

CIVILIAN POLICE OVERSIGHT AGENCY
Thursday, November 12, 2015 – 5:00 PM
Vincent E. Griego Chambers, Basement Level
City/County Government Center – One Civic Plaza NW
Albuquerque, New Mexico

Members Present

Leonard Waites
Rev. Dr. David Z Ring III
Susanne Brown
Dr. Moira Amado-McCoy
Eric H. Cruz
Dr. Jeannette Baca

Members Absent

Beth Mohr
Jeffery Scott Wilson
Joanne Fine

Others Present

Edward Harness, Executive
Director
Michelle Contreras
Marlo Kiefer
Diane McDermott
Lt. Jennifer Garcia
Paul Skotchdopole
Julian Moya
Mark Baker
Amanda Bustos

Minutes

- I. Welcome and call to order:** Chairman Leonard Waites called the meeting to order at 5:00 pm.
- II. Pledge of Allegiance:** Board Member Eric Cruz led the Board in the Pledge.
- III. Approval of the agenda:** Copies of the agenda were distributed. Chair Waites asked for the following change to the agenda:
 - A.** Switch agenda item VI with agenda item IX.
 - B.** Board Member Ring moved to approve the agenda with changes, and Board Member Baca seconded. Passed. For: Waites, Amado-McCoy, Cruz, Brown, Baca, Ring
- IV. Approval of minutes:** Copies of the meeting minutes from October 15, 2015 were distributed. These minutes were reviewed and Member Amado-McCoy moved to approve the minutes. Member Cruz seconded. Passed.
For: Waites, Cruz, Brown, Baca, Amado-McCoy, Ring
- V. Public Comments:** Citizens Tony Perard, Arthur Tanenbaum, and Nora Anaya addressed the Board.
 - A.** The following is a summary of Mr. Tony Perard's comments to the Board: Mr. Perard stated that he would like to help the Board in any way he can. He was there the day community members went to the Mayor's office. He saw a lot of people brutalized, and APD, as well as Mr. Perry, need to be held accountable. He believes the Mayor should be required to attend the POB meetings. Mr. Perard

encourages the community to attend more of the POB meetings, so that they know what is going on, and so that any criticisms are accurate. He stated that the people of Albuquerque shouldn't give up their rights. There has been a lot of police brutality, and there needs to be more transparency. The news media spreads a message of fear. The day at the Mayor's office was not a "storming" of the office, but he saw a lot of people brutalized by police, and he has PTSD from the police. Mr. Perard would like to talk more with the Board about how to get the problems with APD resolved.

- B. The following is a summary of Mr. Arthur Tanenbaum's comments to the Board: Mr. Tanenbaum stated that he knows the POB is an independent agency and that it is not under any financial influence. He believes that the way the Board has been reformed makes it most valuable as an oversight agency. His interactions with police officers in public are in sharp contrast to his interactions with police when he's visited the Mayor's office. At times employees at the Mayor's office have used police personnel because they were frustrated with him. In terms of patterns and trends, he would like to know how many rank and file police officers are dues paying members of the APOA union, and compare that to five or ten years ago. That would give a picture of how much the union is representing rank and file officers. The contract with APOA and the City of Albuquerque is a very controversial issue.
- C. The following is a summary of Ms. Nora Anaya's comments to the Board: Ms. Anaya thanked the Board for giving citizens a voice, which has been denied to the community in the past. She has been talking to the Mayor, but he does not talk back. Ms. Anaya would like Dr. Ginger to be part of the information gathering process. The only ones who can honestly provide information are the community. She appreciates greatly what they have been getting from the new Board. There are communication gaps. Ms. Anaya spoke to Jeannette Baca about the need for community members to be educated on how to tell their stories and that the community members also need to be a part of information gathering. Ms. Anaya asked that the Mayor come in to give support to the POB. The problem with the POC was that it had no investigative or subpoena powers. The community was told to tell their story in one hundred words, and that is not enough to tell a detailed story. Ms. Anaya thanked the Board for its work.

VI. Meeting with Counsel re: Closed session to discuss matters subject to the attorney client privilege pertaining to threatened or pending litigation in which the CPOA is or may become a participant – Board Attorney Mark Baker. Matters subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant pursuant to NMSA 1978 Section 10-15-1 (H)(7).

- A. Chair Waites moved for the Board to meet in an executive session with Attorney Mark Baker to discuss the items on the agenda. Board Member Ring seconded. Passed.

For: Waites, Amado-McCoy, Brown, Ring, Baca, Cruz

- B.** After the executive session, Board Member Ring announced that the Board had completed its executive session in which matters subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant. Board Member Ring moved to reconvene the meeting. Board Member Brown seconded. Passed.

