

## CIVILIAN POLICE OVERSIGHT BOARD

Thursday, July 13, 2017 – 5:00 PM  
Vincent E. Griego Chambers, Basement Level  
City/County Government Center – One Civic Plaza NW  
Albuquerque, New Mexico

### Members Present:

Joanne Fine, Chair  
Dr. Carlotta Garcia, Vice Chair  
Johnny J. Armijo  
Sue Brown  
Eric Cruz  
Dr. William Kass  
Valerie St. John  
Leonard Waites

### Members Absent

Rev. Dr. David Z. Ring III

### Others Present

Edward Harness, CPOA  
Michelle Contreras, CPOA  
Amanda Bustos, CPOA  
Major Jessica Tyler, APD  
Julian Moya, City Council

### Meeting Minutes

- I. Welcome and call to order** – Chair Fine called to order the regular meeting of the Police Oversight Board at 5:06 p.m. and welcomed the new board members Dr. Kass and Ms. St. John to the POB.
- II. Pledge of Allegiance** – Member Waites led the meeting in the Pledge of Allegiance.
- III. Mission Statement** – Chair Fine read the POB’s Mission Statement.
- IV. Approval of the Agenda**
  - a) Copies of the Agenda were distributed to each Member in their packets.
  - b) A motion was made by Member Armijo to approve the agenda. Member Waites seconded the motion.
  - c) After the motion and the second, a discussion was had to amend the agenda to move item *XII. a. Reports from City Staff, APD* to be heard after item *IX* in order to accommodate APD Major Jessica Tyler, who had to leave the meeting early to attend another engagement.
  - d) The motion was carried by the following vote:  
For: 8 – Armijo, Brown, Cruz, Fine, Garcia, Kass, St. John, Waites
- V. Public Comments** – Mr. Jim Larson gave a summary to the board about his concerns about the Court-Approved Settlement Agreement, the Police Oversight Ordinance, the POB Policies and Procedures and the Monitor’s Reports. **See attachment “A”** for more information.
- VI. Updates from POB Chair Fine.** At the end of her update, Chair Fine indicated that if anyone has any questions about any of the topics she discussed, to contact her.

- a) **APD Traffic Crash Data.** The POB previously requested APD traffic crash data from APD Internal Affairs. The APD Internal Affairs data analyst presented some data to the POB but the data was incomplete. As a result and in order to get this information to the POB and to the community, Chair Fine, Director Harness, Dr. Brown were invited to meet with RTCC Manager T.J. Wilham to discuss crash study data in order to make apples to apples comparison of the data. Mr. Wilham has crash data from Columbus, OH, Newport News, VA, Tuscon, AZ, El Paso, TX, Oklahoma City, OK, and Miami Dade, FL. Director Harness will discuss more about this topic in item VIII, b.
- b) **Albuquerque Police Officers Association (APOA) Contract.** The APD union contract is currently being negotiated. City Legal has asked the POB/CPOA to contribute their thoughts that should be discussed as part of the negotiations. Director Harness will discuss more about this topic in item VIII, a.
- c) **The Insertion of the POB into the Policy making process.** The POB and APD are at an impasse as to what meaningful civilian input is in regards to APD's policy making process. The POB will be sending a letter to Dr. James Ginger to ask for guidance in this matter.
- d) **Revision of CPOA's Findings letter.** Several citizens have suggested that the CPOA findings letter be improved in order for citizens to better understand the findings of the CPOA investigations. (See attachment "B").

**VII. Review and Approval of Minutes.** For more information about minutes from prior POB meetings, please visit our website here: <http://www.cabq.gov/cpoa/police-oversight-board/pob-agenda-meeting-minutes>

- a) **Approval of the Minutes from June 8, 2017**
  - 1. Copies of the draft minutes from June 8, 2017 POB meetings were distributed to each member in their packets.
  - 2. A motion was made by Member Brown to approve the minutes as accepted. Vice Chair Garcia seconded the motion. The motion was carried by the following vote: For: 8 – Armijo, Brown, Cruz, Fine, Garcia, Kass, St. John, Waites
  - 3. During discussion, Member Armijo made several suggested amendments to the June 8, 2017 minutes as follows:
    - i. As to item XI, a, 1: To add time of 7:00 p.m. to the meeting date of August 14, 2017 at Height's Community Center.
    - ii. As to item XI, a, 2: To change the next meeting date to June 18, 2017. **Note:** During the lunch break, Member Armijo stated that there was confusion to the meeting dates of June 20, 2017 and July 18, 2017. Therefore, this amendment was not made because the Community Outreach meeting "next date" was June

20, 2017 not June 18, 2017 as this date was a Sunday and a holiday. Member Armijo and Chair Fine agreed not to make the change.

4. After the motion and discussion, the motion was carried by the following vote:  
For: 8 – Armijo, Brown, Cruz, Fine, Garcia, Kass, St. John, Waites

### **VIII. Discussion:**

Prior to the discussions, Director Harness wished the officer who was wounded last evening a speedy recovery and wishes the officer well.

#### **a) APOA Contract – *Edward Harness***

1. The City has reached out the CPOA/POB to ask if they had any items they wished to negotiate as part of the collective bargaining agreement and the deadline to submit the changes are Friday, July 14, 2017. Director Harness said there are some items in the bargaining agreement that need to be corrected and negotiated, they are:
  - i. **Items to be corrected to be consistent with the ordinance and the settlement agreement:**
    - a. The appeal process for complaints is incorrectly described;
    - b. The treatment of Garrity materials is now inconsistent with the ordinance and the agreement reached with the APOA;
    - c. The CPOA no longer needs a signed complaint to investigate the complaint because they do investigate anonymous complaints.
  - ii. **Items to be negotiated:**
    - a. Only police officers, not Sergeants and Lieutenants, are members of the APOA union. Supervisors should have their own association in order to avoid a conflict of interest.
    - b. That the department and the collective bargaining agreement reflect the settlement agreement in which officers only carry department issued weapons;
    - c. As to take-home vehicles, the department should consider the cost-savings of moving to fleet vehicles;
    - d. In order for the CPOA/POB to make recommendations for officer discipline and/or training, the CPOA would like to see the investigation timelines expanded from 90 days to 180 days and the review timeline expanded from 30 days to 60 days.
2. Members discussed that the CPOA/POB should be part of the negotiating team. Director Harness stated that he has asked the question but has not received a response.

3. Director Harness will forward the items to be negotiated and the necessary changes to the City Attorney. Mr. Harness will include Attorney Baker and reiterate their request that they are at the table negotiating those terms.
4. Discussed the Community policing promotional policy within the bargaining agreement, which has not been resolved with the Court.
  - i. Member Brown will be bringing the policy up to the POB at their next meeting.
5. Discussed the POB's passwords for their CABQ emails, which have to be updated every 90 days and they should contact City IT for assistance.
6. Chair Fine asked that someone in the City fix access to Safelink, Evidence.com and Sharepoint in order to make the POB's access to these programs more easily accessible.

