

CIVILIAN POLICE OVERSIGHT BOARD

Thursday, November 10, 2016 – 5:00 PM
Vincent E. Griego Chambers, Basement Level
City/County Government Center – One Civic Plaza NW
Albuquerque, New Mexico

Members Present:

Beth Mohr, Chair
Leonard Waites, Vice Chair
Johnny J. Armijo
Susanne Brown
Eric Cruz
Joanne Fine
Dr. Carlotta Garcia
Dr. Lisa M. Orick-Martinez
Rev. Dr. David Z. Ring III

Others Present

Edward Harness, CPOA
Mark Baker, Esq.
Michelle Contreras, CPOA
Diane McDermott, CPOA
Dr. Miriam Verploegh, CPOA
Julian Moya, City Council
Sgt. Anthony Simballa, APD

Meeting Minutes

- I. Welcome and call to order** - Chair Beth Mohr called to order the regular meeting of the Police Oversight Board at 5:02 p.m.
- II. Pledge of Allegiance** – Johnny J. Armijo led the meeting in the Pledge of Allegiance.
- III. Mission Statement** – Beth Mohr, Chair read the POB’s Mission Statement.
- IV. Approval of the Agenda**
 - a) Chair Mohr noted that the Chief letters in agenda item 7c will be discussed with various items rather than limiting the letters to agenda item 7c.
 - b) A motion was made by Member Ring to approve the agenda as amended. Member Brown seconded the motion. The motion was carried by the following vote:
For: 8 - Armijo, Brown, Cruz, Fine, Garcia, Mohr, Ring, Waites
- V. Public Comments** -Tony Pirard gave a summary to the board regarding several incidents in which he experienced rudeness towards him at the CPC summit last month.
- VI. Review and Approval of minutes from the October 13, 2016 Police Oversight Board Meeting** - A motion was made by Vice Chair Waites to approve the minutes. Member Garcia seconded the motion. The motion was carried by the following vote:
For: 8 - Armijo, Brown, Cruz, Fine, Garcia, Mohr, Ring, Waites
- VII. Discussion**
 - a) **Status Conference with Judge Brack**
 1. **Meeting at the DOJ**

A meeting was held on November 9, 2016 at the Department of Justice with representatives from Albuquerque Police Department (APD), APD Union, the

APD Union's attorney, the City Attorney's office, plus POB Chair Mohr and several other POB members to discuss the four issues as expressed in Chair Mohr's letter to Judge Brack. (See attachment "A" for email from Chair Mohr dated October 26, 2016 and filed in U.S. District Court on October 27, 2016 in case no. 14CV-1025.)

2. Status Conference Hearing

The next setting for the Status Conference with Judge Brack will be on Friday, November 18, 2016 at 1:15 p.m. The public and the POB members are invited to attend this hearing.

b) Monitor's Report

1. Discussed Independent Monitor's 4th report and the following related topics:

- a. The CPOA Director and investigators met with the Mr. Daniel Giaquinto of the Monitoring team to discuss some issues relating to the credibility evaluations in some the investigations that were highlighted in the report.
- b. Discussed the paragraphs of the Settlement Agreement relating to the CPOA, which are in primary and secondary compliance.
- c. The Director will meet with Assistant City Attorney Jenica Jacobi to review and discuss if there will be any changes to the Memorandum of Understanding (MOU) in conjunction with APD's new policy 3-41.

2. Discussion of the Monitor's Redacted report

- a. Discussed the Monitor's redacted report sent to the CPOA from APD, which redacted important critiques pertaining to the CPOA.
- b. Mr. Giaquinto of the Monitoring team will be forwarding the future reports directly to the CPOA instead of through APD.

c) **Letters to the Chief** -A copy of the document titled "Recommendations from CPOA/POB to APD" was distributed and discussed. (See attachment "B")

d) **POB Communication through APD** - The CPOA will be communicating directly to the Independent Monitor as it relates to the Monitor's reports.

***Member Dr. Orick-Martinez arrived at the meeting at 5:35 p.m. during item 8**

VIII. Hearings on Request for Reconsideration - CPC 251-15

a) Appeal Mr. Charles Arasim

1. Copies of the following documents were distributed to the POB: a) Appeals to the POB – General Information; b) Appeals to the POB – Procedures. (**See attachment "C"**).
2. A copy Mr. Arasim's appeal request for hearing, complaint in CPC 251-15, and CPOA findings letter dated June 10, 2016 to Mr. Arasim were distributed. (See attachment "D").
3. Mr. Arasim distributed a few packets of documents in his defense for his appeal. A copy of his packet is available upon request.
4. The POB agreed to accept Mr. Arasim's exhibits marked G, H, I and J into the record.

- b) **Appellant (citizen) Presentation (15 minutes)** - Mr. Arasim gave a presentation to the POB regarding his appeal in CPC 251-15.
 - 1. Members discussed the sanctions regarding the uniform violation will be addressed later under the CPOA presentation.
- c) **Police Officer(s) Presentation (5 minutes)** - There was no officer presentation.
- d) **APD/IA Presentation (10 minutes)** - APD/IA did not give a presentation.
- e) **CPOA Presentation (10 minutes)** - Director Harness gave his presentation to the POB regarding the appeal in CPC 251-15.
 - 1. Director Harness stands by his findings for the uniform violation SOP 2-01-2E2bi as exonerated and the camera violation SOP 1-39-3A as not sustained as listed in the findings letter dated June 10, 2016.
 - 2. The sanction for the uniform SOP violation is a level 7, which is a verbal reprimand.
 - 3. Discussed the reproduction options for citizen exhibits for future POB Appeal hearings.
- f) **Appellant (citizen) (5 minutes)** - Mr. Arasim concluded his appeal presentation.
 - 1. Members discussed the issues of Mr. Arasim's appeal.
- g) A motion was made by Vice Chair Waites to affirm the original findings as presented by the CPOA. Member Fine seconded the motion. The motion was carried by the following vote:
 For: 7 - Brown, Fine, Garcia, Mohr, Orick-Martinez, Ring, Waites
 Against: 1 – Cruz

IX. Consent Agenda Cases. The CPOA's findings in each case listed on the consent agenda are reviewed and approved by the POB. The findings become part of the officer's file, if applicable. Copies of the full findings letters to the citizens can be located at <http://www.cabq.gov/cpoa/findings-letters/civilian-complaints-pob-findings>.

a) Administratively Closed Cases

247-15 011-16 106-16 129-16 133-16 135-16

A motion was made by Vice Chair Waites to approve the *Administratively Closed Cases* as written. Member Fine seconded the motion. The motion was carried by the following vote:

For: 8 - Brown, Cruz, Fine, Garcia, Mohr, Orick-Martinez, Ring, Waites

b) Cases investigated

075-16 083-16 107-16 114-16 123-16 127-16
 131-16

A motion was made by Vice Chair Waites to approve *Cases investigated* as written. Member Fine seconded the motion. The motion was carried by the following vote:

For: 8 - Brown, Cruz, Fine, Garcia, Mohr, Orick-Martinez, Ring, Waites

c) **CIRT Cases**

C-006-16

Chair Mohr removed this item from the Consent Agenda and moved it to Director Harness' report under item XII, f.

X. POB's Review of Garrity Materials -There are no current Officer Involved Shooting cases this month that require Garrity approval.

--- **The dinner break began at 6:16 p.m. and reconvened at 6:41 p.m.**

XI. Reports from Subcommittees

a) **Community Outreach Subcommittee Dr. Ring-** For more information regarding POB Community Outreach Subcommittee meetings for agendas and minutes, please refer to our website located here:

<http://www.cabq.gov/cpoa/subcommittees/outreach-committee> Member Ring gave the following report on behalf of the Community Outreach Subcommittee:

1. The meetings of the Community Outreach will be held on every 4th Monday of each month.
2. The next meeting is scheduled for November 28, 2016 at 5 p.m.
3. The Spanish language complaint form is currently being worked on and has been submitted to the designer.

b) **Policy and Procedure Review Subcommittee, Susanne Brown** - For more information regarding POB Policy and Procedure Subcommittee meetings for agendas and minutes, please refer to our website located here:

<http://www.cabq.gov/cpoa/subcommittees/policy-procedure-review-committee>

Member Brown gave the following report on behalf of the Policy and Procedure Subcommittee:

1. Selection, Authority, and Responsibility of the Chief of Police Policy 3-1. (See attachment "E" for 3-1 Proposal to Policy 3-1).