For: Waites, Amado-McCoy, Brown, Baca, Cruz, Ring

VII. NACOLE Conference discussion: Edward Harness, Executive Director, discussed the upcoming 2016 NACOLE conference, and requested volunteers from the Board to form a local conference committee.

- A.** Board Members Leonard Waites, David Ring, and Jeannette Baca volunteered to be on the local conference committee, along with Edward Harness.
- B.** A teleconference with Cameron McElhiney is scheduled for November 17, 2015 at 9 a.m. to discuss the logistics of the conference.

VIII. Subcommittee Reports.

A. Outreach Subcommittee – Jeannette Baca. Board Member Baca reported to the Board on the Outreach Subcommittee meeting on Monday, October 26, 2015.

- i.** Amanda Bustos was introduced as the new Community Engagement Specialist.
- ii.** Board Member Baca attended a luncheon with Leonard Waites. Dr. Ginger was the guest speaker.
- iii.** Board Member Baca acknowledged Board Member Ring for his outreach efforts, specifically his act of support toward the mother of Officer Webster, whom he met at the Denver airport.

B. Case Review Subcommittee – Dr. Moira Amado-McCoy. Board Member Amado-McCoy reported to the Board on the Case Review Subcommittee meeting on October 27, 2015. The following key points were discussed:

- i.** The Case Review Subcommittee will meet each Friday. Notice will be given to the POA if a meeting is to be cancelled.
- ii.** Discussed new procedure for reviewing cases.
- iii.** Discussed reviewing thirty-three cases at next meeting.
- iv.** Discussed citizen letters.
- v.** Discussed policy and procedure for reviewing police vehicle registration issue.
- vi.** Edward Harness discussed amending the rule to allow citizens to comment after a disposition has been completed. An agenda item is to be set for next month's meeting to amend the rule regarding notifying citizens of their right to comment on their case.

C. Policy and Procedures Subcommittee – Susanne Brown. Member Brown reported to the board key points from the Policy and Procedures Subcommittee meeting on October 20th, 2015.

- i.** Discussed the Internal Affairs policy (2-05), and made suggestions for changes to the policy.
- ii.** Final draft of the suggested policy changes needs to be submitted to APD by Friday, November 13, 2015.
- iii.** Mr. Slausen sent the Board an email inviting them to use the Power DMS, which allows members to review policies online and make comments during the comment period.
- iv.** Board Member Brown requested that the POB be able to see Use of Force policy.
- v.** Edward Harness and Mark Baker met with the monitor last Tuesday, and subsequently met with the agency, the monitor, and Internal Affairs last Thursday to address 2-05.
- vi.** Board Member Amado-McCoy moved to accept the definition of retaliation as written. Board Member Cruz seconded. Passed.
For: Amado-McCoy, Waites, Baca, Brown, Ring, Cruz.
- vii.** Board Member Brown moved to present the definition section of 2-05, and if they cannot approve the entire section, to at least incorporate some portion of it in the form of a definition. Board Member Amado-McCoy seconded. Passed.
For: Waites, Ring, Brown, Amado-McCoy, Cruz, Baca

IX. Reports from City Staff:

- A. APD** – Copies of the Police Oversight Board Internal Affairs Statistical Data for the Month of October 2015 were distributed. Lt. Garcia read this report to the Board. The Board discussed several items on the report.
- B. City Council** – Julian Moya gave a report from the City Council Meeting on October 19, 2015. The Council unanimously passed the CPOA’s Policies and Procedures.
- C. City Attorney** – Not present.
- D. CPOA** - Edward Harness, Executive Director reported to the board on the following key points:
 - i.** The POA will review recent applications for the data analyst position and determine if the position should be reopened.
 - ii.** Attended a meeting of the CRC, and attended a talk given by Dr. Ginger.
 - iii.** Gave an interview to Channel 7 news encouraging the public to come to meetings.
 - iv.** Discussed the project management system.

- v. Discussed Ride Along certificates procedure.
- vi. Discussed reconfiguration of the subcommittees to turn them into working groups which would function as such.
- vii. Discussed mediation as part of the intake and complaint process per the ordinance.

X. Other Business: None.

XI. Adjournment: Board Member Cruz moved to adjourn the meeting. Board Member Amado-McCoy seconded. Passed. Meeting adjourned at 6:45 pm. Next POB meeting is scheduled for Thursday, December 10, 2015 at 5 p.m. in the Vincent E. Griego Chambers.

APPROVED:

Leonard Waites, Chair
Civilian Police Oversight Agency

Date

CC: Rey Garduno, City Council President
Julian Moya, City Council Staff
Natalie Howard, City Clerk