



Semi-Annual Report July-December 2018

Civilian Police Oversight Agency

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Executive Director

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REPORT HIGHLIGHTS

- Civilian Police Oversight Agency received (126) civilian complaints for the reporting period of July 1, 2018 to December 31, 2018.
- Number of complaints pending at the start of reporting period were (52), while total number of complaints closed were (60).
- 30% of the civilian complaints were closed in less than 90 days.
- APD employees were identified in (370) commendations.
- (9) Civilian Police Complaints implicate (2) or more APD employees.
- (126) complaints were received in this reporting period compared to (96) complaints received during second half of 2017.
- (60) complaints were closed compare to (49) complaints closed during second half of 2017.
- Out of (28) dispositions, most were assigned a finding of unfounded (16), sustained (7) and not sustained (5).
- (76) Sworn APD employees (32 Hispanic and 44 Non-Hispanic) and (17) non-sworn APD employees (6 Hispanic and 11 Non-Hispanic) were implicated in complaints received.
- (32) Sworn APD employees (16 Hispanic and 16 Non-Hispanic) and (10) non-sworn APD employees (4 Hispanic and 6 Non-Hispanic) were implicated in complaints closed.
- (35) Female and (28) Male citizens filed the complaints against APD employees. (16) citizens did not provide information about gender.
- (22) citizens were Hispanic and (24) were Non-Hispanic while (33) complainants did not provide information about ethnicity.
- (32) citizens reported their sexual orientation as Heterosexual, (1) reported Homosexual while (43) complainants did not provide information about their sexual orientation.
- (3) citizens reported they have mental health issues while (50) reported no mental health issues. (26) complaints did not report on information regarding mental health problems.
- (4) citizens were homeless and (50) were not homeless. (25) citizens did not report housing status in the complaint.
- 40% of the citizens filed complaint within one week of the incident.
- (20) Serious Use of Force incident occurred involving (43) officers (14 Hispanic, 29 Non-Hispanic) (40 Male, 3 Female) (93% White).
- Serious force was used (49) times against (21) citizens, with empty hand techniques used the most (12 times).
- (8) Officer involved shooting cases occurred during this reporting period.

Mission Statement

“Advancing Constitutional Policing and Accountability for the Albuquerque Police Department and the Albuquerque Community”

Introduction

The Civilian Police Oversight Agency (CPOA) is an independent agency of the City of Albuquerque, neither part of the city government or the city council. The CPOA consists of the Police Oversight Board (POB) and an Administrative office led by the Executive Director. CPOA receives, investigates, and reviews complaints and commendations submitted by community members concerning the Albuquerque Police Department (APD). The CPOA is mandated by the Police Oversight Ordinance (§ 9-4-1-1 through 9-4-1-14) to submit semi-annual reports to the city council, and the information contained in this semi-annual report is for period beginning July 1st, 2018 through December 31st, 2018. This report is divided into the following sections:

- I. Complaint Details
- II. Employee and Citizen Characteristics
- III. Serious Use of Force & Officer Involved Shooting Incidents
- IV. Public Outreach by CPOA
- V. Policy issues at APD & Policy Recommendations by CPOA
- VI. POB Policy Activities
- VII. Recommended Legislative Amendments to Oversight Ordinance

The first section, 'Complaint Details,' begins with a broad look at complaints including the total number of complaints received and considered during the last six months of 2018. This section also covers other details including the number of employees involved in those complaints, associated allegations, time period to close complaint investigations, complaints received by APD bureau and division, comparison of complaints received and closed with previous year. Furthermore, the section provides information related to the source of complaints and also identifies the disposition of complaints as required by the ordinance.

The next section, 'Employee and Citizen Characteristics,' reports demographic information on both complainants and the employees involved in the complaint. The information includes gender and race of both complainant and employee, type of employee, duration of employment, race/ethnicity of employees and complainants, and employees with repeated complaints. The section also highlights the citizen information in terms of number of complaints received as well as closed.

Third section 'Serious Use of Force' and 'Officer Involved Shooting' provide a snapshot of number of incidents that occurred during the second half of 2018. Section four will highlight

outreach initiatives undertaken by the Agency or POB during the reporting period. The last three sections policy issues at APD & policy recommendations by CPOA, POB policy activities and legislative amendments to oversight ordinance and will also be reported as required by the ordinance.

Complaint Process and Finding Categories

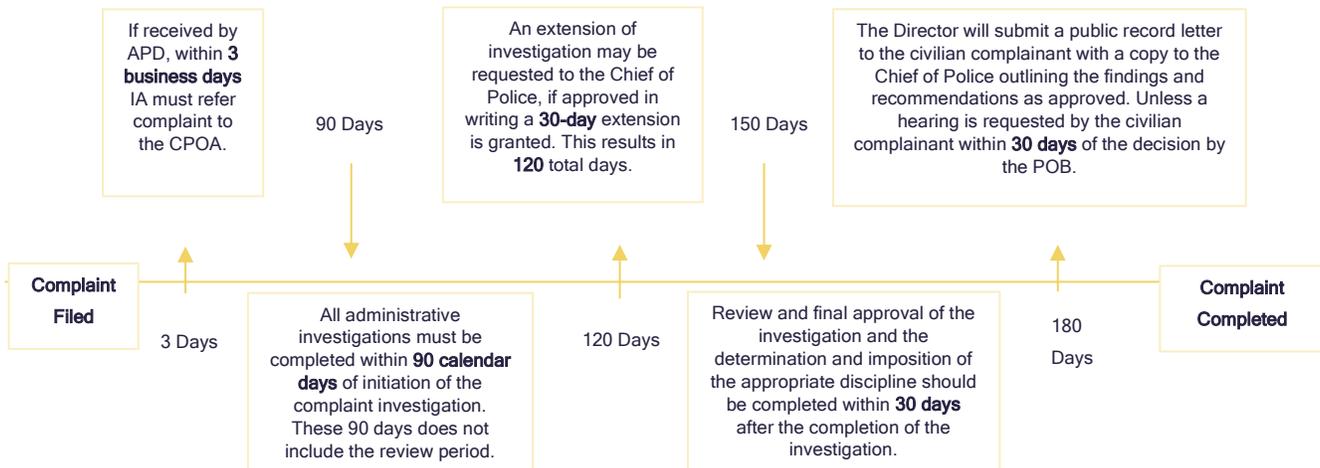


Chart 1. Complaint Timeline

Civilian police complaint can either be filed with the police department or with the CPOA itself. If the complaint is filed with the police, Internal Affairs must refer the complaint to the CPOA within three business days. Once the complaint is received by the CPOA, there are seven days (the ordinance does not specify if this is calendar days) to assign the complaint to an investigator. The CPOA will mediate complaints, whenever appropriate and agreed upon by the parties. If the case is not appropriate for mediation, the Agency (CPOA) will open a case and assign it to an investigator. The assigned investigator will interview witnesses, obtain evidence, and interview the APD personnel involved. Once the investigation of the complaint is completed, the Executive Director of the CPOA will review the complaint and results of the investigation to determine if there are any violations of Albuquerque Police Department Standard Operating Procedures (SOPs). The investigator may close the complaint following an initial investigation or the investigator may take it to a full investigation. A complaint can be resolved without a full investigation for the following reasons:

- the investigator verifies completed reports are ready and do not constitute misconduct by an employee,
- the investigator cannot minimally substantiate allegations,
- the policy violations are minor,
- allegations are duplicative,
- lack of information to complete the investigation,
- the complainant requests a withdrawal of the complaint, or
- the complaint was lodged against someone who is not an APD employee.

After receiving the complaint, the CPOA has ninety-calendar days to complete the administrative investigation. A thirty-calendar day extension may be requested by the Chief of Police and must be approved in writing by the APD Chief. With extension granted, the CPOA has a total of 120 days to complete the investigation. In some cases, if the complaint is not filed with the CPOA immediately after the incident, the body camera footage of the incident may not be available before the CPOA investigators.

Within thirty days of completing the investigation the final approval of the investigation should be performed as well as the determination and imposition of the appropriate discipline. POB reviews the outcome of every complaint at monthly board meetings where they approve or delay the investigative findings of CPOA. It is possible that during this review period the POB will return the complaint to the CPOA thus requiring additional time to resolve the complaint. The additional amount of time given to resolve the complaint is not explicitly specified in the ordinance.

Upon approval of findings and recommendations by the POB, the CPOA Executive Director by the ordinance must submit a public record letter to the civilian complainant with a copy to the APD Chief of Police with the findings and recommendations as approved. At this point, the civilian complainant has 30 days to request a hearing. If no hearing is requested the Chief of Police must notify the POB and the original complainant of his or her final disciplinary decision. The Chief of Police retains sole authority to impose discipline to an Albuquerque Police Department employee for violations of the Albuquerque Police Department Standard Operating Procedures. The person who filed the complaint may appeal the POB's findings and the Chief's disciplinary findings. If the investigation exceeds nine months, the Executive Director of the CPOA must report the reason to the POB. The Civilian Police Oversight Agency does not conduct criminal investigations.

There are six possible findings that the APD and the CPOA use:

- **Sustained** - Where the investigation determines, by a preponderance of the evidence that the alleged misconduct did occur.
- **Not Sustained** - Where the investigation is unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred.
- **Exonerated** - Where the investigation determines, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training.
- **Unfounded** - Where the investigation determines, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer.
- **Sustained Violation Not Based on Original Complaint (Sustained/NBOOC)** - Where the investigation determines, by a preponderance of the evidence, that misconduct did occur that was not alleged in the original complaint but that was discovered during the misconduct investigation.
- **Administratively Closed** - Where the policy violations are minor, the allegations are duplicative, or investigation cannot be conducted because of the lack of information in the complaint.