**b) Traffic data update**

1. See item VI, a).

**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) Administrative Closed Cases**

019-17                      086-17                      112-17

1. A motion was made by Member Waites that the *Administratively Closed* cases be accepted as presented. Member Brown seconded the motion. There was no discussion as to any of the administratively closed cases. After the motion and second, Chair Fine explained the case review process to the new POB members and they can review letters on Sharepoint prior to meetings and if they have questions about the letters to bring them to the POB meeting.
2. During the discussion, Director Harness invited Member Kass and Member St. John to check with him next week regarding their access both Sharepoint and Safelink.
3. Discussed the vacancies on several subcommittees.
4. After the discussions, the motion was carried by the following vote:  
For: 7 – Armijo, Brown, Cruz, Fine, Garcia, St. John, Waites

**b) Cases Investigated**

131-15                      180-16                      182-16                      194-16                      196-16  
038-17                      111-17

1. A motion was made by Member Waites that *Cases Investigated* be accepted as presented. Member Garcia seconded the motion.

2. After the motion and second, there was a discussion about how police officers handle monolingual speakers, such as the woman in CPC 182-16. In this case, the officer who arrived at the scene of the accident did not speak Spanish but was able to facilitate conversation through a fire fighter who was at the scene.
    - i. Director Harness explained that there is a standard in APD's communication policy for how to facilitate a conversation through an interpreter telephone service and there is not a requirement for the field to assign an officer who speaks Spanish as staffing shortage does not allow it.
    - ii. Major Tyler to clarify if there is a requirement if the officer is to use the communication channel to try and facilitate a telephone conversation to interpret.
    - iii. Director Harness will look into how many Spanish speaking officers that are on the police department and will clarify the communication procedure.
    - iv. After the discussion, the motion was carried by the following vote:  
For: 7 – Armijo, Brown, Cruz, Fine, Garcia, St. John, Waites
  - c) **CIRT Cases** – There were no CIRT cases to be heard. Director Harness explained the various reasons as to why there are no CIRT cases to be heard by the POB.
- X. OIS – John O'Keefe I-10-17.** According to the Agreement between the APD Union and the City of Albuquerque, the POB is not allowed to know the identity of the police officer named in the complaint. In accordance with the bargaining agreement, the CPOA does not reveal the officer's name to the Board.
- a) Director Harness read his findings summary of I-10-17. The Findings letter to Chief Eden, Jr. dated July 13, 2017 is posted on the CPOA's website located here: <http://www.cabq.gov/cpoa/findings-letters/special-cases-sent-to-internal-a/officer-involved-shootings>
  - b) A motion was made by Vice Chair Garcia to accept OIS John O'Keefe I-10-17 as written by Director Harness with noting the discrepancy our report and APD's report. Member Waites seconded the motion.
  - c) After the motion and second, members discussed the facts of the OIS case.
  - d) The motion was carried by the following vote:  
For: 7 – Armijo, Brown, Cruz, Fine, Garcia, St. John, Waites
- XI. (Previously listed on agenda as Item XII. a.) – Reports from City Staff**
- a) **APD** – Major Jessica Tyler gave a report for APD Internal Affairs. A copy of the document titled *Police Oversight Board, Internal Affairs; Statistical Data for the Month of June 2017* was distributed and discussed. See attachment "C."
    1. Major Tyler gave an update on the officer who was shot the night before. She says that she and Assistant Chief Huntsman went to visit him at the hospital and he is

in very good spirits and is with his family. They wish him a speedy recovery and thank the POB/CPOA for the well wishes for the officer.

2. After her reading the monthly report, Major Tyler gave several updates to the POB's discussion regarding the following topics:
  - i. **APD Language Lines.** On the issue of the use of the language line used by the officers. A few years ago, APD spent a lot of man hours developing an LEP plan. Major Tyler will be working to reinforce this into a formalized policy. Officers can call the language line as well as 911 call center.
    - a. After the working group discussion in item XI, 2, iii., Major Tyler clarified for Members that if the officer needed an interpreter, they would call dispatch for assistance and dispatch will patch them through the language line and the phone would be passed back and forth from the officer to the citizen during the conversation.
    - b. As part of language certification, the officer must be able to read and write in the language.
  - ii. **HR promotional policy.** The HR Promotional policy is a City HR policy and it is subject to the city rules making ordinance, which means the policy would be posted for 14 days with a public hearing with an additional 14 days after the public hearing which would allow for public comment.
    - a. Major Tyler advised Member Brown that they submit their comment to the Chief of Police as well as comment during the public comment phase.
  - iii. **Working group.** Major Tyler suggested that they reconvene and make a small working group to work on the flow charts. Chair Fine will call Major Tyler to schedule a meeting.

**XII. (Previously listed on agenda as item X) - POB's Review of Garrity Materials**

- a) There are no Garrity materials to be heard.
- b) A motion was made to adjourn the meeting and to into the dinner break. Vice Chair Garcia seconded the motion. The motion was carried by the following vote:  
For: 8 – Armijo, Brown, Cruz, Fine, Garcia, Kass, St. John, Waites
- c) At 6:26 p.m., the POB went into recess to go into a dinner break.
- d) At 6:49 p.m., the POB came back into session from the dinner break.

**XIII. (Previously listed on agenda as item XI) - Reports from Subcommittees**

- a) **Community Outreach Subcommittee – Johnny Armijo** - For more information regarding POB Community Outreach Subcommittee meetings, agendas and minutes, please refer to the website located here:  
<http://www.cabq.gov/cpoa/subcommittees/outreach-committee> Member Ring gave a report on behalf of the Community Outreach Subcommittee:

1. **Goals and Objectives.** On July 18, 2017, they Community Outreach Subcommittee will go over the goals and objectives.
  2. **New Brochure.** The subcommittee discussed the new CPOA brochure.
- b) **Policy and Procedure Review Subcommittee – Sue Brown** - For more information about the POB Policy and Procedure Subcommittee meetings, agendas and minutes, please refer to the website located here:  
<http://www.cabq.gov/cpoa/subcommittees/policy-procedure-review-committee>
1. **POB Ordinance Amendments.** A copy of the POB Ordinance with amendments was distributed to the POB members in their packets and discussed. (See attachment “D”) The following amendments were added to the ordinance:
    - i. That the following language from the Court Approved Settlement Agreement (CASA) paragraph 288 to be added to Page 7, paragraph (c): *The Chief of Police or designee shall present policy changes to the POB for review. The POB shall report any concerns it may have to the Chief regarding policy changes.*
    - ii. Subpoena power is added.
    - iii. Member Kass mentioned that there is a typo and to remove the “s” from the word “reports” to make singular.
    - iv. Mr. Julian Moya discussed the following:
      - a. Once the POB approves these changes, he will take the amended ordinance to Mr. Chris Melendrez, City Council’s legal analyst and Mr. Melendrez, who will drafts the bills related to the POB/CPOA.
      - b. Mr. Moya encouraged POB members to start talking to City Councilor members to find sponsors of the bill.
      - c. The amended ordinance will go to the Finance & Government Operations Committee before it goes to City Council.
    - v. A motion was made by Member Armijo to accept the proposed changes to the ordinance with the spelling corrections as suggested by Member Kass. Member Waites seconded the motion. The motion was carried by the following vote:  
For: 8 – Armijo, Brown, Cruz, Fine, Garcia, Kass, St. John, Waites
    - vi. After the motion, a discussion was initiated by Member Kass regarding the approved addition to the policy and its effects of the change in the ordinance and the enforcement of that change.
      - a. Director Harness explained to Member Kass that the reasons for putting this language into the ordinance: 1) so that it’s enforceable and 2) that it places an obligation on APD to have us on the committees on which we

currently serve on, such as SOPRC, Policy Procedures review board and Office of Policy Analysis.

