

CIVILIAN POLICE OVERSIGHT AGENCY

Thursday, September 10, 2015

Vincent E. Griego Chambers, Basement Level
City/County Government Center - One Civic Plaza NW
Albuquerque, New Mexico

Members Present:

Leonard Waites (Chair)
Beth Mohr (Co-Vice Chair)
Jeffrey Scott Wilson (Co-Vice Chair)
Dr. Moira Amado-McCoy
Susanne Brown
Joanne Fine
Rev. Dr. David Ring III
Dr. Jeannette Baca
Eric Cruz

Others Present:

Elizabeth Radosevich, Esq.
Michelle Contreras
Paul Skotchdopole
Diane McDermott
Chris Davidson

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Albuquerque

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www.cabq.gov

Amended Minutes

- I. **Welcome and Call to order** –Chair Waites called the meeting to order at 4:05 p.m.
- II. **Pledge of Allegiance** – Dr. Jeannette Baca
- III. **Approval of the Agenda.** Chair Waites advised of changes to *Item Nine* (9), in which they are adding a report from sub-committee Member, Susanne Brown, as well as reports from APD, Mayors Office and City Council. Member Beth Mohr moved to approve amended agenda and Member David Ring III seconded the motion. Passed.
For: Mohr, Waites, Ring III, Fine, Baca, Wilson, Brown.
- IV. **Approval of Minutes.** Board Member Ring moved to approve minutes of both July 29, 2015 and August 4, 2015. The motion was seconded by Board Member Wilson. Passed.
For: Mohr, Waites, Ring III, Fine, Baca, Wilson, Brown.
- V. **Public Comments.** No comments.
- VI. **Discussion of City Counsel selection of Executive Director.** Selection of Mr. Edward Harness was discussed. Mr. Harness addressed the Committee explaining his move from Wisconsin, stating 21 to 30 days is very probable. Also Mr. Harness stated that he and the staff of the Civilian Police Oversight

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Agency will be attending the NACOLE conference. Mr. Paul Skotchdopole will be temporary in charge of the CPOA office until Mr. Harness' arrival. Mr. Harness suggested that a possible "hybrid" solution possibly occur where he be able to conduct his work "remotely". Board Member Baca discussed the hiring of a Committee Engagement Specialist.

VII. Discussion of APD Retaliation Policy. Mr. Skotchdopole discussed the procedure which APD follows when a new policy is being reviewed. Mr. Skotchdopole also added that Board Member Brown and an unnamed Board Member became a sitting Member of the Policy & Procedures Review Board (PPRB) of the Albuquerque Police Department. Mr. Skotchdopole will be receiving the agenda of these meetings prior to their scheduled date. The 15 day comment period at the very least allows the Board Members to review and produce input on proposed policy. The Board discussed a Memorandum of Understanding be drafted to ensure that two (2) seats on the PPRB remain with the CPOA. Board Members would like to have input with the PPRB at the beginning of the new policy process, and will seek to continue working on this matter.

VIII. Discussion and possible action of Rules and Procedures. Ms. Radosovich discussed the basic framework conducted by Mr. Baker which captured the settlement agreement, etc. The Board reviewed the document, which would then be made public for comment (14 days) prior to moving to the City Council for approval. Several suggestions were discussed. Chair Waites suggested that discussion on this matter be held until the end of this meeting. Motion to table made by Board Member Fine. Board Member Amado-McCoy seconded the motion. Passed.

For: Mohr, Waites, Ring III, Fine, Baca, Wilson, Brown, Cruz, Amado-McCoy.

IX. A. APD Report. Lt. Jennifer Garcia, APD reported the number of cases received /investigated by the Internal Affairs Unit and/or the area commands for the months of July and August. This report also included the total number of calls received by APD during these time periods.

July 2015:

Internal Cases Received: 11 (3-I.A. investigated cases; 8-Area Command investigated cases)

Administratively closed: 0

Mediated: 0

Completed: 18 (Comprised of 9-accidents; 4-IA investigated cases; 5-Area Command investigated cases)

Discipline:

Verbal Reprimand: 4

Letter of Reprimand: 6

8-hour Suspension: 1

24-hour Suspension: 2

40-hour Suspension: 2

Termination: 3

Pending Cases for July 2015: 7

August 2015:

Internal Cases Received: 38 (3-I.A. investigated cases; 35-Area Command investigated cases)

Administratively closed: 0

Mediated: 0

Completed: 27 (Comprised of 20-accidents; 2-IA investigated cases; 5-Area Command investigated cases)

Discipline:

Verbal Reprimand: 9

Letter of Reprimand: 16

56-hour suspension: 1

Termination: 1

Pending Cases for July 2015: 17

The Board asked if APD could provide additional information, to include the types of complaints (which include the S.O.P. violation) received and possibly provide this information in a graph format. Lt. Garcia stated it was possible and this information would be provided at the next scheduled meeting. Lt. Garcia clarified that when the Board once again begins reviewing cases, they will have access to the information in the cases.