Data

As required by the ordinance, this report highlight complaints received and closed along with the disposition, demographic information of employees and complainants, number of serious uses of force incidents and officer involved shootings. It also provides information regarding long-term planning, policy recommendations and public outreach efforts by CPOA and policy activities of the POB. Notably, due to unavailability of access to APD's warehouse, it only reports on the information that is provided by the APD and information that is available on IA pro database. The next section highlights several limitations and missing data points that will also be mentioned along with the sections of this report. The data sources used to create this report include:

- I. Datasets from paragraph 298 of CASA provided to Independent Monitor by APD
- II. APD IA Pro database
- III. Citizen Complaint data at CPOA

Data Limitations

During this reporting period, several data limitations were identified. Based on IA Pro configuration, future queries might not report same numbers. IA Pro does not retain historical information. The data in the warehouse gets overwritten when new entries are fed in the system. For instance, CPC2018-000186, CPC000235, CPC2018-258 shows the rank of an officer as Sergeant which is the officer's current rank. At the time of incident, officer was a Police officer 1st class but since they are promoted, IA Pro show them as a Sergeant for the old incident involving him/her when officer was a police officer. For reporting purposes, the data available cannot be considered reliable due to these factors identified. In order to report accurate data and fulfill the reporting requirements for the city council, and for police oversight board to make informed policy analysis and recommendations, access for CPOA to APD warehouse is important.

Commendations

Individuals can submit commendations or "Job Well Done" forms for APD employees who provide exemplary service. Commendations are unsolicited attestation that the employee has done something extra special for which they should be recognized. APD gives commendations and awards to officers whose actions rise above the expected standards of key departmental values, such as honor, courage and commitment to community service. Number of commendations received by involved officer's bureau for the period of July 2018 to December 2018 is mentioned in the box on the right.

| <u>Commendations</u> | |
|--------------------------------------|-------------------|
| <u>Received by Officer's</u> | |
| <u>Bureau</u> | |
| <i>Administrative Support Bureau</i> | 69 |
| <i>Compliance</i> | 10 |
| <i>Field Services</i> | 100 |
| <i>Field Services- East Division</i> | 114 |
| <i>Field Services- West Division</i> | 23 |
| <i>Investigative Bureau</i> | 52 |
| <i>Missing Information*</i> | 2 |
| <i>Total:</i> | <u>370</u> |

Source: IA Pro

In total, APD employees were identified in (370) commendations. The largest percentage of APD employees who were the recipient of (114) commendations (31%) belonged to Field Services East division. However, a smaller but still sizeable number of commendations (100) (27%) and (306) (14%) were received by employees in Field Services Bureau. Male employees were identified in (278) or (75%) of the commendations received while Female employees were identified in (92) (25%) commendations. (2) commendations received for this reporting period is missing employee information.

Section I. Complaint Details

Any person claiming to be aggrieved by actions of the police may file a complaint against the department or any of its employees. From July 1st 2018 to December 31st 2018, CPOA received (126) and closed (60) civilian police complaints. Of those complaints that were closed, (52) complaints were received in the previous reporting period, suggesting CPOA closed (8) of the (60) complaints it received during the current reporting period (about 13 %). Note that the agency has recorded more complaints than (126) and only (126) are considered. The reason why all complaints received are not investigated is due to some complaints having no or irrelevant information provided by complainant, some complaints not meant for APD employees and some regular complainants tend to file complaints without reason leading them not to be considered.

| | |
|---|-----|
| <i>Complaints Received</i> | 126 |
| <i>Complaints Closed</i> | 60 |
| <i>Complaints Pending at Start</i> | 52 |
| <i>Complaints Received & Closed</i> | 8 |

Source: Paragraph 298 datasets

Complaint Closure Time

Complaints closed in the reporting period by the number of days took for closure is underlined in this section. (18) out of the (60) complaints (30%) were closed in less than 90 days. As noted earlier, all complaints must be completed within 90 days unless an extension has been requested and granted. (7) complaints were closed between 90 - 120 days, (10) between 121 - 150 days, (5) between 151 - 180 days, (20) between 181 days and 9 months (33%). Major factors causing the delayed completion of some complaints include lack of information on complaints and limited investigators at the agency working on clearing backlog of complaints from previous years. Identifying other factors causing delayed closure of complaints should be explored and reported.

| | |
|--------------------------|------------------|
| <i>Less than 90 days</i> | 18 |
| <i>90-120 days</i> | 7 |
| <i>121-150 days</i> | 10 |
| <i>151-180 days</i> | 5 |
| <i>181-9 months</i> | 20 |
| <i>Total</i> | <u>60</u> |

Source: Paragraph 298 datasets

Complaints Received, Closed, Allegation & Employees

Individual complaints can include one or more misconduct specification, which reflect the rules that an APD officer might be disciplined for violating. Figure 1 presents

number of associated allegations and employees involved for the complaints that were received and closed during the reporting period. Complaints received during the second half of 2018 is missing data regarding associated allegations in the paragraph 298 data sets which is provided to the independent monitor by APD. Complaints received during the reporting period involved (93) APD employees. (43) complaints received were missing information regarding the employee(s) associated with those complaints. (60) complaints that were closed during this reporting period, involved (29) allegations of misconduct implicating (42) employees. For complaints closed, there is missing allegation data for (57) complaints and missing employee data for (20) complaints.

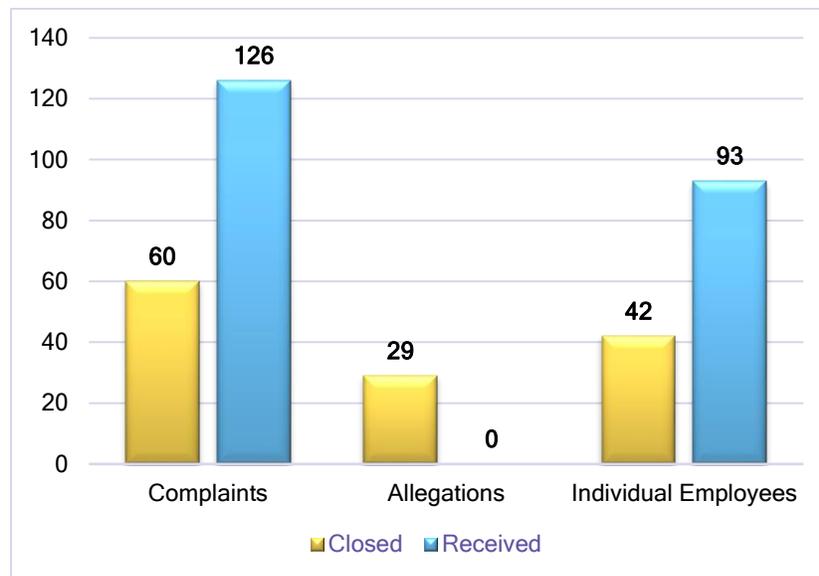


Figure 1. Complaints, Allegations, and Implicated employees for Complaints Received and Closed

**All Complaints received had missing Allegation data*

***57 Complaints closed had missing Allegation data*

Source: Paragraph 298 datasets provided to independent monitor by APD

Complaint Status

Once complaint is received, it goes through several stages of investigative process. These categories are defined as Initial, Active, Forwarded and Closed. For this reporting period, (126) complaints were received and out of those (27) are in the initial stage (received and not assigned to investigator), (43) complaints are in active stage (investigator assigned), (2) are forwarded (to internal affairs), (2) complaints are suspended (either there is ongoing investigation by IA or the officer is unavailable due to leave, FMLA etc.) and (52) are closed/completed.

Employees Involved in Complaints Received

This section highlights the number of complaints received and number of employees implicated in those complaints. Of the total (126) complaints received during the reporting period, (102) complaints involved one employee. (6) complaints involved two employees and (2) complaints received concerned three employees. There was one complaint during this period that implicated (5) APD employees. There is missing data for (42) complaints received which does not report information on employees involved. Note that the number (42) for complaints received identifying missing employee information can also include information for other employees for which the information is available for the same complaint. (1) complaint received included information for (4) employees but is missing information for (1) employee. Another complaint includes information for (1) employee but is missing information for (2) other employees.

| Civilian Police Complaints Received | Employees Involved |
|-------------------------------------|--------------------|
| 102 | 1 |
| 6 | 2 |
| 2 | 3 |
| 1 | 5 |
| 42 | Missing** |

Table 1: Complaints Received and Employees involved
**42 complaints received had missing employee information*
Source: Paragraph 298 datasets provided to independent monitor by APD

Complaint Comparison with 2017

Figure 2.1 and 2.2 presents the number of complaints received and closed by the agency during 2018 compared to the first and second half of previous year. The information provided in this section will highlight the trend of complaints, whether they increased or decreased compared to 2017. Several questions could be answered with this analysis. First, more complaints received might suggest an occurrence of more police misconduct incidents or fewer complaints can suggest that police conduct has improved. An increase in complaints received can also suggest that citizens are now

more aware of the complaint procedure compared to previous year leading them to file more complaints which can be attributed to better community outreach by the agency. Secondly, a comparison of complaints closed with previous year will identify why more or fewer cases are completed in the current period. The information will highlight whether there is a need to staff more investigators due to fewer complaint closure and will also show efficacy of investigators if they are closing more complaints in the same time period. Such datasets will help better identify the trends and will inform the policy makers to make better decisions.