- a. Discussed the underlined changes in Policy 3-1. See attachment "E".
- b. A motion was made by Member Orick-Martinez that the POB accept the changes to SOP 3-1 and that a letter be sent to Chief Gorden Eden, Jr. requesting that the changes (see below for changes) be implemented immediately and that the Monitor be cc'd in the letter. In addition, Member Brown amended the motion to send SOP 3-1 with changes be sent to the Office of Policy Analysis (OPA). Member Cruz seconded the motion. The motion was carried by the following vote:

For: 9 – Armijo, Brown, Cruz, Fine, Garcia, Mohr, Orick-Martinez, Ring, Waites

The following changes were made SOP 3-1:

Under paragraph: 3-1-3 Qualifications
Number 2: "*Progressive experience over at least
10 years with an additional 5 years of Command*

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level of supervisory experience.”

Number 5: *“Advanced certification from the New Mexico Law Enforcement Academy or equivalent.”*

Number 6: *“Completion of a law enforcement management program (e.g. FBI National Academy, PERF Senior Management Institute, Northwestern Police Staff and Command).”*

2. APD’S Protocol or policy for processing rape kits

- a. Discussed APD’s protocol or policy for processing rape kits.
- b. A motion was made by Member Brown that the Policy and Procedures Subcommittee draft and send a letter to the Chief regarding our concerns about the Forensic Lab. Member Cruz seconded the motion. The motion was carried by the following vote:
For: 9 – Armijo, Brown, Cruz, Fine, Garcia, Mohr, Orick-Martinez, Ring, Waites

3. OPA Review Schedule - POB Policy Sign-up - Discussed the OPA Review Schedule (See attachment “F”).

4. Changes to the POB Ordinance - Discussed the language for the changes in the ordinance.

5. Data from APD regarding Motor Vehicle Accidents

- a. Discussed the POB/CPOA’s data request from APD regarding officers involved in motor vehicle accidents.
- b. A motion was made by Member Brown to send a letter to the Chief formally requesting the data regarding motor vehicle accidents involving APD officers, the motion as spoken by Member Brown is as follows:

“That we write a letter to the Chief requesting the data—we have three different things that we asking for about:

- 1. Officer accidents where the vehicle was towed and whether the officer had drug test;*
- 2. Where the actual location was;*
- 3. Whether the officer was on duty or in direct transport to and from home, which is these rules, that you can take a vehicle if you’re going to and from home or if you’re stopping to pick up your kids.*

We would like to know where these accidents are occurring.”

Member Cruz seconded the motion. The motion was carried by the following vote:

For: 9 – Armijo, Brown, Cruz, Fine, Garcia, Mohr, Orick-Martinez, Ring, Waites

c) **Case Review Subcommittee, Leonard Waites** - For more information regarding POB Case Review Subcommittee meetings and minutes, please refer to our website located here: <http://www.cabq.gov/cpoa/subcommittees/case-review-committee-crc>. Subcommittee Chair Leonard Waites gave the following report on behalf of the Case Review Subcommittee:

1. **Report:** The Case Review Subcommittee met on November 7, 2016 at 1:00 p.m. The following topics were discussed:

- Public Comments from Mr. Arasim;
- Briefly discussed the cases we voted on in the POB meeting tonight;
- Director Harness clarified information and questions arising from CPC 088-16;
- IA Pro Software;
- The Case Review Subcommittee next meeting will be on December 5, 2016 at 10:00 a.m.

2. **Appeals - The appeal process can be found at:** <http://www.cabq.gov/cpoa/appeal-process>

- CPC 081-16:** The complainant was involved in a traffic accident with another citizen. The complainant stated that the other person involved in the accident gave Sgt. L. false insurance information and that Sgt. L. made several errors in the traffic report. The CPOA Administratively closed the case because they found that Sgt. L. did not violate any APD Standard Operating Procedures (SOPs). The request fails to meet the appeal process criteria. Therefore, the request is denied.
- CPC 121-16:** The Complainant filed a complaint against APD Officer S. for attempting to violate his Second Amendment right. The CPOA found the Officer's conduct to be Exonerated. The request fails to meet the appeal process criteria. Therefore, the request is denied.
- A motion was made by Member Waites that the POB not accept the appeals for CPC 081-16 and CPC 121-16. Member Fine seconded the motion. The motion was carried by the following vote:
For: 8 – Brown, Cruz, Fine, Garcia, Mohr, Orick-Martinez, Ring, Waites

XII. Reports from City Staff

- APD - APD Sgt. Anthony Simbala, Internal Affairs** gave a report on Statistical Data for the Month of October 2016. Copies of the following documents were distributed (See "Attachments G1, G2 and G3"):
 - Attachment G1-APD Internal Affairs, Statistical Data for the Month of October 2016
 - Attachment G2- Graph: Internal Investigations, Year to Date (January through October), Year to date total received cases 2011 through 2016;
 - Attachment G3- Graph: Internal Investigations January through October
- Discussed the POB's request to APD to provide the description of the SOPs, especially those might have led to multiday suspensions and resignations.

2. Sgt. Simballa gave descriptions of those SOP's as listed on "APD Internal Affairs, Statistical Data for the Month of October 2016." See attachment G1.
 3. Discussed the POB's request to get traffic accidents by month. Sgt. Simballa says that APD traffic accidents are now handled by the area commands and are now identified as "VC's" instead of "I's" in IA Pro.
 4. Discussed the "Resignation in Lieu of Termination" procedure as stated in attachment G1.
- b) City Council** - Mr. Moya stated that City Council has accepted the CPOA's Semi-Annual report and discussed the POB members' re-appointment options for members whose memberships are expiring.
- c) Mayor's Office** - No one present to give a report.
- d) City Attorney's Office**
Ms. Hernandez is in receipt of the list "Recommendations from CPOA/POB to APD" and is currently working on reconciling the items on the list.
- e) Community Policing Councils** - No one present to give a report.
- f) CPOA – Edward Harness, Executive Director**
- 1. CPOA Report**
 - a.** For the month of October 2016, the CPOA received 12 new complaints and 12 Job Well Done reports.
 - 2. 2017 POB Meeting Dates** - See attachment "H" for POB meeting schedule.
 - a.** Julian Moya discussed that he will follow up with Sr. Administrative Assistant Michelle Contreras to arrange meeting locations for POB subcommittees to have meetings. In addition, Mr. Moya will find out the exact dates that City Council will be meeting in Chambers for March and May 2017.
 - b.** Discussed the POB meeting dates for 2017. The POB agreed on the following changes to the POB meeting schedule:
March 16, 2016 at 4 p.m.
May 18, 2016 at 4 p.m.
 - 3. POB Meeting for December 8, 2016**
 - a.** A motion was made by Chair Mohr to cancel the POB meeting scheduled for December 8, 2016 at 5:00 p.m. Vice-Chair Waites seconded the motion. The motion was carried by the following vote:
 For: 9 – Armijo, Brown, Cruz, Fine, Garcia, Mohr, Orick-Martinez, Ring, Waites
 - 4. IA Pro**
 - a.** Discussed the Executive Director's request for administrative rights in the IA Pro software. See attachment "I1" – Director Harness' memorandum dated October 25, 2016 and "I2" – IA Commander Jeremy McRae's response memorandum dated October 31, 2016.

- b. A motion was made by Member Orick-Martinez that a letter be drafted and sent to the Chief, with a copy to the Monitor, requesting access for Director Harness and Dr. Verploegh. In addition, that APD have more than one person to have administrative rights in case of that person becomes incapacitated or unavailable. Member Garcia seconded the motion. After the motion, members discussed the contents of the letter. The motion was carried by the following vote:

For: 9 – Armijo, Brown, Cruz, Fine, Garcia, Mohr, Orick-Martinez, Ring, Waites

- 5. Discussed the site visit from the Monitoring team.
- 6. Member Armijo made a summary to the board about his experience at the Citizen Police Academy, which he will be graduating from on the 17th.
- 7. Discussed APD's Early Intervention system (EIS).

XIII. Meeting with Counsel re: Pending Litigation & Personnel Issues -There was no executive session and/or discussion regarding this item.

XIV. Other Business

a) CABQ email addresses for POB members:

- 1. Members discussed the benefits of having a CABQ email for several reasons such as convenience, protection and easy access for IT to pull emails to comply with IPRA requests.
- 2. A motion was made by Member Fine that the POB get CABQ email addresses and find out what the parameters of that are and to use those in lieu of the POB's former email addresses. Member Orick-Martinez seconded the motion. The motion was carried by the following vote:

For: 9 – Armijo, Brown, Cruz, Fine, Garcia, Mohr, Orick-Martinez, Ring, Waites

b) Member Brown would like to get suggestions from the POB regarding training.