- b. Director Harness clarified for Member Kass that they have not yet crossed the bridge as to enforcing the requirements in the Ordinance. Currently, the POB/CPOA will use the avenue of the Federal Judge and the Monitoring team for enforcement. When the CASA and the Monitoring team are gone, they will use City Council to enforce, unless an enforcement mechanism inserted into the ordinance.
- c. From a City Council prospective, Mr. Moya explained that if there was any recourse, he would assume that there would be conversations between City Council and the Chief of Police to get answers why it was happening and to discuss ways to resolve the issue to make sure they are complying with the ordinance.

**2. OPA.**

- i. At the last OPA meeting, the new head of OPA was introduced and her name is Vicky Duran. Ms. Duran is retired from the Navy and had previously worked at the University of Texas as an auditor. She will be working part-time for APD.
- ii. Bill Slauson is looking for new voting members for OPA, sworn and non-sworn employees to be voting members on OPA.
- iii. Mr. Slauson has suggested that the POB give some input on the OPA Coordinator job description, which Member Brown passed around to the board members to look at it for their input. (See attachment “E”)

**3. Domestic Violence Policy.**

- i. The Domestic Violence policy showed up at PPRB and they decided to work on this policy because it needed a lot of work.
- ii. Member Brown discussed the history of their data collection and research to include meetings they had with various agencies. For example, they met with Scott at the Family Resource Center, contacted the National Domestic Violence Network and were able to obtain two policies. Additionally, they contacted the Sex Crimes unit, Rape Crisis center, and APD Major Tyler.
- iii. After the research and data collection, Dr. Verploegh typed up the policy and it was presented to OPA. It was realized that the policy needed work and a task force was created. However, none of the changes that were proposed by POB/CPOA were incorporated into the policy.
- iv. Discussed that the role the McClendon lawsuit has played in APD’s Domestic Violence policy.



- v. Member Brown would like to write a letter to Chief to make a formal request to see if any changes will be made to the policy. The changes they want to incorporate have to do with an investigation, which is not in the policy.
  - vi. Discussed the best practices for investigations to include the process of separating people and talking to children during a domestic dispute.
  - vii. Member Brown proposed that they write a letter to the Chief Eden and include all the background data and ask for his response. In the letter, Member Brown suggests that letter include language that the Chief come to a POB meeting and explain his responses to their suggestions.
  - viii. Member Brown to forward the DV policy to Director Harness, who will in turn forward the information to the members.
  - ix. Chair Fine, Member Brown and Member St. John will help compose a letter to the Chief and the letter will be presented at the next POB meeting.
4. **HR Promotional Policy.** The Policy Subcommittee will be bringing a draft letter to the next POB meeting regarding the HR Promotional policy.
  5. Member Brown has resigned as Chair of the Policy & Procedure Review Subcommittee but will stay on the committee to see the ordinance amendments and the DV policy through its processes.
    - i. Member Kass will be joining the Policy & Procedure Review Subcommittee.
  6. **Next Meeting.** The next meeting of the Policy and Procedure Review Subcommittee will be on July 20, 2017 at 5:00 p.m.
- c) **Case Review Subcommittee –Leonard Waites.** For more information regarding POB Case Review Subcommittee meetings, agendas and minutes, please refer to the website located here: <http://www.cabq.gov/cpoa/subcommittees/case-review-committee-crc>. Subcommittee Member Waites gave a report on behalf of the Case Review Subcommittee. The Case Review Subcommittee met on July 11, 2017 and discussed the following topics:
1. **Errors in the July 11, 2017 Case Review Agenda and the June 5, 2017 Case Review Subcommittee minutes.**
    - i. As to the July 11, 2017 Case Review Subcommittee agenda, there was an error on the agenda to the day but not the actual date. The actual day was Tuesday and not Wednesday as stated on the agenda. This error was brought to the attention of the Case Review Subcommittee by Mr. Charles Arasim during his public comment. Member Waites clarified that the date and time will be reviewed prior to the posting of future agendas.

- ii. As to the June 5, 2017 Case Review Subcommittee minutes on page 4 under item X, there was an error as to the day, which was corrected from Monday, July 11, 2017 to Tuesday, July 11, 2017.
  - 2. **Meeting with Risk Management.** Director Edward Harness, Chair Fine and Member Brown met with Mr. T.J. Wilham of the RTCC and Risk Management regarding accident traffic data. For more information on this topic, see item VI, a.
  - 3. **Consent Agenda Cases.** Review and approval of the cases on the consent agenda.
  - 4. **Next Meeting.** The next meeting for the Case Review Subcommittee will be held on Tuesday, August 1, 2017 at 10:00 a.m.
  - 5. **Appeals** – None.
- XIV. **(Previously listed on agenda as item XII) - Reports from City Staff**
- a) APD – Report moved to item XI.
  - b) **City Council** – *Julian Moya*.
    - 1. Mr. Moya welcomed the new POB members, Valerie St. John and Dr. William Kass to the board and thanked them for their interest to serve on the board.
    - 2. **Recruitment of Future POB Members.**
      - i. Members discussed that the City Council has a continuous pool of applicants for future POB vacancies.
      - ii. Member Cruz suggested at the last POB meeting the possibility for City Council to recruit from the APD Citizen’s Police Academy in order to fill future POB vacancies since they would have completed the training requirement to be on the POB.
      - iii. Mr. Moya discussed that they are looking at keeping the application process open on a continuous basis.
      - iv. In their recruiting efforts, they will look into Member Cruz’s suggestion and get information out at the Police Academy.
      - v. City Council had made changes to the ordinance which will offer a shortened version of the Citizen Police Academy that is pertinent for POB members. Mr. Moya will check with APD to see how it will relate to Member Kass. Mr. Moya to provide this information to Director Harness, who will then forward the information to the POB members.
  - c) **Mayor’s Office** – No one present to give report.
  - d) **City Attorney** – No one present to give report.
  - e) **CPOA – Edward Harness, Executive Director CPOA Report**
    - 1. **CPOA Complaints and JWD Report:**
      - i. For the month of June 2017, the CPOA office received the following:
        - a. 8 Job Well Donos (JWDs);
        - b. 31 driving complaints received from 311 call center;

- c. 52 civilian complaints, 12 of which were from the same citizen complaining about CYFD; for an actual total of 40 complaints.
2. **Force Review Board.** The FRB will hear cases again on July 19, 2017.
3. **Appeal to Hire the Data Analyst.** The appeal was successful to hire Kara Garcia. However, Ms. Garcia has another job offer and is in negotiations with them and is waiting on their counter-offer before she decides on accepting the position with the CPOA office.
  - i. Director Harness discussed that if Ms. Garcia declines the position, he will rewrite the job description and re-advertise it.
4. **NACOLE Conference (September 10-14, 2017).** The NACOLE attendance has been submitted for travel arrangements. The following members will be attending NACOLE: Armijo, Waites, St. John, Cruz, Kass and Dr. Ring.
5. **DAIGLE Training.** A copy of the Daigle training flyer was distributed to the POB members in their packets.
  - i. Director Harness included this flyer in the POB's packets in order for the POB Members to review in the event they change their mind about attending the NACOLE conference. (See attachment "F").
  - ii. Chair Fine and Member Garcia will be attending the Daigle Training.
  - iii. Director Harness clarified for Member Brown that the CPOA and APD are co-sponsors in bringing this training to Albuquerque. There will be around 16 or 18 attendees from APD. APD and the CPOA are splitting the cost. The Convention center is providing the room without charge. Mr. Daigle and his team will cover their own hotel costs.
  - iv. Discussed where the POB can find the NACOLE conference agenda.
6. **Video Analysis Training.** CPOA Investigators Diane McDermott and Erin O'Neil are going to attend a video analysis training on the first week of August.
7. **Director's Vacation.** Director Harness will be on vacation from July 29, 2017 through August 7, 2017.
8. **City's Court Ordered Action Plan.**
  - i. The City's court ordered action plan was delivered to the parties the evening of July 12, 2017 at 6:15 p.m. Director Harness has not been able to review the document.
  - ii. The document will be filed with the Court on the July 17, 2017 and then it will be available for the public to view.
  - iii. The history of the Court ordered action plan is from an order that Judge Brack issued to the City to draft an action plan to address concerns of the parties of the settlement agreement.

iv. Director Harness will forward the action plan to the POB members for their review.