Complaints received during the current reporting period has decreased to (126) compared to (153) complaints which were received during the first half on 2018 as seen in figure 2.1 below. The second half of 2017 saw a significant decline from (172) to (96) complaints received. As shown in figure 2.2, complaints closed during the current reporting period saw a major decline to (60) compared to (149) complaints which were closed during the first half of 2018. Looking at two-year data, it is evident that complaints closed during the first half of 2018 almost equals complaints closed for the other three reporting periods.

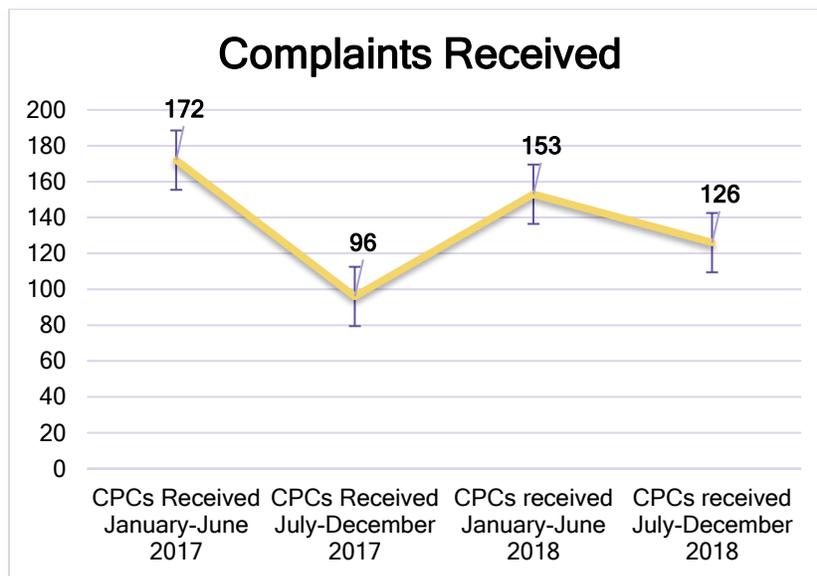


Figure 2.1: Civilian Police Complaints Received January 2017-December 2018
Source: Paragraph 298 datasets provided to independent monitor by APD

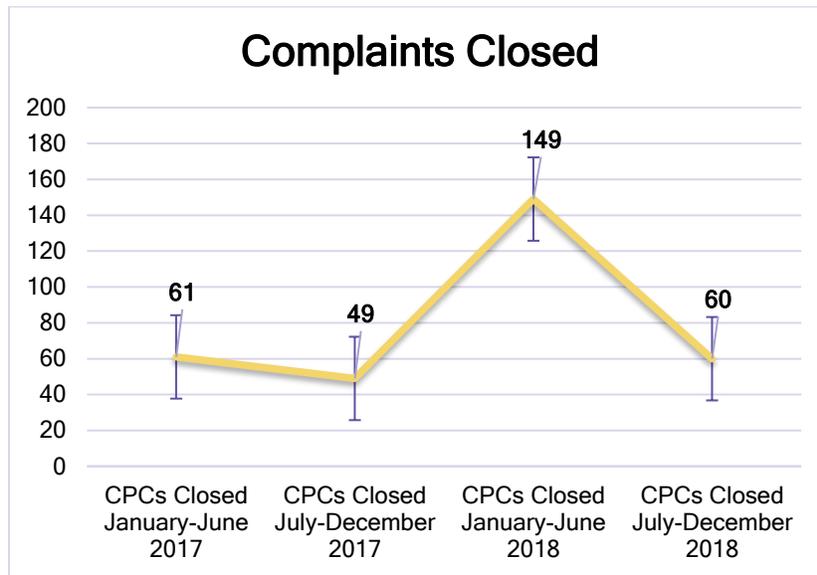


Figure 2.2: Civilian Police Complaints Closed January 2017-December 2018
Source: Paragraph 298 data set provided to Monitor by APD

Complaint Source

Complaints received by the agency can come through different sources. A citizen can personally reach the agency by calling or coming to the office to file a complaint, they can email, send the complaint through regular mail, or fax the complaint. Complaint forms are available online, at all police stations, libraries and community centers across Albuquerque. For the period of July to December 2018, out of the (126) complaints received, (34) reached the agency through online self-reporting by citizens, source of (28) complaints was through email to the Agency. It is important to highlight that the source for (40) complaints was missing in the data sets from paragraph 298 provided to the Independent Monitor by APD.

Some other data issues have been identified including different complaint source and different receiving date mentioned for same complaints. Some complaints identify the source as 'Null' but for the same complaint, the source might be mentioned under 'Online-self reported' or 'Email'. Due to this, same complaint received might be added under two or three sources leading the total number of complaints received by source not matching the total number of actual complaints received for this reporting period. Major factor for differing sources can be attributed to duplicative complaints received at different dates for which same CPC number is assigned, though the source can differ. Further breakdown of complaint source is highlighted in figure 3 below.

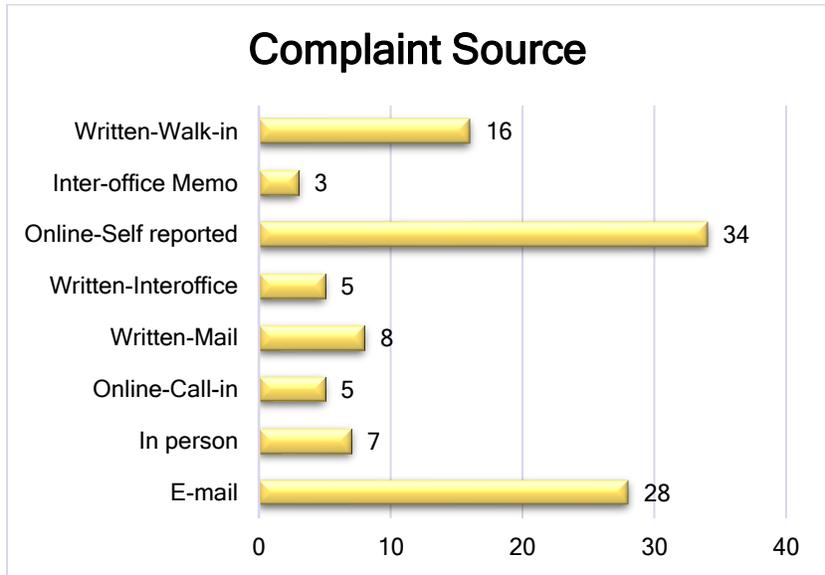
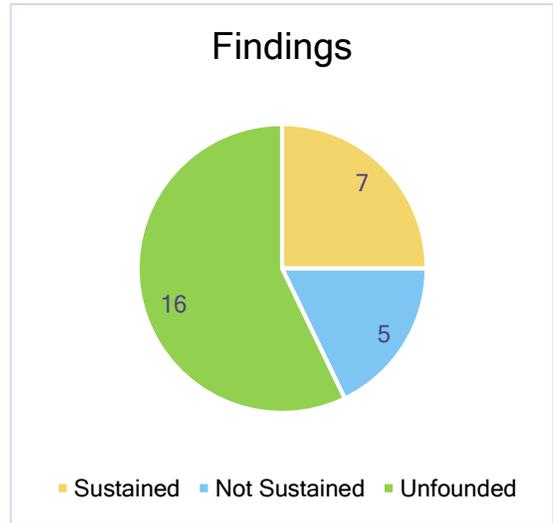


Figure 3: Source of Complaints Received July-December 2018
 *40 complaints were missing information related to complaint source
 Source: Paragraph 298 datasets provided to independent monitor by APD

Complaint Disposition/Findings

Following the completion of investigations for civilian police complaints, CPOA recommends one of several disposition/findings. These include Unfounded (investigation determined misconduct did not occur), Sustained (alleged misconduct did occur), Not Sustained (unable to determine by preponderance of evidence whether misconduct occurred), Exonerated (Alleged conduct occurred but did not violate APD policies, procedures or training),



Administratively Closed (minor policy violation, duplicative allegations, or cannot conduct investigation due to lack of information in the complaint) and Sustained Violation (finding not based on original complaint). Graph on the right provides a snapshot of investigated complaints that are arrayed by recommended disposition. The data used to collect this information is from paragraph 298 data sets provided to Monitor by APD. Most of the complaints had missing data and only (28) disposition were assigned a finding for during this reporting period.

Section II. Employee and Citizen Characteristics

Section 9-4-1-10-B of the ordinance require the reporting of information pertinent to subject officers and complainants in the semi-annual reporting. This section is divided into two sub-sections. First section will provide information related to APD employees who were implicated in complaints while second section reports on demographic characteristics of citizen complainants for both complaints received and closed for the reporting period of July 1st 2018 to December 31st 2018.

Employee Characteristics

Complaints can be filed against both Sworn and Non-sworn employees of Albuquerque Police Department. Total of (68) civilian police complaints were received against sworn APD employees while (19) complaints were received against non-sworn employees. (76) sworn APD employees were involved in those (68) complaints whereas (17) non-sworn employees were involved in (19) complaints received. Out of (126) total complaints received for the reporting period, (87) included information regarding sworn and non-sworn APD employees while the rest were missing employee information.