XV. Adjournment - A motion was made by Member Fine to adjourn the meeting. Member Orick-Martinez seconded the motion. The motion was carried by the following vote:

For: 9 – Armijo, Brown, Cruz, Fine, Garcia, Mohr, Orick-Martinez, Ring, Waites
Meeting adjourned at 8:10 p.m.

*Next regularly scheduled POB meeting will be on
Thursday, January 12, 2017 at 5 p.m. in the Vincent E. Griego Chambers.*

APPROVED:

Beth Mohr, Chair
Civilian Police Oversight Agency

Date

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

Minutes drafted and submitted by:
Michelle Contreras, Senior Administrative Assistant

DRAFT

Attachments

DRAFT

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 THE CITY OF ALBUQUERQUE,) 14-cv-1025 RB/SMV
)
 Defendant,)
)
 vs.)
)
 THE ALBUQUERQUE POLICE)
 OFFICERS' ASSOCIATION,)
)
 Intervenor.)

**LETTER FROM CIVILIAN POLICE OVERSIGHT BOARD (CPOA)
AND POLICE OVERSIGHT BOARD (POB) REGARDING MATTERS
TO BE ADDRESSED DURING NOV. 18, 2016 PUBLIC HEARING**

Attachment "A"

Martinez, Elizabeth (USANM)

From: Beth Mohr <cabq.pob.mohr@gmail.com>
Sent: Wednesday, October 26, 2016 10:11 PM
To: Martinez, Elizabeth (USANM)
Cc: CPOA-Harness; CPOA-Mark Baker; Rick Miera (rbmiera@comcast.net) (rbmiera@comcast.net) (rbmiera@comcast.net); Jacobi, Jenica L (jjacobi@cabq.gov); Fred Mowrer; IM - Dr. Ginger; Laurie Owens; Saucedo, Luis E (CRT)
Subject: Issues from POB for upcoming Status Conference

October 26, 2016 – via email only

Dear Ms. Martinez,

I apologize that I have not, until now, been able to outline the specific concerns we would like to cover at the next status conference, my travel schedule has been arduous, as best. However, Mr. Harness, Executive Director of the Civilian Police Oversight agency (CPOA) was kind enough to let you know that our concerns centered around the lack of responsiveness from the Chief.

Specifically, there are four areas that the Police Oversight Board (POB) would like to address, all of them having to do with lack of responsiveness of the Chief of Police and Albuquerque Police Department (APD) under his command.

The Chief has failed to respond to the POB regarding findings and disciplinary recommendations, as required:

The City Ordinance which created the POB mandates that the Chief must respond to the POB in writing any time he fails to concur with our findings and/or disciplinary recommendation. As of this date, I am unaware that the Chief has *ever* responded to the POB regarding *any* of our findings or disciplinary recommendations. This was reported in the popular press, and still the Chief has failed to comply with the Ordinance. <http://kvue.com/2016/10/20/oversight-group-claims-and-chief-not-following-officer-discipline-explanation-rules/>

This continues a pattern of APD simply ignoring the POB, and resisting our efforts to assist with reform and provide transparency to the process of transformation which is supposed to be taking place at APD. There has been, and continues to be, no consequences for the Chief or APD for violating the ordinance.

The APD provided the CPOA and POB only with a redacted version of the Monitor's report:

The portions of the Monitor's draft report which were redacted by APD are those sections which specifically relate to the CPOA and POB. It appears that APD is attempting to interfere with the CPOA and POB's ability to meet our own requirements under the CASA. Since the report is redacted, we don't know what the Monitor is saying to us or about us; we don't know if there are errors or omissions which should be corrected; we don't know if there are issues for which it would be appropriate for us to respond to the Monitor with data, documents or updates. It is entirely unclear why APD has withheld this information from the POB and CPOA, but it is absolutely inappropriate and completely unreasonable. The only possible reason for redaction of the portions to or about us would be to interfere with the work or processes of the CPOA and POB.

It is also unclear why the CPOA and POB are not included on the original mailing list to receive our own copy of the draft reports from the Monitor and DOJ, without having to rely on APD, who counts it in their own best interest to hide material matters in the report from us, including matters that concern us or are directly about

us. There has been and continue to be no consequences for APD for these kinds of tactics against the CPOA and POB.

The APD is withholding data from the CPOA and POB which is necessary for us to perform our policy recommendation function:

The Chief and City Attorney responded to our previous written requests for data by stating that they would like requests to come informally, and through the lowest levels, directly to those who can provide the data. However, when our policy analyst, [REDACTED], requested data regarding APD officer-involved traffic collisions, and whether or not officers were drug-tested in crashes as required by policy, she was told that the data would not be provided. It was suggested to her that the POB make a written request.

In other words, we were specifically told to make informal requests for data, but when such a request was made, we were told to make a formal request. This is simply another example of APD attempting at every turn to interfere with the mission and success of the CPOA and POB. The provision of such data is required in the Ordinance as well as the CASA; these continued failures on APD's part to provide data as requested have, as of this moment, resulted in no consequences which would dissuade this continued behavior.

APD continues to exclude, ignore and directly thwart the POB's attempts to contribute to APD policy:

Initially, APD wouldn't allow us to be involved in policy in any way, they simply wouldn't talk to us. Then they allowed us to attend meetings, but would not allow us to speak about certain topics, most notably use-of-force policies. Then, they were told that they had to allow us to speak, so they allowed us to speak, but then ignore the vast majority of what we have tried to contribute.

Since APD has been required to provide us with a schedule of upcoming policy reviews, we have been able to research and prepare to provide thoughtful and meaningful contributions to individual policies when these policies are scheduled to be heard. Unfortunately, after our staff and Board members have spent many hours working on certain issues, such as the "policy on policies", APD decided at the meeting where the subject was supposed to be covered, that they don't want to discuss it that time, and would bring it up again in six months. In the case of the policy on policies, they decided that changing the name of the policy was enough, and they didn't want to allow any more discussion about it. Such changes in the schedule of review appear to be directly and entirely related to the CPOA and POB's work and ability to contribute on a specific policy.

I could go on with other examples of APD's efforts to ignore and impede our work, such as the City Attorney's promise to bring our MOU regarding mediation directly to the Monitor for approval, but failing to do so, the Board's failed attempt to look into thousands of unprocessed rape kits for which there is no policy or procedure in place to catch these up, and so on, but the net result is the same, that our time and efforts are wasted on a Department which is determined to resist any meaningful input on policies from civilians.

The last time I brought issues to you, I stated that we were concerned that APD's primary goal was to "get finished on time", rather than trying to achieve the desired outcomes of improving policy and training, and ensuring that officers are using force appropriately in the field. Nothing that has occurred since the last status conference has alleviated that concern, in fact, as the POB becomes more mature and sophisticated as a Board, the APD finds new ways to frustrate our success.

As you know, because APD was able to excluded us from the provision of meaningful citizen input on these policies the first time around, we have an uphill road to climb to add meaningful input as these policies come up for their periodic review after officers already have been trained on the version adopted without input. We were hopeful that the new system which was in the process of implementation would be a dramatic improvement over what has occurred thus far. It appears clear that APD's goal is to frustrate civilian oversight and input at

every turn. Meanwhile, APD spends hours of time in policy meetings discussing the issue of ball caps as uniform attire, but postpones for six months the discussion of an important policy that would guide the success of future policy making decisions.

Chief Eden and the APD under his command stand in violation of the CASA and the City of Albuquerque Ordinance, and yet there are no consequences for the Department or the Chief personally. Meanwhile, POB members feel that their volunteer time is being wasted on an effort with few results and little impact on the desired outcome of "Advancing Constitutional Policing and Accountability for APD and the Albuquerque Community". This phrase is the POB's recently adopted mission statement, which we all spent a Saturday morning developing, but these words are a hollow reminder that we rely of the "strategy of hope" so long as APD is allowed to continue to ignore our work and waste our time and efforts at oversight and reform. It is little wonder that the Board has experienced significant turnover, losing valuable members.

I need not remind you that the CPOA and POB will be responsible for taking over the work of the Monitor once the APD has fulfilled their obligations under the CASA. I cannot imagine a scenario under which that could currently succeed, unless there are significant changes in the way in which the Chief and APD regard and respond to civilian oversight.