9. **Presentation to the Northeast Citizen Policing council.** On July 11, 2017, Director Harness did a presentation at the Northeast Citizen Policing Council meeting.

10. **Draft CPOA Findings Letter.** A copy of the draft findings letter was distributed to the POB members in their packets and discussed. (See attachment “G”).

XV. **(Previously listed on agenda as item XIII) - Meeting with Counsel re: Pending Litigation or Personnel issues.** Member Cruz suggested that the POB invite attorney Alex Walker to the next POB meeting regarding the Hammer lawsuit.

XVI. **(Previously listed on agenda as item XIV) - Other Business.** None.

XVII. **(Previously listed on agenda as item XV) - Adjournment -** A motion was made by Member Brown to adjourn the meeting. Member Cruz seconded the motion. The motion was carried by the following vote:

For: 8 – Armijo, Brown, Cruz, Fine, Garcia, Kass, St. John, Waites

The meeting adjourned at 7:55 p.m.

*Next regularly scheduled POB meeting will be on  
Thursday, August 10, 2017 at 5 p.m. in the Vincent E. Griego Chambers.*

APPROVED:

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Joanne Fine, Chair  
Civilian Police Oversight Agency

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Date

CC: Julian Moya, City Council Staff  
Natalie Howard, City Clerk  
Isaac Benton, City Council President

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

DRAFT

## Attachments

DRAFT

#### **Police Oversight Ordinance**

The POB may subpoena such documents and witnesses as relevant to its audit function.

#### **Court-Approved Settlement Agreement**

"City shall grant the agency the authority to subpoena such documents and witnesses as may be necessary to carry out the agency functions identified in this Agreement." (CASA paragraph 283)

#### **POB Policies and Procedures**

The POB may issue subpoenas on its own initiative in their Polices and Procedures that are approved by the City Council and the Monitor.

#### **Monitor's Reports**

The Monitor is of the opinion that the City Council's approval of CPOA policies and procedures that include issuance of subpoenas can be interpreted as "the City" granting the agency subpoena authority. However, those approved Policies and Procedures (also approved by the Monitor) granting the subpoena authority on the POB's "own initiative" are in conflict with the current City Council Police Oversight Ordinance. The Ordinance limits CPOA's subpoena use to its "audit function" and not for documents and witnesses as may be necessary to carry out the agency functions as required in the CASA.

#### **Summary**

The Monitor and City Council have failed to acknowledge the limitations of the phrase "as relevant to their audit function" on the CPOA subpoena authority. This impedes CPOA citizen complaint investigations. The POB is attempting to rectify this conflict and enable the CPOA to subpoena documents and witnesses as may be necessary to carry out the agency functions. The recommendation is consistent with language prescribed in the CASA.

The POB should better publicize their proposed amendments and the process to gain public support for this CASA required subpoena authority. After all, this conflict has existed since the CASA was signed on 10/3/2014 and the City Council nor the POB has yet to take any corrective action.

Jim Larson Public Comment - Police Oversight Board Meeting July 13, 2017

Attachment "A"

Civilian Complaint Letter Format DRAFT

Date  
Ms. Jane Doe  
Address 1  
City, State Zip

Dear Ms. Doe,

The Civilian Police Oversight Agency [CPOA] exists to independently investigate complaints by civilians about employees of the Albuquerque Police Department. We are not attached to APD but are empowered by City Council Ordinance to do our work. We received your complaint on [date] and it was promptly assigned to a CPOA Investigator.

**Complaint Summary:** *please note we are not permitted to use the officer/employee's name, hence we use only the first initial of their last name.*

On [date] your complaint alleges that the following occurred. *[Insert summary of who, what, when, where, how, and impact on complainant, or as much as you have of same]*

APD has a set of rules by which they operate. They are called Standard Operating Procedures or [SOP]. Your complaint required us to investigate the possible violation of these SOP's: *[insert the actual SOPs]*

- 1]
- 2]
- 3]

**Investigation Summary:**

Our investigation included the following efforts to ascertain the facts.

- a) we examined the following evidence
- b) we interviewed the following people
- c) we were unable to do the following because

**Our Findings** *[I may not have these stated correctly]*

Findings can be **Sustained**, **Not Sustained**, **Unfounded**, **Exonerated** or **Sustained not based on the original complaint**. **Sustained** means we agree based on a preponderance [50%+] of the evidence that your claim is justified; **Not Sustained** means we do not agree based on the evidence that your claim is justified; **Unfounded** means there is not enough evidence to support or reject your claim; **Exonerated** means the officer/employee's behavior is not a violation of any SOP; and **Sustained not based on the original complaint** means that our investigation uncovered a violation by the officer/employee that was not part of your original complaint.

- 1] On the violation of this SOP [summary] we find your complaint **Sustained**
- 2] On the violation of this SOP [summary] we find your complaint **Unfounded**
- 3] On the violation of this SOP [summary] we find the officer/employee **Exonerated**

Attachment "B"



We have presented these findings to the Albuquerque Police Oversight Board [POB], our independent, volunteer, civilian, governing body. They have reviewed and approved our findings. The first step after that review is to inform you of the outcome of your complaint with this letter. Next, the Chief of Police for APD receives our findings and any recommendations we may have for discipline, training or policy changes. The final decisions rest with the Chief.

**Our recommendations to the Chief of Police in this instance are as follows:**

- A]
- B]

**Appeals:**

You may appeal our CPOA findings and recommendations, if you wish. In order to do so you must meet the following criteria for appeal within [timeframe] by going to [link] or by calling us at 505 xxx-xxxx.

1. Xxx
2. Xxx
3. xxx

If you wish to appeal the Chief's final decision, you would need to contact the Chief's Office directly by calling 505-xxx-xxxx.

The CPOA/POB is an important piece of the puzzle in insuring constitutional policing in Albuquerque. We can only do that if people are willing to speak up. Thank you for sharing your concerns with us.