Note that one complaint can have more than one employee involved so we might have information of one employee in a particular complaint but that complaint might have missing information regarding other employees. Complaints with missing information will have some information relating to involved employees but will also be reported under the category of complaints with missing employee information. Complaints that were closed in the reporting period, (28) involved (32) sworn APD employees. (9) civilian police complaints were against (10) non-sworn employees. Out of (60) complaints that were closed, (42) complaints involved information regarding sworn and non-sworn employees while the rest has missing officer information.

Complaints Received for Sworn APD Employees

The data from paragraph 298 provided to the Independent Monitor by APD has been used to provide information included in this section. As mentioned in the last section, (68) complaints were received which involved (76) sworn employees. Some employees were promoted, switched bureaus, divisions and ranks. (83) Bureaus were

identified for (76) Sworn employees which is mainly due to promotion and same employees implicated in complaints for more than one Bureau. (79) ranks were identified for (76) employees mainly due to more complaints received by same employee after getting promotion from Police Officer 1st Class to Senior Police Officer. (78) Divisions were identified for sworn employees, again due to same employee receiving more than one complaint at different divisions. Breakdown of sworn employee rank, ethnicity and gender, bureau and division at the time of complaint received can be seen below. Out of (76) sworn employees, (32) were Hispanic while 44 were Non-Hispanic. 64 were Male while 12 were Female employees.

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|------------------|--------------------------------------|----|-----------------------|----|-----------------------|------------------|----------|---|------------|---|--------------|------------------|---|--|------------|---|---------------------|----|---------------------|----|---------------|---|------------------------|---|----------------|----|----------------|---|--------------|------------------|--|--|---------------------|---|-----------|---|-----------|----|---------------------|---|---------------|---|---------------|---|-----------|---|--------|----|-----------|---|-----------|----|--------------------|---|----------------|---|--------------|------------------|
| <p><u>Sworn Employee Rank</u></p> <table> <tr><td>Police Officer 1st Class</td><td>34</td></tr> <tr><td>Senior Police Officer</td><td>22</td></tr> <tr><td>Master Police Officer</td><td>10</td></tr> <tr><td>Sergeant</td><td>9</td></tr> <tr><td>Lieutenant</td><td>4</td></tr> <tr><td>Total</td><td><u>79</u></td></tr> </table> | | Police Officer 1 st Class | 34 | Senior Police Officer | 22 | Master Police Officer | 10 | Sergeant | 9 | Lieutenant | 4 | Total | <u>79</u> | <p><u>Sworn Employee Bureau</u></p> <table> <tr><td>Compliance</td><td>3</td></tr> <tr><td>Field Services West</td><td>12</td></tr> <tr><td>Field Services East</td><td>11</td></tr> <tr><td>Investigative</td><td>4</td></tr> <tr><td>Administrative Support</td><td>5</td></tr> <tr><td>Field Services</td><td>46</td></tr> <tr><td>Chief's Office</td><td>2</td></tr> <tr><td>Total</td><td><u>83</u></td></tr> </table> <p><i>Source: Paragraph 298 datasets</i></p> | | Compliance | 3 | Field Services West | 12 | Field Services East | 11 | Investigative | 4 | Administrative Support | 5 | Field Services | 46 | Chief's Office | 2 | Total | <u>83</u> | <p><u>Sworn Employee Division</u></p> <table> <tr><td>Crisis Intervention</td><td>2</td></tr> <tr><td>Southwest</td><td>7</td></tr> <tr><td>Northeast</td><td>13</td></tr> <tr><td>CID/Family Advocacy</td><td>4</td></tr> <tr><td>Metro Traffic</td><td>5</td></tr> <tr><td>IA Compliance</td><td>1</td></tr> <tr><td>Southeast</td><td>9</td></tr> <tr><td>Valley</td><td>16</td></tr> <tr><td>Foothills</td><td>5</td></tr> <tr><td>Northwest</td><td>11</td></tr> <tr><td>Special Operations</td><td>3</td></tr> <tr><td>Chief's Office</td><td>2</td></tr> <tr><td>Total</td><td><u>78</u></td></tr> </table> <p><i>Source: Paragraph 298 datasets</i></p> | | Crisis Intervention | 2 | Southwest | 7 | Northeast | 13 | CID/Family Advocacy | 4 | Metro Traffic | 5 | IA Compliance | 1 | Southeast | 9 | Valley | 16 | Foothills | 5 | Northwest | 11 | Special Operations | 3 | Chief's Office | 2 | Total | <u>78</u> |
| Police Officer 1 st Class | 34 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Senior Police Officer | 22 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Master Police Officer | 10 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Sergeant | 9 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Lieutenant | 4 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total | <u>79</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Compliance | 3 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Field Services West | 12 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Field Services East | 11 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Investigative | 4 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Administrative Support | 5 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Field Services | 46 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Chief's Office | 2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total | <u>83</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Crisis Intervention | 2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Southwest | 7 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Northeast | 13 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| CID/Family Advocacy | 4 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Metro Traffic | 5 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| IA Compliance | 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Southeast | 9 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Valley | 16 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Foothills | 5 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Northwest | 11 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Special Operations | 3 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Chief's Office | 2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total | <u>78</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p><u>Sworn Employee Ethnicity</u></p> <table> <tr><td>Hispanic</td><td>32</td></tr> <tr><td>Non-Hispanic</td><td>44</td></tr> <tr><td>Total</td><td><u>76</u></td></tr> </table> | | Hispanic | 32 | Non-Hispanic | 44 | Total | <u>76</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Hispanic | 32 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Non-Hispanic | 44 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total | <u>76</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p><u>Sworn Employee Gender</u></p> <table> <tr><td>Male</td><td>64</td></tr> <tr><td>Female</td><td>12</td></tr> <tr><td>Total</td><td><u>76</u></td></tr> </table> <p><i>Source: Paragraph 298 datasets</i></p> | | Male | 64 | Female | 12 | Total | <u>76</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Male | 64 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Female | 12 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total | <u>76</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

*Table 2: Complaints Received and Sworn Employees involved
Source: Paragraph 298 datasets provided to independent monitor by APD*

Complaints Received for Non-sworn APD Employees

Graphs below further identifies non-sworn employees by number of complaints received. Total of (19) Civilian Police Complaints were received involving (17) non-sworn APD employees. Out of (17) employees, (6) were Hispanic and (11) were non-Hispanic. (13) males while (4) female non-sworn APD employees were implicated in

those complaints. Further breakdown of non-sworn employee characteristics is mentioned below. Paragraph 298 data identified few Police Officer 1st class and 2nd class Lateral, Patrolman 2nd class/lateral and Senior Police Officer among the category of non-sworn APD employees which suggests clear data discrepancy. This is mainly due to overwriting of data in the APD warehouse which does not retain historical information on employees. There is missing information for 1 employee which did not have information on Bureau and Division in the data sets. One employee received 2 complaints for two different divisions.