Very respectfully,

Beth A. Mohr
Chair, Police Oversight Board
Albuquerque, New Mexico

Every society gets the kind of criminal it deserves. What is equally true is that every community gets the kind of law enforcement it insists on. ~Robert F. Kennedy

NOTICE: This email may be subject to disclosure under the New Mexico Inspection of Public Records Act. Please be thoughtful forwarding or replying to this email.

Recommendations from CPOA/POB to APPD

Letters Sent to the Chief					
	Letter from POB	Date sent from POB	Letter received from Chief	Date received back from Chief	
Letter 1	Use of Force Policy	4/18/2016	x	6/2/2016	
	After Hours for Probation and Parole				
Letter 2	Use of Force Policy	5/27/2016	x	6/8/2016	
Letter 3	Second Letter	6/11/2016	x	7/26/2016	
Letter 4	Request for Data	7/14/2016	x	8/19/2016	
	3-29 Policy				
Letter 5	Recommendation	10/14/2016			
CIRT Cases					
	CIRT Case #	Date Sent	Letter received from Chief	Date received back from Chief	
	C-005-16	6/30/2016			
	C-016-16	7/7/2016			
	C-011-16	9/8/2016			
	C-004-16	10/13/2016			
	C-017-16	7/7/2016			
	*65 Cases not sent from IA for review				
OIS Cases					
	OIS Case #	Date Sent	Letter received from Chief	Date received back from Chief	
Letter 5	I-48-15	3/11/2016	x	4/22/2016	
Non-Concurrences					

Recommendations from CPOA/POB to APD

FileNum	Allegation	Directive	Finding	CPOA/Finding	Date Sent	Letter received from Chief	Date received back from Chief
GPC2014-000014	Traffic/Enforcement § 3-18-8 B		Not Sustained	Exonerated	2/11/2016		
GPC2014-000018	General Conduct	1-04-4B	Not Sustained	Sustained	2/11/2016		
GPC2014-000018	Use of Belt Recorder: 1-39-2B		Not Sustained	Sustained	2/11/2016		
GPC2014-000063	Other	1-02-2 B 1	Exonerated	Not Sustained	3/10/2016		
GPC2014-000176	General Conduct	1-04-1F	Exonerated	Unfounded	4/14/2016		
GPC2014-000176	Racial Profiling	1-03-2A	Exonerated	Unfounded	4/4/2016		
GPC2014-000207	Conduct	1-04-1F	Not Sustained	Exonerated	4/14/2016		
GPC2015-000014	Use of Discretion	1-02-2B	Exonerated	Sustained	2/12/2015		
GPC2015-000025	General Conduct	1-04-1F	Not Sustained	Sustained	2/11/2016		
GPC2015-000036	Use of Belt Recorder: 1-39-2B		Not Sustained	Sustained	2/11/2016		
GPC2015-000036	Use of Belt Recorder: 1-39-2B		Not Sustained	Sustained	2/11/2016		
GPC2015-000044	Use of Belt Recorder: 1-39-1 (A)		Not Sustained	Sustained	3/10/2016		
GPC2015-000045	General Conduct	1-04-1F	Exonerated	Sustained	3/10/2016		
GPC2015-000053	Use of Belt Recorder: 1-39-1 A		Exonerated	Sustained	3/10/2016		
GPC2015-000064	General Conduct	1-04-1F	Not Sustained	Sustained	5/17/2016		
GPC2015-000071	General Conduct	1-04-1F	Not Sustained	Sustained	3/10/2016		
GPC2015-000071	Supervisory Issues	3-18-2 D	Not Sustained	Sustained	3/10/2016		
GPC2015-000071	Other	3-43-3 G	Not Sustained	Sustained	3/10/2016		
GPC2015-000071	Traffic Enforcement § 1-02-2 B 2		Exonerated	Sustained	3/10/2016		
GPC2015-000085	General Conduct	1-04-1 (F)	Exonerated	Unfounded	3/10/2016		
GPC2015-000095	Use of Belt Recorder: 1-39-2B		Exonerated	Sustained	3/10/2016		
GPC2015-000112	Use of Belt Recorder: 1-39-2 A		Not Sustained	Sustained	3/10/2016		
GPC2015-000116	Traffic Enforcement § 1-02-2 B		Not Sustained	Sustained	3/10/2016		
GPC2015-000116	General Conduct	1-04-1 F	Not Sustained	Sustained	3/10/2016		
GPC2015-000149	Investigations/Docun 2-24-3 A 5 f		Not Sustained	Sustained	1/14/2016		
GPC2015-000149	Acting Officially	1-04-4 N	Not Sustained	Sustained	1/14/2016		
GPC2015-000149	Truthfulness	1-04-4 W	Not Sustained	Sustained	1/14/2016		
GPC2015-000149	Attitude	1-04-4 O	Not Sustained	Sustained	1/14/2016		
GPC2015-000149	Attitude	1-04-4 O	Not Sustained	Sustained	1/14/2016		

Attachment "B"

Recommendations from CPOA/POB to APP

CPC2015-000149	Supervisory Issues	3-18-3 G	Not Sustained	Sustained NBOOC	1/14/2016	
CPC2015-000160	Civil Matters	3-14-2 C	Exonerated	Sustained	1/14/2016	
CPC2015-000160	Providing Name	1-02-3 A	Exonerated	Sustained	1/14/2016	
CPC2015-000160	Civil Matters	3-14-2 C	Exonerated	Sustained	1/14/2016	
CPC2015-000195	General Conduct	1-04-1 (A)	Unfounded	Unreasonable	5/17/2016	
CPC2015-000204	Searches/Seizures	2-17-3 (D)	Unfounded	Exonerated	5/17/2016	
CPC2015-000204	Searches/Seizures	2-17-3 (F)	Unfounded	Exonerated	5/17/2016	
CPC2015-000223	Use of OBRD	1-39-2 B	Sustained	Sustained NBOOC	4/5/2016	
CPC2015-000223	Searches/Seizures	1-02-2 B2	Exonerated	Sustained	4/5/2016	
CPC2015-000223	Supervisory Issues	3-18-3 G	Exonerated	Sustained NBOOC	4/5/2016	
CPC2015-000223	Use of OBRD	1-39-2 B	Sustained	Sustained NBOOC	4/5/2016	
CPC2015-000223	General Conduct	1-04-1 F	Sustained	Not Sustained	4/5/2016	
CPC2015-000223	Use of OBRD	1-39-2 B	Sustained	Sustained NBOOC	4/5/2016	
CPC2016-000013	General Conduct	1-04-4 B	Sustained	Sustained NBOOC	5/17/2016	
CPC2016-000013	Restraints and Transf	2-19-3 F1	Sustained	Sustained NBOOC	5/17/2016	
CPC2016-000013	Truthfulness	1-04-4 W	Not Sustained	Sustained NBOOC	5/17/2016	
CPC2016-000025	Use of OBRD	1-39-2 C	Sustained	Sustained NBOOC	6/9/2016	
CPC2016-000027	Truthfulness	1-04-4 U	Not Sustained	Sustained	6/9/2016	
CPC2016-000029	Report Writing/Issues	1-05-2 (C)(9)(e)	Not Sustained	Sustained NBOOC	6/9/2016	
CPC2016-000029	Investigations/Docum	2-24-3 (A)(5)(f)	Not Sustained	Sustained NBOOC	6/9/2016	
CPC2016-000029	Use of Force	2-52-7 (B)	Sustained	Sustained NBOOC	6/9/2016	
CPC2016-000052	Acting Officially	1-04-4 N	Unfounded	Unreasonable	9/8/2016	
CPC2016-000088	Conduct	1-4-3(a)	Not Sustained	NA	9/8/2016	x
CPC2016-000088	Conduct	1-37-3(a)(3)	Exonerated	NA		#####

Informal Requests	Response
Request to change requirements of training academy for POB members	Request was denied

Recommendations from CPOA/POB to APD

Request for data on drug testing and vehicle accidents	Request was denied					
Request that OPA address new policy recommendations for policies that are not included in the CASA related policies	Request was denied					
Request that every policy should require data collection and analysis	Request was denied					
Request to put policy in place to deal with drug and substance abuse rather than relying on general city drug policy.	Request was denied					
OPA Recommendations:						
1-39 Recommendation that Officers not be able to watch video before a statement when the officer is under investigation.	Request was denied		November 2nd 2016			

Attachment "B"

Appeals to the POB – General Information

You have appealed your case to the Police Oversight Board (POB). You will need to appear at the POB meeting on the date and time your appeal has been set for. During the meeting, your case number (CPC#251-15) will be announced and you should then come down and approach the podium.