Sincerely,

Edward Harness, Executive Director  
Civilian Police Oversight Agency

Cc:

Attachment "B"

**POLICE OVERSIGHT BOARD**  
**INTERNAL AFFAIRS**  
**STATISTICAL DATA FOR THE MONTH OF JUNE 2017**

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**APD 911 Communications Center**

**Dispatched calls for Service for JUNE 2017: 43,680 (decrease from MAY (1,600))**

**INTERNAL CASES FOR THE MONTH OF JUNE 2017**

**I's**

**Internal Cases Received: 7**

**Comprised of:**

- 7-Internal Affairs Investigated case

**Total Internal Cases Completed the Month of JUNE: 8**

**Comprised of:**

- 7-Internal Affairs Investigations
- 1-Area Command Investigated cases

**Discipline imposed for Internal Cases/ JUNE 2017:**

**3:Training**  
**2:Letter of Reprimand**  
**7: Suspension**  
**1:Termination**

**EIS JUNE 2017: 15 Alerts distributed**

**Pending IA Cases for the Month of JUNE 2017:7\***

**\*Is related to the number of cases opened within JUNE**

Attachment "C"

CITY of ALBUQUERQUE  
TWENTY SECOND COUNCIL

COUNCIL BILL NO. \_\_\_\_\_ ENACTMENT NO. \_\_\_\_\_

SPONSORED BY:

1 ORDINANCE  
2 AMENDING CHAPTER 9, ARTICLE 4, PART 1 ROA 1994, THE POLICE  
3 OVERSIGHT ORDINANCE  
4 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY  
5 OF ALBUQUERQUE:  
6 SECTION 1. SECTION 9-4-1-2 IS HEREBY AMENDED AS FOLLOWS:  
7 "§ 9-4-1-2 PURPOSE.  
8 The purpose of §§ 9-4-1-1 through 9-4-1-14 is to:  
9 (A) Foster and perpetuate policing policies and practices that  
10 effectively maintain social order and which at the same time foster mutual  
11 trust and cooperation between police and civilians;  
12 (B) Ensure that the civilian police oversight body functions as  
13 independently as possible from the executive and legislative branches of  
14 government of the City of Albuquerque;  
15 (C) Provide civilians and police officers a fair and impartial system  
16 for the investigations and determinations on civilian police complaints;  
17 (D) Gather and analyze [information, reports, and] data on trends  
18 and potential issues concerning police conduct and practices and the related  
19 impacts on the community and individuals; and  
20 (E) Provide [policy input] guidance [and recommendations] to the  
21 City Council, the Mayor and the Chief of Police [for the development of policy  
22 for the Albuquerque Police Department]."  
23 SECTION 2. SECTION 9-4-1-4 IS HEREBY AMENDED AS FOLLOWS:  
24 "§ 9-4-1-4 CIVILIAN POLICE OVERSIGHT AGENCY.  
25 There is hereby created a Civilian Police Oversight Agency (the  
26 "CPOA") as an independent agency of City Government, not part of either the  
27 City Administration or City Council that consists of a Police Oversight Board

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Comment [MCP1]: "APD Raw Data" addressed later. As a drafting matter, it's usually not appropriate to drop substantive requirements or definitions in findings/purposes sections. It's addressed in 9-4-1-4(C)(3)(b) where "data" is first addressed in any substantive way.

Attachment "D"

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1 (the "POB") and an Administrative Office led by the CPOA Executive Director.  
2 In addition to any other duties, the Administrative Office, through the  
3 Executive Director and staff, shall investigate all civilian complaints relating to  
4 police conduct, monitor and report on police internal affairs matters, provide  
5 staffing to the POB, and manage the day to day operations of the CPOA. The  
6 POB shall provide policy guidance for, and civilian oversight of the  
7 Albuquerque Police Department and review and approve or amend the  
8 findings and conclusions of all investigations completed by the Administrative  
9 Office.

10 (A) Independence. The CPOA is independent of the Mayor's Office,  
11 the City Council, and the Albuquerque Police Department with respect to the  
12 performance of its oversight role and duties under §§ 9-4-1-1 through 9-4-1-14.

13 (1) Facility Location. The CPOA shall be housed in a facility  
14 that is separate from any police presence and is located outside of the  
15 Albuquerque/Bernalillo Government Center, the Police Department and/or all  
16 of the police substations.

17 (2) Budget. The CPOA shall have a dedicated and  
18 independent source of funding equal to, at a minimum, [~~1/2~~ 0.8] % of APD's  
19 annual operation budget, administer its own budget and supervise its own  
20 staff in compliance with the City's Merit Ordinance and contractual services  
21 policies and procedures. The CPOA shall recommend and propose its budget  
22 to the Mayor and City Council during the City's budget process to carry out  
23 the powers and duties under §§ 9-4-1-1 through 9-4-1-14, including the funding  
24 for staff, and all necessary operating expenses.

25 (3) Professional Legal Services. The CPOA may retain or  
26 employ independent legal counsel on a contractual basis to advise and  
27 represent the CPOA. If so retained, the CPOA's legal counsel shall represent  
28 the CPOA in the courts, and shall advise the CPOA as to any legal matters  
29 relating to §§ 9-4-1-1 through 9-4-1-14 and the CPOA's duties, responsibilities,  
30 and procedures except for CPOA personnel matters which shall remain under  
31 the authority of the City Attorney's Office.

32 (4) Applicability of City Policies and Ordinances. The CPOA  
33 shall comply with all City ordinances and policies dealing with administrative

1 functions including but not limited to those dealing with personnel, the merit  
2 system, and procurements.

3 (B) Staff. The CPOA shall employ such staff as necessary to carry  
4 out its functions as prescribed by this Article, including but not limited to an  
5 executive director, data research analyst, community engagement specialist,  
6 and professional investigative staff and other staff as may be necessary,  
7 subject to budget sufficiency and City personnel policies and procedures.

8 (C) Responsibilities. The Civilian Police Oversight Agency is  
9 responsible for civilian police oversight and has the following powers and  
10 duties:

11 (1) Community Outreach. The CPOA shall develop,  
12 implement, and from time to time amend as necessary, a program of  
13 community outreach aimed at soliciting public input from the broadest  
14 segment of the community in terms of geography, culture, ethnicity, and  
15 socio-economics. The CPOA shall employ or designate a full time staff  
16 member within the Administrative Office dedicated to community outreach  
17 efforts. The CPOA shall report its community outreach efforts to the City  
18 Council on an annual basis.

19 (2) Promotion of Accountability. The CPOA shall promote a  
20 spirit of accountability and communication between the civilians and the  
21 Albuquerque Police Department while improving community relations and  
22 enhancing public confidence.

23 (3) Investigations. The Administrative Office shall  
24 independently investigate all civilian complaints; shall audit and monitor all  
25 incidences of use of force by police and all matters under investigation by  
26 APD's Internal Affairs (IA) or other APD personnel tasked with conducting  
27 administrative investigations related to a use of force incident; and shall  
28 prepare proposed findings and recommendations on all officer involved  
29 shootings and serious uses of force as defined by Article III, Paragraph 12,  
30 Subsection (qq) of the court-approved DOJ Settlement Agreement with the  
31 City of Albuquerque ("Serious Uses of Force").

32 (a) Where an officer has engaged in conduct that may  
33 reasonably lead to a criminal charge against the officer, IA and the CPOA have

Comment [MCP2]: Substantively, the language you proposed under the heading "Analysis" deals with the CPOA's policy-making function. Accordingly, I moved it issue down to that subsection "(5)" below.