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---------------------------|---|---------------------------------|---|---|---|--------------------------------------|---|--|---|-----|---|-----------------------|---|--------------------|---|--------------|------------------|------|----|--------|---|--------------|------------------|---|----------|---|---------------------|---|---------------------|---|------------------------|---|----------------|---|----------|---|--------------|------------------|----------|---|--------------|----|--------------|------------------|---|-----------|---|-----------|---|-----------|---|----------|---|----------------|---|-----------|---|-----------|---|---------|---|----------|---|--------------|------------------|
| <p style="text-align: center;"><u>Non-Sworn Employee</u></p> <p style="text-align: center;"><u>Rank</u></p> <table style="width: 100%; border-collapse: collapse;"> <tr><td>Court Services Specialist</td><td style="text-align: right;">1</td></tr> <tr><td>Patrolman 2nd Class</td><td style="text-align: right;">2</td></tr> <tr><td>Patrolman 2nd Class Lateral</td><td style="text-align: right;">1</td></tr> <tr><td>Police Officer 1st Class</td><td style="text-align: right;">3</td></tr> <tr><td>Police Officer 2nd Class Lat</td><td style="text-align: right;">2</td></tr> <tr><td>PSA</td><td style="text-align: right;">4</td></tr> <tr><td>Senior Police Officer</td><td style="text-align: right;">1</td></tr> <tr><td>Telecomm Op 1 Cert</td><td style="text-align: right;">3</td></tr> <tr><td>Total</td><td style="text-align: right;"><u>17</u></td></tr> </table> <p style="text-align: center;"><u>Non-Sworn Employee</u></p> <p style="text-align: center;"><u>Gender</u></p> <table style="width: 100%; border-collapse: collapse;"> <tr><td>Male</td><td style="text-align: right;">13</td></tr> <tr><td>Female</td><td style="text-align: right;">4</td></tr> <tr><td>Total</td><td style="text-align: right;"><u>17</u></td></tr> </table> <p style="font-size: small; color: #FFC000;">Source: Paragraph 298 datasets</p> | Court Services Specialist | 1 | Patrolman 2 nd Class | 2 | Patrolman 2 nd Class Lateral | 1 | Police Officer 1 st Class | 3 | Police Officer 2 nd Class Lat | 2 | PSA | 4 | Senior Police Officer | 1 | Telecomm Op 1 Cert | 3 | Total | <u>17</u> | Male | 13 | Female | 4 | Total | <u>17</u> | <p style="text-align: center;"><u>Non-Sworn</u></p> <p style="text-align: center;"><u>Employee Bureau</u></p> <table style="width: 100%; border-collapse: collapse;"> <tr><td>Aviation</td><td style="text-align: right;">1</td></tr> <tr><td>Field Services West</td><td style="text-align: right;">3</td></tr> <tr><td>Field Services East</td><td style="text-align: right;">4</td></tr> <tr><td>Administrative Support</td><td style="text-align: right;">3</td></tr> <tr><td>Field Services</td><td style="text-align: right;">5</td></tr> <tr><td>Missing*</td><td style="text-align: right;">1</td></tr> <tr><td>Total</td><td style="text-align: right;"><u>17</u></td></tr> </table> <p style="text-align: center;"><u>Non-Sworn</u></p> <p style="text-align: center;"><u>Employee Ethnicity</u></p> <table style="width: 100%; border-collapse: collapse;"> <tr><td>Hispanic</td><td style="text-align: right;">6</td></tr> <tr><td>Non-Hispanic</td><td style="text-align: right;">11</td></tr> <tr><td>Total</td><td style="text-align: right;"><u>17</u></td></tr> </table> <p style="font-size: small; color: #FFC000;">Source: Paragraph 298 datasets</p> | Aviation | 1 | Field Services West | 3 | Field Services East | 4 | Administrative Support | 3 | Field Services | 5 | Missing* | 1 | Total | <u>17</u> | Hispanic | 6 | Non-Hispanic | 11 | Total | <u>17</u> | <p style="text-align: center;"><u>Non-Sworn</u></p> <p style="text-align: center;"><u>Employee Division</u></p> <table style="width: 100%; border-collapse: collapse;"> <tr><td>Southwest</td><td style="text-align: right;">3</td></tr> <tr><td>Southeast</td><td style="text-align: right;">4</td></tr> <tr><td>Northeast</td><td style="text-align: right;">2</td></tr> <tr><td>Aviation</td><td style="text-align: right;">1</td></tr> <tr><td>Communications</td><td style="text-align: right;">2</td></tr> <tr><td>Foothills</td><td style="text-align: right;">1</td></tr> <tr><td>Northwest</td><td style="text-align: right;">3</td></tr> <tr><td>Records</td><td style="text-align: right;">1</td></tr> <tr><td>Missing*</td><td style="text-align: right;">1</td></tr> <tr><td>Total</td><td style="text-align: right;"><u>18</u></td></tr> </table> <p style="font-size: small; color: #FFC000;">Source: Paragraph 298 datasets</p> | Southwest | 3 | Southeast | 4 | Northeast | 2 | Aviation | 1 | Communications | 2 | Foothills | 1 | Northwest | 3 | Records | 1 | Missing* | 1 | Total | <u>18</u> |
| Court Services Specialist | 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Patrolman 2 nd Class | 2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Patrolman 2 nd Class Lateral | 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Police Officer 1 st Class | 3 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Police Officer 2 nd Class Lat | 2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PSA | 4 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Senior Police Officer | 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Telecomm Op 1 Cert | 3 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total | <u>17</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Male | 13 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Female | 4 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total | <u>17</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Aviation | 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Field Services West | 3 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Field Services East | 4 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Administrative Support | 3 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Field Services | 5 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missing* | 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total | <u>17</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Hispanic | 6 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Non-Hispanic | 11 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total | <u>17</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Southwest | 3 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Southeast | 4 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Northeast | 2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Aviation | 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Communications | 2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Foothills | 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Northwest | 3 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Records | 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missing* | 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total | <u>18</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

*Table 3: Complaints Received and Non-Sworn Employees involved
Source: Paragraph 298 datasets provided to independent monitor by APD*

Complaints Closed for Sworn APD Employees

Total of (28) civilian police complaints were closed involving (32) sworn APD employees during the reporting period of July to December 2018. As previously discussed, one complaint closed might include more than one employee. Some complaints closed had missing employee data due to lack of information in the complaint or the complainant has not mentioned employee name or badge number.

Table below provide the breakdown of sworn employee rank, ethnicity and gender, bureau and division for complaints closed. Most of the sworn APD employees for complaints closed, nearly 33% belonged to field services bureau and 37% were from the Valley Area Command division. Hispanic and Non-Hispanic employees comprised of 50% each while 84% of them were male. 1 employee whose complaint was closed during the reporting period was involved with two bureaus', one as a police officer 1st class and other as master police officer.

| | | | | | |
|---|--|--|--|---|--|
| <p><u>Sworn Employee Rank</u></p> <p>Police Officer 1st Class 22</p> <p>Master Police Officer 1st C 3</p> <p>Senior Police Officer 3</p> <p>Sergeant 3</p> <p>Lieutenant 2</p> <p>Total <u>33</u></p> | | <p><u>Sworn Employee Bureau</u></p> <p>Compliance 1</p> <p>Field Services West 10</p> <p>Field Services East 9</p> <p>Investigative 1</p> <p>Administrative Support 1</p> <p>Field Services 11</p> <p>Total <u>33</u></p> <p><i>Source: Paragraph 298 datasets</i></p> | | <p><u>Sworn Employee Division</u></p> <p>Northeast 6</p> <p>CID/Family Advocacy 1</p> <p>IA Compliance 1</p> <p>Southeast 2</p> <p>Valley 12</p> <p>Foothills 5</p> <p>Northwest 2</p> <p>Special Operations 2</p> <p>Metro Traffic 1</p> <p>Total <u>32</u></p> <p><i>Source: Paragraph 298 datasets</i></p> | |
| <p><u>Sworn Employee Ethnicity</u></p> <p>Hispanic 16</p> <p>Non-Hispanic 16</p> <p>Total <u>32</u></p> | | | | | |
| <p><u>Sworn Employee Gender</u></p> <p>Male 27</p> <p>Female 5</p> <p>Total <u>32</u></p> <p><i>Source: Paragraph 298 datasets</i></p> | | | | | |

*Table 4: Complaints Closed and Sworn Employees involved
Source: Paragraph 298 datasets provided to independent monitor by APD*

Complaints Closed for Non-sworn APD Employees

Non-sworn APD employees by number of complaints closed are highlighted in table below. Total of (9) Civilian Police Complaints were closed implicating (10) non-sworn APD employees. Out of (10), (4) were Hispanic and (6) were non-Hispanic. Complaints closed involved (6) Male and (4) Females non-sworn APD employees. Paragraph 298 data identified Police Officer 1st class and Patrolman 2nd class among non-sworn employees which suggest clear data discrepancy, and is mainly due to the reason

Again, there is missing data or data not reported by citizen regarding the demographic characteristics, specifically due to lack of information provided in complaint form. The source of data reported in this section is from the complaint form ‘optional demographic section’. Some complainants do not feel comfortable to provide information about sexual orientation or information related to mental health issues. Most of the complaints received over the phone has missing demographic information of the complainants. Another reason for missing information is due to old complaint forms which was not capturing all the information that is in place in the newer complaint form. Notably, some complaints are filed by citizens for other individuals. Some demographic information captured might not have demographic information of actual complainant rather it will have information of those filling the complaint form. Sub-sections below highlight demographic information of citizen complainants from July 1st 2018 to December 31st 2018.

Complainant Gender

This section focus attention on the gender of complainants represented by complaints received during this reporting period. Female complainants comprised of the larger number (35) compare to male complainants (28). Several complaints (16) did not provide information about gender in the complaint form. One male citizen filed the complaint twice during this reporting period.

| | |
|--------------|-----|
| Male | 28 |
| Female | 35 |
| Not Reported | 16* |

Source: CPOA Complaint Intake Forms

Complainant Race/Ethnicity

Data on race and ethnicity are essential to identify patterns and population segments that are filing civilian police complaints. It will help identify problems and population at risk, which is the crucial first step in providing policymakers the tool for effective decision-making. The data will help understand the underlying causes of problem faced by specific group of population due to police misconduct, will ensure police officers are complying with civil rights law and will also help detect evidence of discrimination against certain segments of

| | |
|--------------|-----|
| Hispanic | 22 |
| Non-Hispanic | 24 |
| Not Reported | 33 |
| White | 30 |
| Black | 5 |
| Mixed | 4 |
| Native | 3 |
| Other | 2 |
| Not Reported | 35* |

Source: CPOA Complaint Intake Forms

population. Section on the right provides a snapshot of race and ethnic classification of citizen complainants for the current reporting period.