The Chairperson will ask you to identify yourself and then will explain how the procedure will work. You will be given 15 minutes to present your case to the Board. You, or a representative of your choice, may speak for you. You may share your 15 minutes with other witnesses if you desire. After your time is up or you have finished, both APD and the CPOA office will be given 10 minutes to speak. After both APD and the CPOA have spoken, you will be given 5 additional minutes to speak. The Board members may ask questions to help clarify things. See the attached Procedure for Appeals page.

When you begin speaking about your case, it is very helpful if you explain what happened which led to the *police involvement*. After you explain what happened, then explain your *interaction with the officers* and what you feel they did wrong.

Board members will review your case prior to the meeting, but it is important to explain what happened, not just why you are unhappy with the police department.

After everyone has spoken and the POB have asked whatever questions they feel are important, they will vote on your case. In addition, a few days after the meeting you will be mailed a letter explaining how the POB voted.

If your complaint was “Sustained”, it means we found the officer in violation of a particular charge. If your complaint was found to be “Not Sustained” that means the evidence was 50-50. If the finding is “Exonerated” or “Unfounded” it means we found the officers did not violate that charge.

If you have any questions about the appeal process or anything else please call the CPOA office at (505) 924-3770.

Attachment “C”

Appeals to the POB - Procedures

Procedure for Appeals:

- The appeal shall be limited to forty-five (45) minutes unless the POB determines that additional time is necessary. The POB may ask questions at any time.

Appellant (citizen):

- The Appellant shall be given fifteen (15) minutes to speak and present their side of the discussion. The POB asks that you do not use the officer's names during your presentation.

APD and CPOA:

- APD/IA and the CPOA shall then be given ten (10) minutes each to present their side of the discussion. This may include both APD/IA and the CPOA/staff.

Police Officers:

- Police officers, who are the subjects of the complaint and appeal, shall be given five (5) minutes to speak. Historically, police officers do not come to the appeal hearing.

Appellant (citizen):

- The Appellant shall be given five (5) minutes to conclude their presentation.

POB:

- The matter will then be before the POB for discussion and a decision. The POB may ask additional questions of those present if it deems it necessary.
- The POB Chairperson will then ask for a motion and a second on the matter. Examples of motions might be as follows:
 1. Keep the findings as presented by the CPOA and deny the appeal.
 2. Remand to the CPOA for further findings/investigations.
 3. Change the recommendation of the CPOA.
 4. Make further recommendations in regards to the findings.
 5. Make further recommendations to APD in regards to imposed or proposed discipline.
- The POB Chairperson will then call for a vote on the proposed motion.
- The POB shall make determine a finding during the hearing and render a decision by a simple majority vote during the open hearing. A tie vote means there is no change to the findings. The CPOA will mail the decision to the appellant.

Attachment "C"

7-8-16

Request for Hearing CPC #251-15

I received the CPOA's findings letter on my complaint on 6-13-16. In that letter Director Harness states that; "the CPOA thoroughly and impartially investigated the complaint".

Being that the letter goes into some detail concerning the investigation, I question its thoroughness and impartiality as it is apparent not all of the witnesses were interviewed nor was Major G's "as an aside" explanation as to why he was in uniform looked at with a critical eye. As such, I contend that the investigation therefore falls under the Police Oversight City Ordinance Section 9-4-1-9A(C) where it states "that the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion" and that I be granted a hearing on the findings of CPC #251-15.

Facts:

1. Only one out of the seven witnesses I named was interviewed in this investigation.

There is no doubt that if all of the witnesses had been interviewed the investigation would not have come down to a 50%-50% preponderance of credible evidence balancing act (see attached notarized affidavit) when considering Major G's violation of General Order 1-39-3A.

2. Major G's own "as an aside" statement shows that he had intimate knowledge, as he should have considering his position at the Department, of/about - that predated - the District Court Hearing, but yet was not explored by the investigator in any way, shape or form.

There is no doubt that if this statement had been questioned Major G would have been disallowed the ability to rely on the 'emergency' exemption of SOP 2-01-4B(2). And would have, taken in conjunction, also made a sensible explanation of Attorney Hults associate's email, that also predated the Hearing, - as to something he already had knowledge of - as a simple note to meet Ms. Hults at her office just prior to the Hearing being called before the Honorable Judge Denise Barela-Shepard.

Respectfully Submitted,



Attachment "D"

STATE OF NEW MEXICO)
)ss.
COUNTY OF BERNALILLO)

AFFIDAVIT OF SHAWN CASAUS

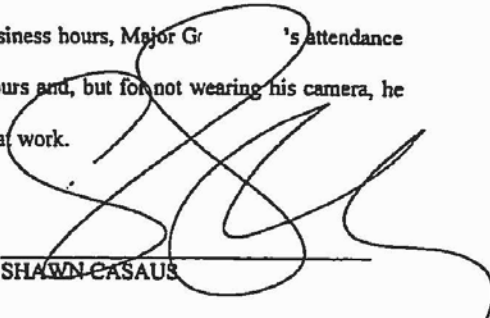
I, SHAWN CASAUS, am over the age of eighteen and being first duly sworn upon oath, affirm and hereby state:

1. On December 14, 2015, I attended a hearing in the case *Lujan v. City of Albuquerque* in the Honorable Judge Barela-Shepherd's court room at Bernalillo County District Court at about 2:50PM in the afternoon. While walking to the courtroom, I encountered APD Major 7 G [redacted] and we spoke briefly about whether I was going to the "Lujan case" and I said yes. I noticed that he was not wearing an on-body recording device.
2. During this hearing, I was there on my own, in my own individual capacity as a private citizen, and sat outside of the "well" of the courtroom.
3. While I was present in the courtroom, I saw Major Gonterman walk into the courtroom wearing his standard APD uniform. He briefly spoke with city attorneys and then he turned and sat down across from me in the public seating section.
4. Realizing I had seen Major G [redacted] not wearing his on-body camera, I look at him to make sure and confirmed Major G [redacted] was not wearing any lapel camera or on-body recording device such as a Taser Axon camera, a Scorpion camera, or the new Viewu cameras I've seen other officers wearing. I noticed this because as a former APD officer I knew that I always had to wear a camera, there is an SOP that requires all uniformed officers to wear a camera, and that officers are regularly scrutinized for not wearing a camera. As such it was just natural that I looked to see if he was wearing a camera and he was not.

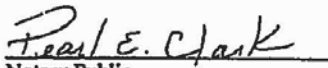
Attachment "D"

5. As this hearing took place during regular business hours, Major Gr [redacted]'s attendance at this hearing occurred during his regular work hours and, but for not wearing his camera, he was dressed as he would normally be dressed while at work.

Further affiant sayeth not.


SHAWN CASAUS

SUBSCRIBED AND SWORN TO before me, the undersigned Notary Public, by Shawn Casaus, this date of June 23, 2016.


Notary Public

My Commission Expires: 11/29/18



Attachment "D"

Skotchdopole, Paul A.

CPC251-15

From: webmaster=cabq.gov@mailgun.org on behalf of webmaster@cabq.gov
Sent: Monday, December 21, 2015 8:34 AM
To:
Cc: Contreras, Michelle; Skotchdopole, Paul A.
Subject: Online Police Complaint Form Submission

Your Name

Your Mailing Address

Your Phone Number

Your Email Address

Gender

Male

Your Date of Birth

Ethnic Background

White or Anglo

How Did You Hear About this Form?

Word of Mouth

Do you suffer from homelessness?

No

Do you suffer from mental illness?

No

Is English your primary language?

Yes

What is your sexual orientation?

Heterosexual

Your Complaint

On December 14th, 2015 at approx. 3PM I observed Albuquerque Police Department officer Major Timothy Gonterman, in full working uniform, in 2nd Judicial District Courtroom 520.

Apparently Major G was present to testify as a witness, on the behalf of the defendant, at the request of Assistant City Attorney Samantha Hults.

The hearing being adjudicated, before Judge Denise Barela-Shepherd (D-202-CV-201508983), was filed weeks before (11/30/2015) and in no way be construed as an emergency by Major G or City Attorney Samantha Hults.

I contend that by being in full working uniform Major G was in violation of the Albuquerque Police Department (APD) Standard Operating Procedures (SOP) 2-01-4(A1a) and 2-01-4(B2) where it reads in part:

2-01 COURT RULES:

2-01-4 COURTROOM ATTIRE AND SECURING OF WEAPONS

1

Attachment "D"

A. Civilian Attire

1. Federal or District Court:

a. Male officers who appear to testify shall be attired in a dress shirt or sports jacket complete with slacks, dress shirt and a tie.