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1 a shared interest in exercising care to avoid interfering with the criminal  
2 process while simultaneously maintaining the integrity of the disciplinary  
3 process for officers. Consistent with this shared interest, IA and the CPOA will  
4 regularly confer and take reasonable steps to coordinate the handling of  
5 investigations into matters that reasonably may lead to a criminal charge  
6 against an officer. Before taking action related to a serious use of force or  
7 officer involved shooting, the Director shall confer with the relevant  
8 prosecuting agency and/or federal law enforcement agency to assess the  
9 likelihood of an officer being criminally prosecuted based on the incident. The  
10 Director may delay or decline to proceed with any action related to a serious  
11 use of force or officer involved shooting until completion of the criminal  
12 investigation unless, after consultation with the prosecuting agency, the  
13 Director determines that proceeding is appropriate and will not compromise a  
14 criminal investigation. If the Director seeks to proceed with investigating or  
15 presenting to the POB a serious use of force or officer involved shooting  
16 despite a prosecuting agency or federal law enforcement agency indicating  
17 that doing so would interfere with a criminal investigation, the Director may  
18 proceed only after obtaining approval to do so through a 2/3 vote of the POB.  
19 The POB shall provide notice of any such vote permitting the Director to  
20 proceed in such circumstances to APD and the police officer involved.  
21 (b) APD shall provide POB members, the Director,  
22 and CPOA staff with reasonable access to APD premises, files, documents,  
23 reports, data (including APD raw data), and [any] other materials that are  
24 reasonably necessary for the agency to perform thorough, independent  
25 investigations of civilian complaints and reviews of serious uses of force and  
26 officer-involved shootings. [For purposes of this ordinance, "APD raw data"  
27 includes but is not limited to any facts and statistics or other data gathered,  
28 obtained, or otherwise within the possession of APD that has not yet been  
29 processed or analyzed.] However, any material protected from disclosure by  
30 law shall remain within the custody and control of APD at all times and will be  
31 handled in accordance with the applicable legal restrictions.  
32 (c) All complaints filed by police officers will be  
33 investigated by Internal Affairs. Internal Affairs shall provide a weekly update

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1 to the Director on all open internal investigations. The Director's investigation  
2 report and findings shall indicate whether within the past year there were any  
3 IA investigations or supervisor generated complaints against the officer(s)  
4 involved in the incident being investigated or that are otherwise relevant to the  
5 subject matter of the investigation, the general nature of the prior  
6 investigations or complaints, and whether they resulted in any discipline.  
7 Redacted personnel records including those of the Internal Affairs Unit shall  
8 be made available to the POB on demand.

9 (d) Information that is covered by Garrity will be  
10 treated as confidential to the extent permitted by law and may only be  
11 reviewed by members of the POB by application in writing, and by majority  
12 vote of the POB. If the POB votes to review Garrity material, members of the  
13 POB may only do so on APD property. The POB may not remove or make  
14 copies of such statements. If the POB desires to discuss the specific content  
15 of statements protected by Garrity, such discussion will occur only in closed  
16 session as permitted under the New Mexico Open Meetings Act, NMSA 1978, §  
17 10-15-1(H)(2). The POB shall only summarize conclusions reached after a  
18 review of a Garrity statement, but shall not disclose the statement. The POB  
19 shall maintain the confidentiality of any Garrity material or records that are  
20 made confidential to the extent permitted by law and is subject to the same  
21 penalties as the custodian of those records for violating confidentiality  
22 requirements. In addition to any other penalty, any POB member or other  
23 person who violates the confidentiality provisions of this section shall be  
24 removed from the POB, and shall be subject to prosecution for a misdemeanor  
25 subject to the penalty provisions set forth in § 1-1-99. This provision shall  
26 apply to all aspects of the POB's work.

27 (e) Mediation First. Whenever possible, and as  
28 further described in § 9-4-1-6(C)(3) of this ordinance, mediation should be the  
29 first option for resolution of civilian police complaints.

30 (f) POB Audits; Access to Files. The POB may, by  
31 majority vote, perform an annual audit, or direct that an audit be performed, on  
32 a random sample  
33 of up to 10% of individual civilian police complaint investigations involving

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1 allegations of use of force, or in exceptional circumstances, for the purpose of  
2 promoting an enhanced measure of quality assurance in the most challenging  
3 cases the POB may, by a vote of two-thirds (2/3) of the members of the POB,  
4 perform an audit, or direct that an audit be performed, on any individual  
5 Citizen Police Complaint Investigation completed by the Administrative Office.  
6 For purposes of its audit function, the POB shall have full access to  
7 investigation files and may subpoena such documents and witnesses as  
8 relevant to its audit function.

9 (g) Disciplinary Recommendations. The POB may, in  
10 its discretion, recommend officer discipline from the Chart of Sanctions for  
11 investigations that result in sustained civilian police complaints; and may also  
12 recommend discipline based on any findings that result from review of  
13 Internal affairs investigations of officer involved shootings and serious uses  
14 of force. Imposition of the recommended discipline is at the discretion of the  
15 Chief of Police~~[-but However,]~~ If the Chief of Police does not follow the  
16 disciplinary recommendation of the POB, the Chief of Police shall respond in  
17 writing, within 30 days, with [a detailed explanation of] the reason as to why  
18 the recommended discipline was not imposed. [The Chief shall identify the  
19 specific findings of the POB that with which the Chief disagrees, or any other  
20 basis upon which the Chief declined the POB's disciplinary recommendation.]

21 (4) Reports to Mayor & Council. The CPOA shall submit a  
22 semi-annual written report to the Mayor and City Council according to § 9-4-1-  
23 10 herein. The CPOA Executive Director shall provide a quarterly oral report to  
24 the City Council at a regular or special meeting.

25 (5) CPOA Policy Recommendations. The CPOA shall  
26 engage in a long-term planning process through which it identifies major  
27 problems or trends, evaluates the efficacy of existing law enforcement  
28 practices in dealing with the same, [analyzes and evaluates data (including  
29 APD raw data), national trends, and police best practices,] and establishes a  
30 program of resulting policy suggestions~~[- recommendations,]~~ and studies  
31 each year. [For purposes of this ordinance "police best practices" refers to  
32 law enforcement methods or techniques based upon the experiences and  
33 outcomes in other police departments or law enforcement agencies that have



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1 documented superior results compared to other practices.] The CPOA's  
2 policy recommendation process shall be as follows:  
3 (a) The POB shall review and analyze policy  
4 suggestions, analysis, studies, and trend data collected or developed by the  
5 Administrative Office, and shall by majority vote recommend ~~[policies policies]~~  
6 relating to training, programs and procedures or other matters relating to APD.  
7 [Any such policy recommendations shall be supported by specific, written  
8 findings of the POB in support of the proposed policies.] ~~The POB's policy~~  
9 ~~recommendations shall be submitted to APD and to the City Council. The POB~~  
10 ~~shall dedicate a majority (more than 50%) of its time to the functions described~~  
11 ~~in this subsection.~~  
12 (b) The Chief of Police shall respond in writing within  
13 45 days to any such policy recommendations by the CPOA, and indicate  
14 whether they will be followed through standard operating procedures or  
15 should be adopted as policy by the City Council, or ~~[specifically]~~ explain any  
16 reasons why such policy recommendations will not be followed or should not  
17 be adopted. The Chief shall identify the specific findings of the POB that with  
18 which the Chief disagrees, or any other basis upon which the Chief declined  
19 to follow the POB's policy recommendation(s).]  
20 (c) The Chief of Police or designee shall present  
21 policy changes to the POB for review. The POB shall reports any concerns it  
22 may have to the Chief regarding policy changes.]  
23 (d) Within six months of its appointment, the POB  
24 shall draft and approve policies, rules and procedures that ensure that the  
25 POB shall dedicate a majority of its time to the functions described in this  
26 subsection.  
27 ~~[(e) The chair of the POB shall designate one POB~~  
28 ~~member to serve on each APD policy development committee. The Director~~  
29 ~~and the POB member designated by the Chair shall each serve as voting~~  
30 ~~members of such committees.]~~  
31 [(6) Hearing on Written Responses by the Chief of Police. The  
32 POB may schedule a hearing on the written responses required of Chief of  
33 Police under subsections "(3)(q)" and "(5)(b)" of this section, and shall

Comment [MCP3]: You gave a few examples of the Chief not responding to policy recommendations. At the same time, I don't think the Council has received any of those. This requires the CPOA to give them to the Council at the same time you give them to APD. The purpose of this section was to keep the Council on notice about APD's responsiveness, and to give it the opportunity to adopt policies itself where appropriate. Following this process could help with the apparent log jam here.