Complainant Sexual Orientation

Per the CASA agreement, DOJ mandated the agency and APD to collect data regarding the sexual orientation of citizens to identify possible biases among specific population segments. Discrimination and harassment by law enforcement based on individual’s sexual orientation hinders the process of effective policing, breaks community trust and prevent officers from serving and protecting communities. For the complaints received during this period, most of the complainants were heterosexual (32), while a significantly larger number (43) complainants did not provide information regarding their sexual orientation. This is due to factors already discussed in the prior sections.

| | |
|--|-----|
| <i>Heterosexual</i> | 32 |
| <i>Homosexual</i> | 1 |
| <i>Asexual</i> | 1 |
| <i>Other</i> | 2 |
| <i>Not Reported</i> | 43* |
| <small>Source: CPOA Complaint Intake Forms</small> | |

Complainant Mental Health Status

This section provides information pertinent to mental health status of complainants. Under CASA agreement, ‘APD and the Civilian Police Oversight Agency shall track allegations regarding misconduct involving individuals who are known to be homeless or have a mental illness, even if the complainant does not specifically label the misconduct as such’. CPOA updated the complaint form to align with the Department of Justice requirements by adding mental health and homelessness question. For this reporting period (50) out of (79) complainants reported they had no mental health illness. (3) complainants said they have mental health issues while (26) complaints had missing data due to factors already mentioned in prior sections.

| | |
|--|----|
| <i>Complainants with Mental illness</i> | 3 |
| <i>Complainants with NO Mental illness</i> | 50 |
| <i>Not Reported</i> | 26 |
| <small>Source: CPOA Complaint Intake Forms</small> | |

Complainant Housing Status

Albuquerque has a large segment of population which is homeless. Police encounters with such population segment on the daily basis. To identify patterns of police misconduct against homeless population, the data in this section will be essential in providing information about the complainants, whether they are homeless or were homeless at the time of incident.

| | |
|--------------------------------------|-----|
| Homeless | 4 |
| Not Homeless | 50 |
| Not Reported | 25* |
| <i>Source: CPOA Complaint Intake</i> | |

(4) complainants stated they were homeless, while (50) reported they were not homeless. There is also the issue of missing data for (25) complainants who did not provide information on their housing status. (45) complainants reported they were not homeless at the time of incident while (3) reported they were homeless when the encounter with the officer occurred. Again, (31) complainants did not provide information whether they were homeless or not at the time of incident.

Average time to file complaint from Date of Incident

Most of the complainants tend to file the complaint within the first week of the incident. Looking at the average number of days citizens take to file a complaint from the date of incident, almost 40% citizens filed complaint against APD personnel within a week from the incident. (17) complainants filed it the same day. There were (3) complainants among (79), who filed it after 1727, 2643 and 11066 days after the incident occurred. The complaint that was filed after 11066 days (approx. 30 years) was for the incident that occurred in 1988 against APD employees who are no longer with the department. The reason for other two complaints that are filed after 4 and 7 years is unknown. (8) complainants did not report the date of incident in the complaint form for which time to file complaint from date of incident occurrence is not identified in the data reported.

Section III. Serious Use of Force and Officer Involved Shooting Incidents

The information underlined in this section will report on the number and type of Serious Use of Force incidents for this reporting period and will later provide information on Officer Involved Shooting cases. There was a total of (20) Serious Use of Force incidents involving (21) citizens and (43) officers. There was a total of (7) officers involved shooting cases involving (5) citizens and (7) officers from July to December 2018.

Serious Use of Force (SUOF) incidents

This section will focus on the number of SUOF incidents and type of force used by the officers. It also reports on the area command where the incident occurred, demographic information of citizens and officers involved in those incidents as well as the policy outcome highlighting whether the implication of SUOF was within APD Standard Operating Procedures (SOPs) or not.

Among (20) SUOF incidents, APD officers used different type of force (49) times. Empty hand technique was used (12) times (24%) which is the highest among all types of force. Firearm officer involved shooting and Rifle was used (8) times each (16%) while serious use of force involving Displayed handgun was used (7) times (14%). Further breakdown of the type of force used is highlighted in the type of force used section on the right.

Looking at the demographic characteristics of the citizens, (21) citizens were involved in (20) SUOF incidents during this reporting period. Out of those, (14) were Hispanic and (6) were Non-Hispanic while (1) citizen's ethnicity is unknown. Majority of citizens against whom serious force was used were Male (19) compare to Female (2). The data also shows that (4) out of (21) individuals were homeless while (8) were not homeless. The data set is missing information for (9) citizens

Highlights

| | |
|-----------------------------|----|
| <i>Total SUOF Incidents</i> | 20 |
| <i>Officer's Involved</i> | 43 |
| <i>Citizens Involved</i> | 21 |

Type of Force

Used

| | |
|------------------------------|------------------|
| <i>Display Handgun:</i> | 7 |
| <i>Rifle:</i> | 8 |
| <i>ECWs:</i> | 2 |
| <i>ECW Painting:</i> | 1 |
| <i>Empty hand technique:</i> | 12 |
| <i>Handgun:</i> | 2 |
| <i>K9 Apprehensions:</i> | 1 |
| <i>Firearm OIS:</i> | 8 |
| <i>Takedown Solo:</i> | 1 |
| <i>Takedown Team:</i> | 3 |
| <i>Other:</i> | 4 |
| Total: | <u>49</u> |

Source: Paragraph 298 datasets

regarding their housing status against whom serious force was used. Racial classification of citizens show that largest percentage of citizens were white (15) or (71%) while (2) citizens were Black and (3) were Native American. There is missing data for (1) citizen. The youngest citizen was 15 years old while the oldest citizen against whom serious force was used was 58 years old. There were (2) citizens among all cases who were not arrested while all other individuals involved in SUOF cases were arrested.

(43) Officers were involved in (20) SUOF incidents for the reporting period from July to December 2018. Among those, (14) were Hispanics while (29) were Non-Hispanic. Male officers comprised of a larger percentage in Albuquerque Police Department compared to Female officers and most officers involved in SUOF cases were Male (40) compared to Females (3). Looking at racial classification, (40) or 93% were White officers. There were (2) Native American and (1) Asian officer involved. The youngest officer involved was 21 years old while the oldest was 47 years old.

Most SUOF incidents occurred in the Southeast area command (7). (5) incidents took place in Northeast while (2) took place in Foothills area command. (3) incidents occurred in Northwest and Valley area commands respectively. The mapping of exact location where serious use of force incident occurred is highlighted in the figure below. Looking at call type description for SUOF incidents, most calls (4) were related to 'Aggravated Assault/Battery', while (2) were related to 'Wanted Person', 'Armed Robbery', 'Disturbance', 'Family dispute', 'Auto Theft', 'Suspended person/vehicle' each. Call type 'Onsite suspicion', 'Shots fired', 'Suicide', 'SWAT' were related to (1) SUOF each.

Citizen Information

| | |
|--------------|----|
| Hispanic | 14 |
| Non-Hispanic | 6 |
| Unknown | 1 |

| | |
|--------|----|
| Male | 19 |
| Female | 2 |

| | |
|----------|----|
| White | 15 |
| Black | 2 |
| Native | 3 |
| Missing* | 1 |

Source: Paragraph 298 datasets

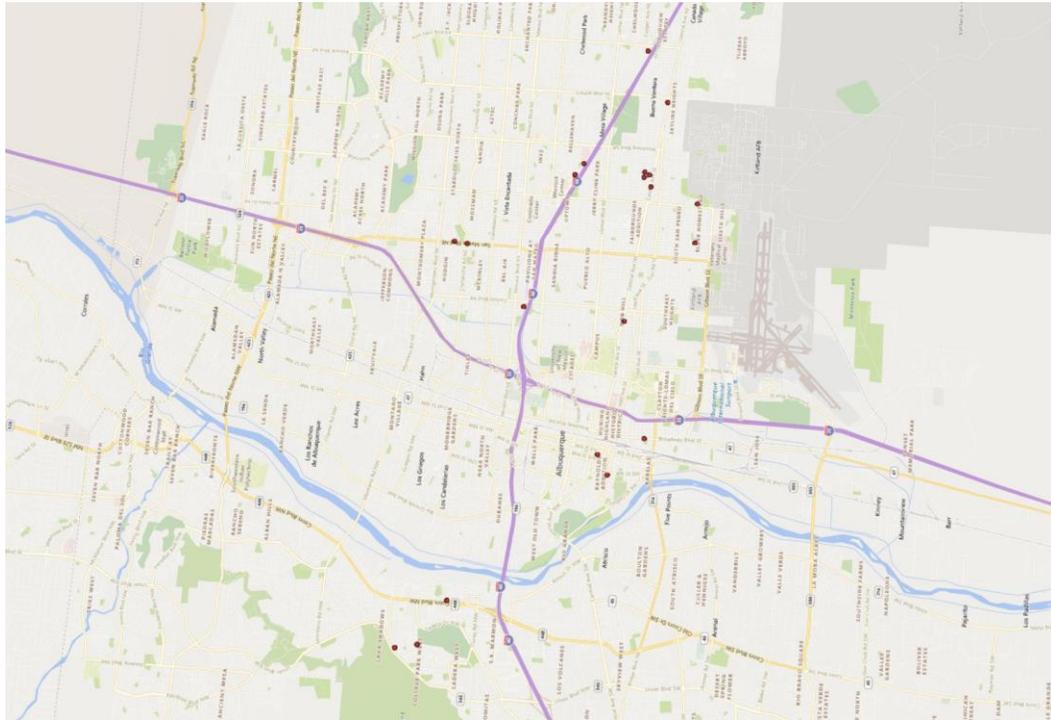
Officer Information

| | |
|--------------|----|
| Hispanic | 14 |
| Non-Hispanic | 29 |

| | |
|--------|----|
| Male | 40 |
| Female | 3 |

| | |
|--------|----|
| White | 40 |
| Asian | 1 |
| Native | 2 |

Source: Paragraph 298 datasets



*Figure 4: Geospatial mapping of SUOF incidents July 2018-December 2018
Source: Paragraph 298 datasets provided to independent monitor by APD*

Policy Outcome of SUOF Incidents

Analyzing whether SUOF by officers was within the APD's Standard Operating Procedures can provide useful details to the policy makers in determining if policies need modification or officers need more training. In (20) SUOF incidents for the current reporting period, there were (43) officers involved. It is important to highlight that one case can have more than one citizen and officer involved. The use of serious force by one officer might be justified in accordance to the policy but the second officer might have used force which might have been against the APD policy and procedures. The information in this section identifies type of force used by the officer and whether it is within APD policies or not.

