary process

Attachment “C”

CPOA Executive Director Search - Candidate Attributes
Adapted from NACOLE's SUGGESTED STANDARDS FOR OVERSIGHT EXECUTIVES: Directors, Auditors, and Monitors

Experience Category	YES	MAYBE	NO
Written Communication - Content	Answers to writing assignment show depth of understanding of civilian oversight and complex issues. Well-written and thoughtful writing assignment	Neutral - Person applied on July 17th and was not able to complete their writing assignment in time for the meeting	Writing assignment demonstrates lack of understanding to complex issues. Inappropriate answers to questions, spelling or grammar errors, failed to answer questions
Building Bridges	Track record of bringing people together under difficult circumstances for successful resolutions of complex problems	Neutral - no additional positive or negative issues, or unknown	Track record of being divisive, causing rifts or divides between people, groups or stakeholders
Community Involvement and/or Community Service	Community involvement and/or community service	Neutral - no additional positive or negative issues, or unknown	Community involvement inappropriate or unsuccessful
Maturity	High level of resiliency and the ability not to personalize adversity, mature, takes responsibility for solving problems	Neutral - no additional positive or negative issues, or unknown	Personalizes adversity, becomes non-communicative or withdrawn, immature, refuses to take responsibility for actions, blames others
Communication	Exceptional communication skills; ability to communicate with a variety of stakeholders. Communication is effective, timely, clear, complete and concise.	Neutral - no additional positive or negative issues, or unknown	Poor communication skills; communication is inadequate, fosters confusion or misunderstandings.
Community Relations	Strong passion for community relations and outreach with the ability to build strong, yet independent working relationships with a wide array of constituents and community representatives, experience successfully working with diverse communities	Neutral - no additional positive or negative issues, or unknown	Dislikes community outreach, inexperienced or ineffective in working with various stakeholders and diverse community members. Pedantic, talks down to or negatively about various groups.

Attachment "D"

CPOA Executive Director Search - Candidate Attributes

Adapted from NACOLE's SUGGESTED STANDARDS FOR OVERSIGHT EXECUTIVES: Directors, Auditors, and Monitors

Experience Category	YES	MAYBE	NO
Management	Proven manager with experience turning-around problem or struggling agencies	Experienced manager	Minimal or no experience, or experienced but unsuccessful
Leadership	Creative, innovative and outgoing leader with recognized judgment, objectivity and integrity with proven success	Strong leader, less dynamic, or with more limited experience	Weak leader; judgment and objectivity questioned, or results unsuccessful
Legal - Civil Rights	Significant experience, or experience with complex civil rights issues	Some experience, or non-complex civil rights case experience	Minimal or no experience, or experienced but unsuccessful
Legal - Criminal Law	Experience as judge, prosecutor, public defender or law enforcement	Some criminal law experience	Minimal or no experience, or experienced but unsuccessful
Legal - Employment Law	Extensive experience, or experience with complex employment law	Some experience, or non-complex employment case experience	Minimal or no experience, or experienced but unsuccessful
Legal - Other relevant experience	Extensive other legal experience that translates well to civilian oversight	Some other legal experience that translates well to civilian oversight	Minimal or no experience, or experienced but unsuccessful
Board (public, non-profit, etc.)	Extensive board experience, non-profit, public bodies, government, publically traded company boards, etc.	Some board experience	Minimal or no experience, or experienced but unsuccessful
Government/Political	Proven government manager or experienced in politically sensitive governmental position	Some governmental experience or some experience in politically sensitive positions	Minimal or no experience, or experienced but unsuccessful
Investigative	Extensive experience conducting or supervising complex criminal, civil or administrative investigations	Some experience, or non-complex criminal, civil or administrative investigations	Minimal or no experience, or experienced but unsuccessful
Dispute Resolution	Extensive dispute resolution experience	Some dispute resolution experience	Minimal or no experience, or experienced but unsuccessful
DOJ/Monitor/Civilian Oversight	Extensive successful experience with consent degree or other court ordered monitoring process	No experience or minimal experience	Unsuccessful experience with consent decree or other court ordered monitoring process
Job Stability	Track record of successful long-term employment relationships (4-5 years each position); minimal lateral moves.	Series of 1-3 year employment terms; or several lateral moves from one agency or employer to another without additional responsibility.	Multiple short-term positions, minimal or no record of success at any one place. One or more terminations, disciplinary issues, asked to leave or left under unhappy circumstances. Unexplained gaps in employment

Attachment "D"