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1 provide ten day advance notice of such hearing to the Chief. The Chief of  
2 Police (or designee) shall attend the hearing to answer questions relating to  
3 the relevant written response(s) and answer any questions of the POB.]  
4 SECTION 3. SECTION 9-4-1-5, "THE CPOA POLICE OVERSIGHT BOARD"  
5 IS HEREBY AMENDED TO ADD A NEW SUBSECTION "J" AS FOLLOWS:  
6 "[J. Subpoenas. The POB may by simple majority vote, and subject to  
7 the New Mexico Rules of Civil Procedure, subpoena witnesses, administer  
8 oaths, and require the production of records relevant to any of its duties or  
9 responsibilities as prescribed under this ordinance. In the case of a refusal to  
10 obey a subpoena issued to any person, the POB may make application to any  
11 District Court in the state having jurisdiction to order the witness to appear  
12 before the POB and to produce evidence if so ordered, or to give testimony  
13 touching on the matter in question.]"  
14 SECTION 4. SECTION 9-4-1-8 IS HEREBY AMENDED AS FOLLOWS:  
15 "§ 9-4-1-8 CIVILIAN COMPLAINT PROCEDURES.  
16 (A) Any person claiming to be aggrieved by actions of the  
17 Police may file a written complaint against the department or any of its  
18 officers. The POB shall submit rules and regulations governing civilian  
19 complaint procedures to the City Council for approval, including rules and  
20 regulations relative to time limits, notice and other measures to insure  
21 impartial review of civilians' complaints against members of the police  
22 department. Anonymous complaints shall be accepted.  
23 (B) In cooperation with the POB, the Mayor shall designate  
24 civilian city staff to receive written civilian complaints at various locations  
25 throughout the city. The Police Department may also receive written  
26 complaints. The party who receives the complaint shall immediately transmit  
27 all civilian complaints for further investigation to the Director.  
28 (C) After the investigation of a civilian complaint is  
29 completed, the Director shall analyze all relevant and material circumstances,  
30 facts and evidence gathered under the investigation. For each investigation,  
31 the Director shall prepare investigation reports with proposed findings and  
32 recommendations and submit them to the POB for its review and  
33 consideration. The Director may share any disciplinary recommendations with

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P

1 the Chief of Police in advance of their submission to the POB only as  
2 necessary to help ensure timeliness pursuant to any applicable personnel or  
3 union contract requirements. The POB shall review the proposed findings and  
4 recommendations, and shall by majority vote of members present: 1) approve  
5 the findings and recommendations as proposed; 2) approve other findings  
6 and recommendations as determined by the POB and supported by the  
7 investigation file; or 3) defer action on the matter to allow for further  
8 investigation or analysis by the Director. As part of its review, the full  
9 investigation file shall be made available to the POB. [

10 (D) Upon approval of findings and recommendations by the  
11 POB, the Director shall prepare and submit a public record letter to the civilian  
12 complainant, with a copy to the Chief of Police, that outlines the findings and  
13 recommendations as approved. Unless a hearing is requested by the civilian  
14 complainant, within 30 days of receipt of the decision of the POB[,] the Chief  
15 of Police shall notify the POB and the original civilian complainant of his or  
16 her final disciplinary decision in this matter in writing, by certified mail and as  
17 otherwise prescribed by subsection 9-4-1-4(C)(3)(g) of this ordinance.

18 SECTION 5. SEVERABILITY CLAUSE. If any section, paragraph, sentence,  
19 clause, word or phrase of this ordinance is for any reason held to be invalid or  
20 unenforceable by any court of competent jurisdiction, such decision shall not  
21 affect the validity of the remaining provisions of this ordinance. The Council  
22 hereby declares that it would have passed this ordinance and each section,  
23 paragraph, sentence, clause, word or phrase thereof irrespective of any  
24 provision being declared unconstitutional or otherwise invalid.

25 SECTION 6. COMPILATION. The ordinance amendment prescribed by  
26 SECTIONS 1, 2, 3, and 4 shall amend, be incorporated in and made part of the  
27 Revised ordinances of Albuquerque, New Mexico, 1994.

28 SECTION 7. EFFECTIVE DATE. This ordinance shall take effect five days  
29 after publication by title and general summary.

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Attachment "D"

SAVE

4<sup>th</sup> floor 2 auditors  
Vickie Runn

Essential functions of OPA Coordinator

- Research trends, best practices, research papers etc... to promote discussion and provide direction of APD's policy continuation
- Plan, organize, and continue development of the OPA process and procedures
- Help facilitate OPA meetings and ~~make~~ agendas - create agendas?
- Create a compilation of community stakeholders and SME's. Outreach to stakeholders and community agencies to solicit input
- Collect data trends of policy changes that were adopted on behalf of OPA, a community stakeholder, and trends of rejected policy recommendations
- Ensure policies maintain settlement agreement compliance through the APD policy review process
- Write reports, maintain records, and draft meeting minutes + circulate prior to meeting.
- Bring in relevant APD data
  - o have meetings available to the general public - 'open' Note - Action items
- Solicit POB input prior to the hiring of OPA coordinator

Notes sent to Bill Lawson on 7/14

Attachment "E"



## INTERNAL AFFAIRS INVESTIGATION

### CONDUCTING PROPER AND EFFECTIVE INVESTIGATIONS

October 30<sup>st</sup> – November 3<sup>th</sup>, 2017

This 4.5 Day Program is Designed For...

- Law Enforcement Commanders
- Internal Affairs Investigators
- Use of Force Trainers
- City and Town Attorneys
- Police Legal Advisors
- Civilian Oversight
- Municipal Risk Managers
- First-Line Supervisors

Daigle Law Group, LLC  
P.O. Box 123  
Southington, CT 06489  
Phone: (860) 270-0060  
Fax: (860) 479-9048

[info@DaigleLawGroup.com](mailto:info@DaigleLawGroup.com)



**LOCATION:**

Albuquerque Convention Center  
401 2<sup>nd</sup> Street NW  
Albuquerque, NM 87102

**COSTS:**

4.5 day training certification program is \$525.00

No prior experience necessary.

The focus of the Internal Affairs Investigations Training program is to identify proper legal and operational standards for Internal Affairs Investigations, including the development of proper police practices on use of force and force related policies. The training will focus on enhancing the effectiveness, operations and management of use of force incidents. Training will review the policy standards, legal interpretations and Consent Decree standards that make up liability protection. This includes IA investigation standards and the documentation of IA incidents. We will also discuss the manner in which police agencies can investigate incidents and audit to ensure that policies and training are being followed.