Serious force was used (49) times during this reporting period. Policy outcome for SUOF falls into (4) categories. First is 'Within Policy (8)' suggesting the application of force is justified and the officer dealt with the individual in accordance with APD SOPs and will not face any consequences of his/her actions. Second is 'Out of Policy (3)' meaning force application was not in accordance with APD policies and disciplinary action can be taken against the involved officer. Third category 'Within Policy- Secondary Policy Shortfall (2)' means that the force applied was within policy but other policy issues not related to force application were identified during investigation. Fourth category 'Policy Outcome Pending (36)' shows cases for which the SUOF investigation against officer(s) involved is still under review.

Within Policy

8

Out of Policy

3

*Within Policy but
secondary policy
shortfall*

2

*Policy Outcome
Pending*

36

Source: Paragraph 298 datasets

Officer Involved Shooting (OIS) incidents

As per CASA agreement between the City of Albuquerque and the Department of Justice, APD must report on all the cases which involve firearm discharge or shooting by APD officers. The DOJ in two-year long investigation determined that although most force used by APD officers was reasonable, a significant amount of deadly and less lethal force was excessive and constituted an ongoing risk to the public. The ordinance states that the CPOA review and monitor all investigations related to officer involved shootings.

There was a total of (8) officer involved shooting incidents for this reporting period. All incidents involved male citizen offenders. (20) officers and (9) citizens were involved in those OIS incidents. Out of 8 incidents, (4) involved officers from Southeast area division while officers from Special operations division were involved in (2) incidents. Officers from Northeast and Northwest divisions were involved in (1) incident each.

Highlights

Total OIS Incidents
8
Officers Involved
20
Citizens Involved
9

Officer's Information

Southeast
4
Northeast
1
Northwest
1
Special Operations
2

Male 19 Female 1

White 19
Native American 1

Citizen Information

White
7
Native American
1
Unknown
1

All Male

Source: IA Pro

OIS by Month



■ July ■ August ■ October
■ November ■ December

Section IV. Public Outreach by CPOA

The section will present information on all public outreach initiatives undertaken by the Board or Director including public speaking, public safety announcements, public information brochures on oversight process for this reporting period. In 2014, the Civilian Police Oversight Agency Ordinance was amended to include a Community Outreach component to the police oversight efforts. As stated in the Ordinance (O-13-2016), the CPOA shall develop, implement, and from time to time amend as necessary, a program of community outreach aimed at soliciting public input from the broadest segment of the community in terms of geography, culture, ethnicity, and socio-economics. The CPOA shall employ or designate a full-time staff member within the administrative office dedicated to community outreach efforts. The CPOA shall report its community outreach efforts to the City Council on semi-annual basis (Section 9-4-1-4-C-1).

“Outreach will promote the mission of the POB and be the bridge for communication with the community”

Beginning July of 2018, the CPOA maintained a steady involvement with the Community Policing Councils (CPCs). Director Harness attended 30 monthly community meetings on behalf of the agency and was invited by CPC Manager, Chris Sylvan to participate in their quarterly CPC Training session and later their quarterly CPC Summit. The CPCs value Director Harness’ participation because he is a great resource for community members to help understand the role of the agency, as well as, their role as CPC members and how the two can work together for effective community policing and police oversight.



For second half of the year 2018, outreach efforts were heavily spent on Amici meetings and study sessions with City Council to discuss CPOA Ordinance Amendments and other pressing matters relevant to the future of the agency and the board. The agency and stakeholders fought hard to make sure their voices were heard and that City Council

understood the needs of the agency. By December, there was more direction and clarity; the Agency, the Board, and the City Council were all able to move forward with mutual agreements to the Ordinance Amendments, thus establishing a healthier and working relationship.

Despite the challenges the agency saw during this reporting period, it pressed forward and participated in several outreach opportunities. Outreach was invited to participate on the radio with KKOB 770, Pat Allen to discuss the role of Police Oversight and how it is a vital contribution to the community. Board members were interviewed by KRQE regarding the oversight process. The CPOA was invited by several neighborhood associations to participate in their National Night Out events in August. Outreach was also invited to present to the Metro Attorney's Office as an opportunity to help educate Metro Attorney's about the CPOA resources. Director Harness was invited to present to a class of undergraduate UNM students studying Community and Regional Planning in policing, to help students understand how the police oversight process works in Albuquerque.

Additionally, Director Harness also presented to the lateral hires, as well as, to the 120th Cadet Class at the APD Academy. This helps new APD Officers understand how the agency works and what they should expect if they ever have a complaint filed against them. This has been a wonderful ongoing partnership with the Academy that allows new officers the opportunity to ask questions and voice their concerns directly to the



CPOA Director. The purposes of these presentations are to educate, build trust, and eliminate any fear of the word “oversight” we often see in the community and amongst APD employees. These six months, members of the agency actively sought community input, which lead to monumental collaborations with stakeholders and community leaders, thus truly fostering the mission statement.

Section V. Policy issues at APD & Policy Recommendations by CPOA

This section underline policy related issues at APD identified during the current period and policy suggestions given by the agency and board. The ordinance states ‘CPOA shall engage in a long-term planning process through which it identifies major problems or trends, evaluates the efficacy of existing law enforcement practices, and establishes a program of resulting policy suggestions and studies each year’ (9-4-1-4-C-5). Policy and procedures subcommittee of the Police Oversight Board is tasked with reviewing APD policies and procedures and make recommendations on changes to ensure that compliance and consistency aligns with the CPOA’s mission. The subcommittee initiated a program to have important APD policies (mostly CASA related) presented at a regular scheduled board meeting to provide public an accessible venue for review and discussions.

Establishing and implementing sound policies are important to help officers in making good decisions in critical situations. The quality of a department’s policy impacts the quality of services delivered to public. Effective police accountability requires the department to have clear and detailed policies regarding police encounters that involve life, liberty and well-being of people they encounter¹. Policies need to be clear and consistent throughout a department’s Standard Operating Procedures manual. Inadequate policies fail to tackle possibly illegal and unprofessional actions. CPOA and POB recognizes that a good policy recommendation has several features:

- It identifies a problem and proposes a solution,
- It is supported by data,
- It is transparent to the community,
- It is clear, understandable, trainable and acceptable to the Police Department, and
- It has a good chance of being adopted.

During the current reporting period, some of the policy issues identified at APD and recommendations by CPOA are stated below:

Policy issues at APD

- APD SOP 2-22 on Juvenile Delinquency was not in compliance with New Mexico confidentiality of records law for juveniles.

¹ *The New World of Police Accountability, Third Edition by Samuel E. Walker & Carol A. Archbold*

- APD provides information to POB/CPOA regarding incident summary reports but was unsure about what information should be redacted such as officer or citizen name from the report.
- Problems regarding APD SOP 2-99 that relates to administering drug and proper storage were also identified during policy subcommittee meeting.

Policy Recommendation by POB/CPOA

- Several recommendations regarding revisions to SOP 2-52 'Use of Force-General' were presented during regular board meetings.
- Board recommended that votes at PPRB by CPOA and Police Oversight Board must not contradict the position of the board.
- Board during the last reporting period recommended APD to conduct exit interviews. The process of conducting exit interviews became effective on September 29, 2018.
- Board recommended that APD develop SOP 2-22, 'Juvenile Delinquency' by incorporating a section that aides the department's compliance with confidentiality statute NMSA 1978 32A-2-32.
- Amendments to Police Oversight Ordinance as proposed by the city council in November 2018 were reviewed by the board. These changes were proposed by CPOA during June 2018.
- Recommendations were made to APD on SOP 2-19, for changes in the process related to booking sheet at Metropolitan Detention Center.
- Board also recommended that sharing contract with Institute of Social Research (ISR) would be a conflict of interest since APD also share contract with ISR.

Section VI. POB Policy Activities

As defined by the Police Oversight Ordinance, the role of the Police Oversight Board is to provide policy guidance to the City Council, the Mayor and the Chief of Police. Ordinance also stated the need for the board to recommend policies related to training, programs and procedures and other matters related to APD. The ordinance states 'The POB shall dedicate a majority (more than 50%) of its time towards policy related issues'. This section will provide a snapshot of the time board dedicated to policy related activities for the current reporting period. During the first year of its existence the POB created a set of operating procedures designed to meet their obligations per the ordinance. To serve this mission, POB created Policy and Procedures subcommittee, that reviews APD policies and procedures, and makes recommendations on changes to ensure that compliance and consistency aligns with the CPOA's mission.

A critical function of the CPOA and POB is to be a conduit of information regarding the APD policy process to the public. This function is improved when CPOA/POB participates directly in the policy development process at APD and reports the results to the public. Previous APD and city administration did not allow the participation of POB and the Agency in policy development process. With new city and APD administration, CPOA and POB members' recommendations and suggestions are given consideration in the APD policy process and a new era of cooperative relations has begun. For the policy development process, board member and CPOA staff regularly participate in Office of Policy Analysis (OPA) meetings where new policies and modifications to existing policies are presented for review. The members are presented with the opportunity to move the policies to the next step or can recommend changes. Board members and CPOA staff also attend the Policy and Procedures Review Board (PPRB) meetings to review recommendations before the policies are finalized and voted before reaching POB, independent monitor (if CASA policy) and sent to chief of APD for approval.