B. Uniform Attire

2. Federal or District Court - Officers who appear or testify may wear the authorized working uniform only in an emergency.

I also contend, being that Major G was apparently on duty and in full working uniform, the possibility that he was also in violation of APD SOP lapel camera policies as I observed no lapel camera on his person.

Date & Time the Incident Occurred

Dec 14, 2015 03:00 PM

Address where the incident occurred

2nd Judicial Court, 400 Lomas Blvd NW

Name of and badge number of officer(s) involved, if known

Major T1 G

Witness Information

1. The Honorable Judge Denise Barela-Shepard
2. Assistant City Attorney Samantha Hults
3. Kellie Garcia (Assistant to Ms. Hults/City Employee)
4. Melissa Kountz (Assistant to Ms. Hults/City Employee)
5. Albuquerque Journal reporter Mike Gallagher
6. Private Attorney Thomas Grover
7. APD officer Jude Lujan

Would you be interested in mediating this complaint?

No

Your Signature

Today's Date

Dec 21, 2012

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board *Beth Mohr, Chair Leonard Waites, Vice Chair*

Dr. Susanne Brown Eric H. Cruz Joanne Fine

Dr. Carlotta A. Garcia Dr. Lisa M. Orick-Martinez

Rev. Dr. David Z. Ring III

Edward Harness, Esq., Executive Director

June 10, 2016
Via Certified Mail

Re: CPC #251-15

Dear Mr.

Our office received the complaint you filed on December 21, 2015 against Officers of the Albuquerque Police Department (APD), regarding an incident that occurred on December 14, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint on December 28, 2015. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

Upon completion of the investigation, the CPOA determined, based on a preponderance of the evidence, whether or not the APD Officer(s) involved violated Standard Operating Procedures (SOPs). A preponderance of the evidence means that one side has demonstrated a greater weight of evidence (more than 50%) that is more credible and convincing than the other side. If the credible evidence is 50-50, the proper finding is Not Sustained.

Albuquerque

New Mexico 87103

Please be aware, the contract between the Albuquerque Police Officers' Association (APOA) and the City of Albuquerque requires that officers cooperate in the investigation; therefore, the officer's statements may not be made public. Below is a summary of the complaint, the CPOA's investigation, and findings.

www.cabq.gov

I. THE COMPLAINT AND INVESTIGATION

Mr. _____ attended a District Court temporary restraining order hearing filed by an APD officer to halt a promotion process. Mr. _____ observed Major G in uniform, which he believed was a violation of policy. Mr. _____ also observed that Major G was not wearing his lapel camera, which was a violation of policy.

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the complaint, the citizen interview, the city attorney's interview, and Major G's interview.

Albuquerque - Making History 1706-2006

Attachment "D"

II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING MAJOR G'S CONDUCT

A) The CPOA reviewed Standard Operating Procedural Order 2-01-2E2bi regarding Major G's conduct, which states:

Uniform Attire Federal or District Court Officers who appear or testify may wear the authorized working uniform only in an emergency. Uniforms may be worn at preliminary hearings.

Mr. attended a hearing in District Court concerning an APD officer suing over a promotion denial. Mr. observed Major G in the courtroom in uniform. Mr. understood Major G was there to testify if needed. Mr. contended there was plenty of notice about the hearing and that the situation was not an emergency, which would have been an allowed exception for Major G to wear his uniform.

Major G was summoned to the city attorney's office to discuss an upcoming personnel case, which was a typical activity for him during the workday. Major G was wearing his uniform, which was his daily work attire. Major G assumed the hearing was at some date in the future and was surprised to learn he had to go to court right then. Since he had received no prior notice he was going to court that day, he did not have an opportunity to change out of his uniform. As an aside Major G explained this was not a typical trial where individuals could be influenced or intimidated by him wearing his uniform; it was a personnel matter where all parties involved knew his position and were either officers, former officers, or attorneys.

City Attorney Hults acknowledged the court sent notice of a hearing on December 7, 2015, but she did not have an opportunity to act upon it until December 11, 2015 because she was out of the office. Ms. Hults' associate sent an email invite to Major G on Friday December 11, 2015 to meet at her office on Monday December 14, 2015 to discuss the case. The email invite mentioned a hearing at 3:00 p.m., but Ms. Hults stated the comment was easily missed. Major G did not see the notation and Ms. Hults stated Major G was genuinely surprised they were going to the hearing after their discussion. Ms. Hults stated Major G did not sit with her and the city legal team and instead sat within the audience. Ms. Hults agreed Major G was there to testify if the Judge required, but Major G did not appear or testify as the Judge determined it was unnecessary. Ms. Hults agreed there was probably plenty of notice to the legal department, but not to Major G and he was there at her request last minute. Additionally Ms. Hults believed this hearing fit the criteria of a preliminary hearing because a temporary restraining order hearing is preliminary to a permanent restraining order. The policy allows uniforms to be worn in a preliminary hearing, when the appearance is considered an emergency, i.e. last minute, and Major G did not actually appear or testify for the court.

The CPOA finds Major G's conduct to be **Exonerated** where the investigation determined the alleged conduct occurred, but did not violate APD policies, procedures or training.

B) The CPOA reviewed Standard Operating General Order 1-39-3A regarding Major G's conduct, which states:

Attachment "D"

Letter to Mr. CPC 251-15
June 10, 2016
Page 3

All uniformed officers will be required to carry the issued recorder while on duty.

Mr. stated he did not see Major G wearing his lapel camera while in uniform.

Mr. claimed Major G did not wear his lapel camera and Major G stated he did. Ms. Hults did not pay attention if Major G had his lapel camera on his person. Major G did not have any recordings during that date and time to prove that he had his lapel camera, but none of his activities required a recording.

The CPOA finds Major G's conduct to be **Not Sustained** where the investigation was unable to determine whether the alleged misconduct occurred.

Your complaint and these findings are made part of Major G's Internal Affairs record.

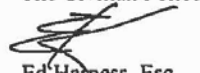
You have the right to appeal this decision.

1. If you are not satisfied with the findings of the CPOA, please request an appeal in a signed writing to the undersigned within 30 days of receipt of this letter. Include your CPC number.
2. If you are not satisfied with the final disciplinary decision of the Chief of Police, you can request a review of the complaint by the city's Chief Administrative Officer. Your request must be in writing and within 30 days of receipt of this letter. Include your CPC number.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>.

Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,
The Civilian Police Oversight Agency by



Ed Harness, Esq.
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

Attachment "D"

SOP 3-1 Selection, Authority, and Responsibilities of the Chief of Police

3-1-1 Purpose

The chief of police is the community's chief peace officer and is responsible for the overall functioning of the department, staff, policies and budget. The chief of police is the face of the department to the public, serves as an appointee of the mayor, and is confirmed by City Council.

3-1-2 Selection

The appointment shall be made by the mayor with confirmation by the City Council. The qualifications of the candidate and their vision for APD will be made available for public inspection prior to any confirmation vote by City Council.

3-1-3 Qualifications

1. Certified law enforcement officer.
2. Progressive experience over at least 10 years with an additional 5 years of supervisory experience.
3. Master's degree from an accredited College or University preferred; bachelor's degree required.
4. No conviction of a felony, a misdemeanor crime of domestic violence, or other state or federal law that results in the prohibition of possession of a firearm.
5. Advanced Certification from the New Mexico Law Enforcement Academy or equivalent preferred, or ability to acquire within 1 year of hired date.
6. Completion of a law enforcement management program (i.e. FBI National Academy, PERF Senior Management Institute, Northwestern Police Staff and Command) preferred, or ability to acquire within 1 year of hired date.

3-1-4 Duties

1. Oversee all the staff, sworn officers, and civilian employees.
2. Conduct annual written performance evaluations of deputy chiefs and majors.
3. Respond to correspondence directed to the chief.
4. Call for audits as appropriate for deployment of staff, budget expenditures, and department property to improve overall police operations.
5. Formation of the department budget in conjunction with City Council.
6. Determination of the on-duty status of any officer involved in a shooting or other high profile case.
7. Spokesperson for high profile cases.
8. Declaration of honorary events as parades and other tributes.
9. Commemoration of officers for outstanding services.
10. Spokesperson for any major changes in policy and procedures.