This program will review:

- Administration of the Internal Affairs Process
- Ethics and Integrity
- Agency Policies and Procedures
- The Complaint Process
- Investigation of Personnel Complaints
- Administrative Law
- The Interview Process
- Special Investigations (Sexual Misconduct/ Domestic Violence by Police Officers)
- Use of Force Reporting
- First Amendment and Free Speech Issues for Police
- Audits and Inspections

[www.DaigleLawGroup.Com](http://www.DaigleLawGroup.Com)

Attachment "F"

## **2017 Internal Affairs Training Agenda**

### **Day One:**

8:30 – 10:15	Introduction / Objectives of the Internal Affairs Process
10:15 – 10:30	Break
10:30 – 12:00	Ethics and Integrity
12:00 – 1:00	Lunch
1:00 – 2:30	Administration of the IA Process
2:30 – 2:45	Break
2:45 – 4:30	Policies and Procedures for IA

### **Day Two:**

8:30 – 10:15	Citizen Complaint Process
10:15 – 10:30	Break
10:30 – 12:00	Citizen Complaint Process
12:00 – 1:00	Lunch
1:00 – 2:30	Investigation of Personnel Complaints
2:30 – 2:45	Break
2:45 – 4:30	Effective Report Writing for IA investigations

### **Day Three:**

8:30 – 10:15	Use of Technology
10:15 – 10:30	Break
10:30 – 12:00	First Amendment and Free Speech Issues for Police
12:00 – 1:00	Lunch
1:00 – 2:30	Use of Force Investigations
2:30 – 2:45	Break
2:45 – 4:30	Officer Involved Shooting

### **Day Four:**

8:30 – 10:15	Early Intervention Systems Use of Force Investigations
10:15 – 10:30	Break
10:30 – 12:00	Discipline Process
12:00 – 1:00	Lunch
1:00 – 2:30	Special Investigations (Sexual Misconduct/ Domestic Violence by Police Officers)
2:30 – 2:45	Break
2:45 – 4:30	Class Exam

### **Day Five:**

8:30 – 10:15	Audits and Inspections
10:15 – 10:30	Break
10:30 – 12:00	Practical Scenarios
12:00	End

**There are no prerequisites to attend this training program.**

\*\*\*Schedule may change based on availability of Instructors



### Internal Affairs – Registration Information

Telephone (860) 270-0060

Fax (860) 479-9048

Email: [LearningCenter@DaigleLawGroup.com](mailto:LearningCenter@DaigleLawGroup.com)

Daigle Law Group, LLC

P.O. Box 123

Southington, CT 06489

**HOTEL:** Upon registering with DLG you will receive a confirmation email and attendant’s memo outlining the workshop activities. Hotel reservations are the individual registrant’s responsibility and should be made as soon as possible.

The two hotels closest to the Convention Center are:

Double Tree by Hilton, 201 Marquette Ave NW, Albuquerque, NM 87102, (505) 247-3344

The Hyatt Regency, 330 Tijeras Ave NW, Albuquerque, NM 87102, (505) 842-1234

\*\* There are no special rates for this training

**TUITION:** Cost of training program is **\$525.00** per student.

**REGISTRATION: Name:** \_\_\_\_\_  
(First) (Middle) (Last) (Rank/Title)

Department/Agency: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Facsimile: \_\_\_\_\_

E-mail: \_\_\_\_\_

PO# \_\_\_\_\_ Please attach copy of approved PO (if applicable)

Credit Card# \_\_\_\_\_ Exp. Date: \_\_\_\_\_ Security Code \_\_\_\_\_

Name on Card: \_\_\_\_\_ ZIP for Card \_\_\_\_\_

DLG Federal Tax ID: 27-2315632 (Please type or print clearly)

**Please complete the registration form, sign below and return to the DLG office at:**

**P.O. Box 123, Southington, CT 06489 by October 1<sup>st</sup>, 2017 with payment.**

**Cancellation Policy:** Registrants who provide written notice of cancellation to the DLG office five (5) working days prior, will receive a refund less a \$25.00 service charge. No refunds will be provided for cancellations received on the training date or for “no shows”.

**I authorize DLG to register me for the Internal Affairs Training on October 30<sup>st</sup> – November 3<sup>th</sup>, 2017**

**Signature Required:** \_\_\_\_\_

Civilian Complaint Letter Format DRAFT

Date

Ms. Jane Doe

Address 1

City, State Zip

Dear Ms. Doe,

The Civilian Police Oversight Agency [CPOA] exists to independently investigate complaints by civilians about employees of the Albuquerque Police Department. We are not attached to APD but are empowered by City Council Ordinance to do our work. We received your complaint on [date] and it was promptly assigned to a CPOA Investigator.

**Complaint Summary:** *please note we are not permitted to use the officer/employee's name, hence we use only the first initial of their last name.*

On [date] your complaint alleges that the following occurred. *[Insert summary of who, what, when, where, how, and impact on complainant, or as much as you have of same]*

APD has a set of rules by which they operate. They are called Standard Operating Procedures or [SOP]. Your complaint required us to investigate the possible violation of these SOP's: *[insert the actual SOPs]*

- 1]
- 2]
- 3]

**Investigation Summary:**

Our investigation included the following efforts to ascertain the facts.

- a) we examined the following evidence
- b) we interviewed the following people
- c) we were unable to do the following because

**Our Findings** *[I may not have these stated correctly]*

Findings can be **Sustained**, **Not Sustained**, **Unfounded**, **Exonerated** or **Sustained not based on the original complaint**. **Sustained** means we agree based on a preponderance [50%+] of the evidence that your claim is justified; **Not Sustained** means we do not agree based on the evidence that your claim is justified; **Unfounded** means there is not enough evidence to support or reject your claim; **Exonerated** means the officer/employee's behavior is not a violation of any SOP; and **Sustained not based on the original complaint** means that our investigation uncovered a violation by the officer/employee that was not part of your original complaint.

- 1] On the violation of this SOP [summary] we find your complaint **Sustained**
- 2] On the violation of this SOP [summary] we find your complaint **Unfounded**
- 3] On the violation of this SOP [summary] we find the officer/employee **Exonerated**

Attachment "G"



We have presented these findings to the Albuquerque Police Oversight Board [POB], our independent, volunteer, civilian, governing body. They have reviewed and approved our findings. The first step after that review is to inform you of the outcome of your complaint with this letter. Next, the Chief of Police for APD receives our findings and any recommendations we may have for discipline, training or policy changes. The final decisions rest with the Chief.

**Our recommendations to the Chief of Police in this instance are as follows:**

- A]
- B]

**Appeals:**

You may appeal our CPOA findings and recommendations, if you wish. In order to do so you must meet the following criteria for appeal within [timeframe] by going to [link] or by calling us at 505 xxx-xxxx.

1. Xxx
2. Xxx
3. xxx

If you wish to appeal the Chief's final decision, you would need to contact the Chief's Office directly by calling 505-xxx-xxxx.

The CPOA/POB is an important piece of the puzzle in insuring constitutional policing in Albuquerque. We can only do that if people are willing to speak up. Thank you for sharing your concerns with us.

Sincerely,

Edward Harness, Executive Director  
Civilian Police Oversight Agency

Cc:

Attachment "G"