During this reporting period, board members at policy and procedures subcommittee worked on creating data base for tracking APD standard operating procedures. Subcommittee members presence at Office of Policy Analysis meetings was also discussed during the meetings. Policies that pertains to CASA use of force were also reviewed and proposed changes were discussed during subcommittee meetings for this reporting period. Members

held several meetings with APD personnel to discuss policy related matters identified and discuss several SOPs, specifically that pertains to CASA. Board also reviewed Police Oversight Board Policy and Procedures and presented proposed changes and amendments to be reviewed by the city council. SOP 2-52 use of force general was also revised and approved during this reporting period by PPRB which is CASA related policy and was voted by CPOA and POB representatives.

Section VII. Recommended Legislative Amendments to Oversight Ordinance

It is important to note that the Agency and the Police Oversight Board spent countless hours and efforts discussing recommendations and changes to be proposed to City Council regarding the CPOA Ordinance for Amendments. During this pivotal time, the Agency and community stakeholders collaboratively identified the needs of the Agency and voiced their concerns and goals to the City Council, all for the sustainability of Police Oversight and a healthy Police Department. 9-4-1-10-F section of the ordinance states that CPOA shall 'Identify any matters that may necessitate the City Council's consideration of legislative amendments to this Police Oversight Ordinance'.

Discussions regarding the amendments have been ongoing prior to this reporting period. Last changes were made in May 2016 regarding Chapter 9, Article 4, Part 1 of the Police Oversight Ordinance. There have been discussions related to proposed changes requested in previous year. There was continued dialogue between POB and the city council to implement changes highlighted in the previous reporting period and a study session was also held regarding oversight ordinance between board and the city council to discuss amendments and changes to the ordinance as well as oversight policies and procedures.

Several issues associated to board were highlighted during the regular meetings which were conveyed to the court. These included disagreement of Albuquerque Police Officers Association (APOA) on SOP 2-57, budgeting issues regarding CPOA, investigative staff, suspension of mediation program, investigative timeline and issues related to bargaining agreement with the APOA.

APPENDIX

I. Civilian Police Oversight Agency (CPOA) Staff

Edward Harness, Esq.
Executive Director

Paul A. Skotchdopole
Assistant Lead Investigator

Diane L. McDermott
Investigator

Erin E. O'Neil
Investigator

Chris Davidson
Investigator

Amanda Bustos
Community Outreach Engagement
Specialist

Katrina Sigala
Civilian Police Oversight
Senior Administrative Assistant

A. CPOA EXECUTIVE DIRECTOR

EDWARD HARNESS, ESQ. was selected as the top candidate by the POB for the Executive Director position and confirmed by the City Council as Executive Director of CPOA in September of 2015. Edward Harness is a graduate of Marquette University Law School. He completed his undergraduate degree in Management of Criminal Justice Operation at Concordia University, where he graduated Cum Laude. As a private practice attorney, focused on consumer rights and advocacy, Mr. Harness was recognized as one of Milwaukee's Top-Rated Attorneys 2012 - 2015. He also served as a Police Commissioner 2007 - 2015. Prior to attending law school Mr. Harness was a City of Milwaukee Police Officer and served in the U.S. Army as a Military Policeman.

B. DUTIES AND RESPONSIBILITIES OF THE EXECUTIVE DIRECTOR

Under the amended Ordinance, the Executive Director reports directly to the Police Oversight Board. The CPOA Executive Director's duties are as follows:

- Independently investigate, or cause to be investigated, all civilian police complaints and prepare findings and recommendations for review by the POB;
- Review and monitor all Internal Affairs investigations including but not limited to officer involved shooting investigations. The Director shall prepare and submit findings and recommendations to the POB relating to officer involved shootings, and shall report on general trends and issues identified through monitoring or auditing of Internal Affairs;

- Provide staffing to the Police Oversight Board and ensure that the duties and responsibilities of the CPOA are executed in an efficient manner, and manage the day-to-day operations of the CPOA.
- The CPOA will receive and process all civilian complaints directed against the Albuquerque Police Department and any of its employees.
- The Director shall independently investigate and make findings and recommendations for review by the POB for such civilian complaints, or assign them for independent investigation by CPOA staff or an outside independent investigator. If assigned to staff or an outside investigator, the Director shall oversee, monitor, and review all such investigations and findings for each.
- All findings relating to civilian complaints and police shootings shall be forwarded to the POB for its review and approval. For all investigations, the Director shall make recommendations and give advice regarding Police Department policies and procedures to the POB, as the Director deems advisable.
- The Director shall report directly to the POB and lead the CPOA; independently investigate or supervise all investigations of civilian complaints, audit all IA investigations of complaints, recommend and participate in mediation of certain complaints, and supervise all CPOA staff.

II. Police Oversight Board (POB)

A. VOLUNTEER BOARD MEMBERS

JOANNE FINE - Ms. Joanne Fine has served as a member of the APD Public Safety Partnership for several years, which worked on creating partnerships between the community and APD. Ms. Fine also served as Project Director for developing and opening the Family Advocacy Center, which is a partnership between APD and United Way that serves victims of interpersonal violence. Her experience in developing the Family Advocacy Center provided her with the opportunity to work with human service providers, the courts, the DA's office, underserved communities, and law enforcement, which can be an asset to the POB.

LEONARD WAITES - Mr. Leonard Waites is a lifelong resident of Albuquerque, which drives his interest in serving on the POB. Mr. Waites wants to ensure the safety of the City and assist in making the POB a fair and impartial system for the citizens of Albuquerque and the Albuquerque Police Department. Mr. Waites is a member of the NAACP and previously served on the Police Oversight Task Force. His areas of interest include mending the relationship between the community and police department and building a relationship between the Board and Chief of Police, as it will be important to correcting and implementing policies and procedures.

CHANTAL M. GALLOWAY - Ms. Chantal M. Galloway is currently a Vice-President of Business Services. Ms. Galloway holds a BBA from the University of Arkansas at Little Rock, as well as an MBA from the University of New Mexico. Ms. Galloway's interest in serving the POB comes from her desire to be active and serve her community. Ms. Galloway has a background with for-profit and non-profit organizations and hopes to bring her skills of obtaining outcomes wherein vested parties have their concerns or opinions heard and acted upon.

VALERIE ST. JOHN - Ms. Valerie St. John is currently self-employed with V. St. John Investigations, performing pre-employment background checks, contract work for an immigration and self defense attorney, among other legal and investigative duties. Ms. St. John previously worked in the District Attorney's Office as a Prosecution Assistant. Ms. St. John's community activities have included serving as President of Spruce Park Neighborhood Association, volunteering at Catholic Charities, and membership of the Cesar Chavez Committee.

CHELSEA N. VAN DEVENTER - Chelsea Van Deventer has both a bachelor's degree in political science and a law degree from the University of New Mexico. Ms. Van Deventer brings with her a background in criminal defense, policy work, and community organizing.

DR. WILLIAM J. KASS - Dr. William J. Kass is currently a retired physical scientist. As a private citizen, he has been active in following Albuquerque Police Department reform efforts for nearly five years. He has met with victim's family members; attended meetings with the Department of Justice, the Independent Monitor Team, the City of Albuquerque Council, the Mayor's Initiative, the Police Oversight Task Force and former and current versions of the Police Oversight Board. He has also attended several area Community Policing Councils. His interests are primarily in policy and community outreach. He serves as the chair of Policy and Procedure Review Committee and is a member of the Community Outreach subcommittee. He believes that police policy is public policy and the community should have a voice in creating that policy. That can only be done if the community is informed and engaged and Albuquerque Police Department responds positively to their concerns.

B. POLICE OVERSIGHT BOARD DUTIES

The Police Oversight Board (POB) is tasked with the following functions:

- Promote a spirit of accountability and communication between the citizens and APD while improving community relations and enhancing public confidence;
- Oversee the full investigation of civilian complaints; audit and monitor all investigations and/or police shootings under investigation by APD's Internal Affairs;
- Continue cooperation with APD and solicit public input by holding regularly scheduled public meetings;
- Review all work of the CPOA with respect to quality, thoroughness, and impartiality of investigations;
- Submit all findings to the Chief of Police;
- Review and analyze policy suggestions, analysis, studies, and trend data collected or developed by the Administrative Office, and shall by majority vote recommend polices relating to training, programs and procedures or other matters relating to APD. The POB's policy recommendations shall be submitted to APD and to the City Council. The POB shall dedicate a majority (more than 50%) of its time to the functions described in this subsection.

C. POLICE OVERSIGHT BOARD SUBCOMMITTEES

Case Review Subcommittee

Reviews Civilian Complaints alongside the CPOA Executive Director

Members:

Joanne Fine
Valerie St. John

Policy and Procedure Review Subcommittee

Reviews Albuquerque Police Department policies and procedures, and makes recommendations on changes to ensure that compliance and consistency aligns with the Civilian Police Oversight Agency's mission

Members:

Dr. William Kass
Chelsea Van Deventer
Chantal Galloway

Community Outreach Subcommittee

Members of the Police Oversight Board discuss community outreach and engagement efforts

Members:

Chantal Galloway
Joanne Fine
Valerie St. John

Personnel Subcommittee

Discuss business regarding Civilian Police Oversight Agency administrative human resource decisions

Members:

Joanne Fine
Leonard Waites
Dr. William Kass