Attachment "E"

11. Establishes the department's strategic objectives, policies, directives, regulations, and procedures based on the needs of the community and the police department.
12. Continually monitors and evaluates the effectiveness and responsiveness of the department.
13. Responsible for training programs being in compliance N.M. Department of Public Services, APD policy, and in accordance with existing state and federal guidelines.
14. Cooperates with law enforcement officials from other jurisdictions on investigations and in the apprehension and detention of suspects.
15. Plans, implements, and maintains effective community relations and public education programs.
16. Serves as primary representative of the department with civic organizations, public interest groups, elected representatives, and civilian police councils by attending meetings related to public safety problems.
17. Insures that any complaints against the department or its personnel are handled effectively and in a timely manner.
18. Actively participate in professional law enforcement associations.
19. Prepare and present concise and meaningful oral and written material relating to the activities of the Department.
20. During a state of emergency such as a large civil disturbance, natural disaster, nuclear accident, the chief will assume the leadership role for the department in planning, coordinating and directing all activities to restore peace

3-1-5 Evaluation

The mayor performs a written evaluation of the chief of police performance of duties annually and submits it to city council for consideration of contract renewal.

3-1-6 Succession

In the event that the chief becomes incapacitated they will be replaced by the deputy chief on an interim basis.

*Formulated with fragments from observed duties of APD chief, City of Albuquerque Policies, the Duties of the Chief of Police from Seattle, LAPD, Kensington, New Hampshire, and Wikipedia.



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-01

Effective: 01/15/16 Expires: 01/15/17 Replaces: 04/27/15

3-1 **AUTHORITY AND RESPONSIBILITIES**

3-1-1 **Rules**

A. **Chief of Police**

1. Is appointed by the Mayor of Albuquerque and is directly responsible to the Chief Administrative Officer for the efficient conduct and operation of the Police Department.
2. Has the responsibility for the assignment and reassignment of all personnel and the efficiency, discipline, general conduct, and appearance of such personnel. In this capacity, the Chief of Police shall have the authority to prescribe, promulgate, and enforce rules and regulations for the operation of the department.
3. May authorize personnel to deviate from the provision of these manuals when the Chief of Police believes such deviation to be in the public interest.

Attachment "E"

OPA Review Schedule: POB Policy Sign-Up

POLICY #	Policy Name	Monitor Approved On	Six Month Review Date	Tentative OPA Review Date (subject to change)	Police Oversight Board Member signed up for policy review
2-52	Use of Force	January 7, 2016	July 5, 2016	Completed	Joanne Fine
2-53	Electronic Control Weapons	February 12, 2016	July 5, 2016	Completed	Joanne Fine
2-54	Use of Force Reporting	February 12, 2016	July 5, 2016	Completed	Joanne Fine
2-55	Use of Force Appendix	February 12, 2016	July 5, 2016	Completed	Joanne Fine
3-49	Early Intervention System	February 19, 2016	August 17, 2016	Completed	
1-39	On-Body Recording Devices	March 31, 2016	September 27, 2016	Completed	
1-2	Officer's Duties and Conduct	April 7, 2016	October 4, 2016	Completed	
1-14	Behavioral Science	April 7, 2016	October 4, 2016	November 2, 2016	
2-06	Uniforms	April 7, 2016	October 4, 2016	Completed	
3-2	Command Responsibilities	April 7, 2016	October 4, 2016	Completed	
2-22	Firearms and Ammunition Authorization	April 8, 2016	October 5, 2016	November 8, 2016	

Attachment "F"

2-42	Hostage, Suicidal, Barricaded Subject	April 20, 2016	October 17, 2016	November 8, 2016	Beth Mohr
3-67	Force Review Board	April 20, 2016	October 17, 2016	November 8, 2016	
1-4	Personnel Code of Conduct	April 29, 2016	October 26, 2016	November 22, 2016	
2-04	Recruiting	April 29, 2016	October 26, 2016	November 22, 2016	
3-19	Employee Work Plan	April 29, 2016	October 26, 2016	November 22, 2016	
3-43	Complaints	May 5, 2016	November 1, 2016	December 6, 2016	
3-20	Department Orders	May 5, 2016	November 1, 2016	December 6, 2016	
3-29	Policy Development Process	May 9, 2016	November 5, 2016	December 6, 2016	
1-09	Discipline	May 12, 2016	November 8, 2016	December 20, 2016	
1-10	Peer Support	May 12, 2016	November 8, 2016	December 20, 2016	
1-46	Emergency Response Team	May 12, 2016	November 8, 2016	January 17, 2017	Beth Mohr
3-18	Supervisor's Responsibilities	May 13, 2016	November 9, 2016	January 17, 2017	
3-19	Response to First Amendment Assemblies	May 24, 2016	November 11, 2016	January 17, 2017	Beth Mohr

Attachment "F"

2-42	Hostage, Suicidal, Barricaded Subject	May 27, 2016	November 23, 2016	January 31, 2017	
3-43	Complaints	May 27, 2016	November 23, 2016	January 31, 2017	
7-2	Critical Incident Review Team	June 5, 2016	December 2, 2016	February 14, 2017	
7-1	Internal Affairs	June 5, 2016	December 2, 2016	February 14, 2017	
2-03	Training	June 5, 2016	December 2, 2016	February 28, 2017	
2-13	Response to Behavioral Health Issues	June 5, 2016	December 2, 2016	February 28, 2017	
3-1	Special Investigations	June 5, 2016	December 2, 2016	March 14, 2017	Eric Cruz
3-45	Review of Administrative Cases	June 5, 2016	December 2, 2016	March 14, 2017	Dr. Lisa Orick-Martinez
3-6	Criminal Investigations Division	June 5, 2016	December 2, 2016	March 28, 2017	Eric Cruz
7-3	Investigative Response Team	June 5, 2016	December 2, 2016	March 28, 2017	

Attachment "F"

POLICE OVERSIGHT BOARD
INTERNAL AFFAIRS
STATISTICAL DATA FOR THE MONTH OF OCTOBER 2016

APD 911 Communications Center

Dispatched calls for Service for OCTOBER 2016: 44,326 (decrease from September)

INTERNAL CASES FOR THE MONTH OF OCTOBER 2016

I's

Internal Cases Received: 5

Comprised of:

- 4-Internal Affairs Investigated case
- 1-Area Command Investigated cases

Internal Cases Administratively Closed: 2

Internal Cases Mediated: 0

Total Internal Cases Completed the Month of OCTOBER: 10

Comprised of:

- 8-Internal Affairs Investigations
- 2-Area Command Investigated cases

Discipline imposed for Internal Cases/ OCTOBER 2016:

4: Verbal Reprimand

2: Letter of Reprimand

3: 32hr Suspension

1: 40hr Suspension

3: 80hr Suspension

1: Resignation in Lieu of Termination

Standard Operating Procedures (recommended)

Admin Orders:

3-9-3G

Conduct:

1-4-1A	1-4-1B	1-4-1F	1-4-1G3	1-4-3A
1-4-4B2	1-4-4B7b	1-4-4C1	1-4-4D4	1-4-4J
1-4-4U	1-4-11A2	1-4-11A4	1-4-11C	

General Order:

1-5-2E1 1-7-2J3

Procedural Orders:

2-52-3F	2-52-6B	2-52-7B	2-52-8A
2-8-2A1	2-8-2B2		

Special Order:

15-11

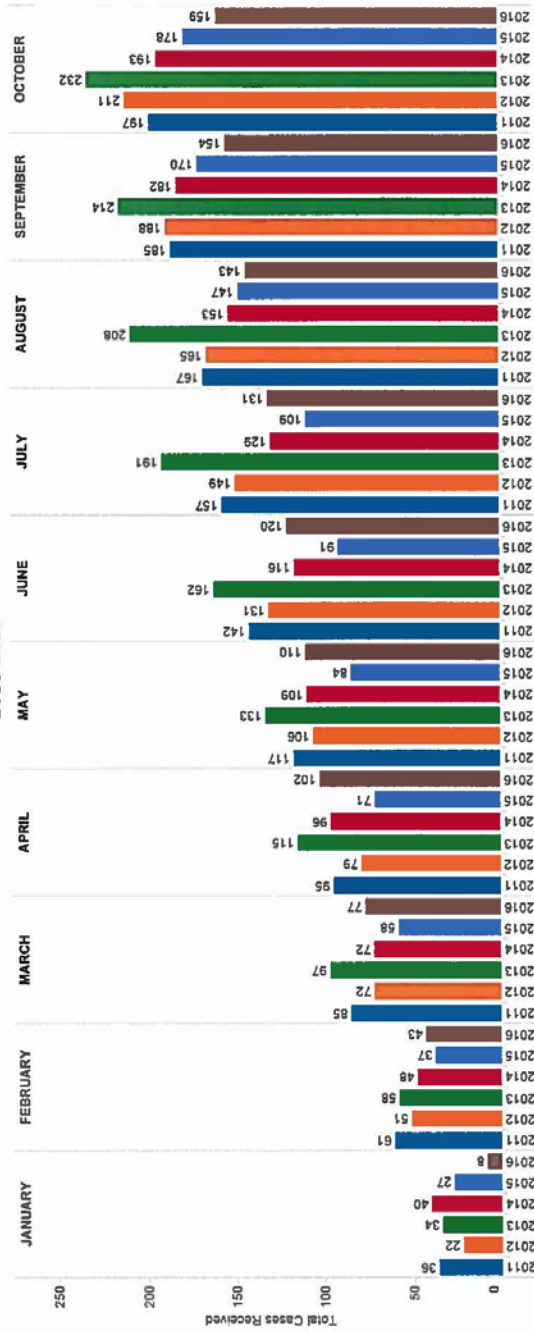
Pending Cases for the Month of OCTOBER 2016: 4*

***Is related to the number of cases opened within OCTOBER**

Attachment "G1"

**INTERNAL INVESTIGATIONS
YEAR TO DATE
(JANUARY THROUGH OCTOBER)**

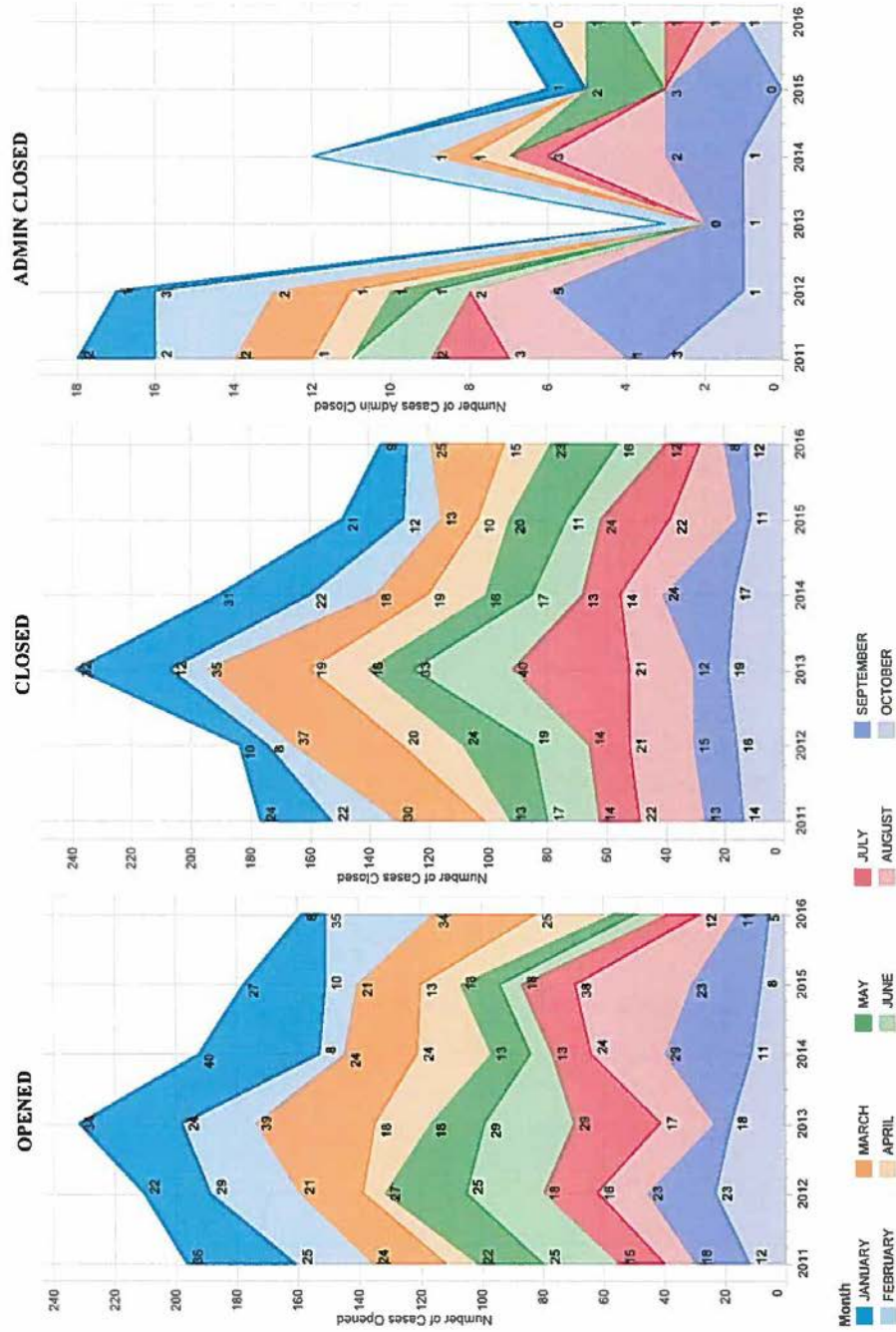
**RECEIVED CASES
2011-2016**



FINDINGS



INTERNAL INVESTIGATIONS
JANUARY THROUGH OCTOBER



Attachment "G3"



CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board *Beth Mohr, Chair*

Johnny J. Armijo *Dr. Susanne Brown*

Joanne Fine *Dr. Carlotta A. Garcia*

Rev. Dr. David Z. Ring III

Edward Harness, Esq., Executive Director

Leonard Waites, Vice Chair

Eric H. Cruz

Dr. Lisa M. Orick-Martinez

POLICE OVERSIGHT BOARD

Meeting Schedule

January – December 2017

**All Meetings are held in the
Vincent E. Griego Chambers –
One Civic Plaza NW - 5th & Marquette NW, Lower Level
Albuquerque, NM 87102**

**Meetings will begin at 5:00 p.m. unless noted otherwise and may extend
beyond 8:00 p.m.**

Thursday, January 12, 2017

Thursday, February 9, 2017

Thursday, March 16, 2017

Thursday, April 13, 2017

May 18, 2017

Thursday, June 8, 2017

Thursday, July 13, 2017

Thursday, August 10, 2017

Thursday, September 14, 2017

Thursday, October 12, 2017

Thursday, November 9, 2017

Thursday, December 14, 2017

Attachment "H"



City of Albuquerque
Civilian Police Oversight Agency

OCT 28 '16 RCL

Richard J. Berry, Mayor

Edward W. Harness, Esq., Executive Director

Interoffice Memorandum

October 25, 2016

To: Commander McRae
From: Edward W. Harness, Esq., Executive Director
Subject: IAPro Software

Commander McRae:

The purpose of this memo is to ensure a smooth transition into the full implementation of the IAPro software system utilized by APD. The training last week illustrated what a great tool the software can be when used properly and to its fullest extent.

Based upon the training, I now know, it is imperative to provide Administrator level access to the program for both myself and Dr. Verploegh. Without access at the administrative level my agency will be unable to perform its duties to its fullest capabilities.

I look forward to your prompt attention to this matter.

Edward W. Harness, Esq.
Executive Director
CPOA

cc: POB

Attachment "I1"



City of Albuquerque
Police Department

Richard J. Berry, Mayor

Interoffice Memorandum

October 31, 2016

To: Edward Harness, Director, Civilian Police Oversight Agency
From: Jeremy McRae, Commander, Internal Affairs *Jmcr*
Subject: IA Pro Administrator Rights

In your memorandum dated October 25, 2016, you requested "Administrator level access" to the IA Pro system which houses IA and CPOA data. You cited recent training we both attended, as justification for administrator rights. I have researched the matter fully and have determined administrator rights do not grant any additional access to data beyond the full access your office already has. For example, neither I nor the Chief of Police has administrator rights. Furthermore, even the information technology section does not have administrator rights.

There is only one person who has administrator rights and this is done to protect the integrity and security of the system. Administrator rights allow complex changes which alter the way the software works. As previously stated your agency already has full access which allows you to view all data, conduct data entry and generate your own reports to your specifications.

There can be no expansion of administrator rights.

cc: G. Eden, Chief of Police
R. Huntsman, Assistant Chief
J. Tyler, Major, PAB

Attachment "I2"