B. City Council Report. Julian Moya commented on the Council's approval of Mr. Edward Harness.

C. Outreach Sub-committee report. Board Member Baca stated they are processing the Committee Engagement Specialist and have narrowed all the applicants down to 15 and will review all applicants with Mr. Harness. The business cards are ready. Board Member Baca stated she received a complaint from a citizen on the Spanish language in the brochure which will be reviewed. Chair Waites was concerned about the job description for the Committee Engagement Specialist.

Board Member Baca attended the MRAC meeting. She stated the input during that meeting was impressive due to the conversation.

Board Member Baca spoke about the presentation made by Mr. Powdrell speaking on behalf of "People Helping People".

Board Member Baca spoke about an exhibit to be displayed at the UNM Art Museum, entitled "Necessary Force –Art in the police state". The Board was asked to have a table at the exhibit scheduled for October 10, 2015. Board Member Baca stated this Exhibit would present both sides.

Board Member Baca spoke about NACOLE, requesting that the Board put together an ADHOC committee.

D. Policy Sub-Committee report. Board Member Brown discussed the frequency of meetings and mechanics of the Policy Sub-Committee. The policies which are currently being discussed involve use of force and training. Board Member Brown discussed and clarified APD's procedure for new policies.

She advised the Board of the additional training of the Policy Sub-committee would like conducted for its Members (i.e., CIRT, FIT, policy making, etc.).

The retaliation policy wording was discussed at length and the need of a retaliation policy covering the community as well as inter-departmental.

- X. Meeting with Counsel re: Pending litigation (closed discussion) Mark Baker**
Co-Vice Chair Mohr motioned:
I would move that in addition to taking a lunch break take an Executive Session during which we will discuss matters subject to the attorney-client privilege pertaining to threatened or pending litigation.

Board Member Wilson seconded the motion. Passed.

Roll Call: Mohr, Waites, Ring III, Fine, Baca, Wilson, Brown, Cruz, Amado-McCoy.

Board member Fine made a motion that the board come out of Executive Session having only discussed a pending litigation matter. Co-Vice Chair Mohr seconded the motion. Passed.

Roll call: For: Mohr, Waites, Ring III, Fine, Baca, Wilson, Brown, Cruz, Amado-McCoy.

- XI. Continuation of Discussion and possible action of Rules and Procedures**
Board Member Fine motioned that the move the POB meetings be moved from 4:00 pm to 5:00 pm effective October 15, 2015. Board Member Amado-McCoy seconded the motion. Passed.
For: Mohr, Waites, Fine, Ring III, Brown, Cruz, Amado-McCoy
Against: Baca, Wilson

Board Member Cruz motioned for the language be changed in the document.

Board Member Fine seconded the motion. Passed.

For: Mohr, Waites, Fine, Ring III, Brown, Cruz, Amado-McCoy, Baca, Wilson

Discussion continued on the language of the *Public Comment Section*, clarifying that all comments would be on a time limit. It was also discussed the difference of a general public comment as opposed to comment on a pending case decision.

Board Member Fine motioned:

To change the header on Number 6, to say 'Public Comment; Complaint Comment'. Also, 6a to read 'Public Comment' as a subheader; and 6b to read 'Complaint Comment' as a subheader.

For: Fine

Against: Mohr, Waites, Ring III, Brown, Cruz, Amado-McCoy, Baca, Wilson

Motion rejected: 8-1

Board Members discussed the option of deleting 2.5 (Article 2, page 3, item 2, number 5).

Co-Vice Chair Mohr motioned:

Remove the phrase 'speak to points of order in preference to other board Members' in its entirety. Passed.

Seconded: Wilson

For: Mohr, Waites, Fine, Ring III, Brown, Amado-McCoy, Baca, Wilson

Against: Cruz

Board Member Baca discussed page 4, and grammatical changes to item #9 and item #3b. Board Member Cruz motioned for the grammatical changes. Member Wilson seconded the motion. Passed.

For: Mohr, Waites, Fine, Ring III, Brown, Amado-McCoy, Baca, Wilson, Cruz

Board Member Amado-McCoy and Members discussed Item #11 on page 6. Although a good idea, this item has not yet been done as this is believed to be an anticipation of future training. Clarification of this item will be made by Mark Baker. Board Member Cruz suggested an appendix on the training portion as the training requirements may change with time.

Board Member Amado-McCoy moved: *In Article 5, Section 1b, at the end of the paragraph, the sentence: Every effort will be made to accommodate all other non-English speakers.*

Board Member Mohr seconded the motion. Passed.

For: Mohr, Waites, Fine, Ring III, Brown, Amado-McCoy, Baca, Wilson, Cruz

Board Member Wilson moved: *We remove item A which says CPOA investigators shall only advise APD personnel of the 5th Amendment Rights in the reasonable likelihood of a criminal investigation or prosecution of subject employee.*

Board Member Fine seconded the motion.

For: Wilson, Mohr, Cruz, Amado-McCoy

Against: Ring III, Fine, Brown, Waites, Baca

Motion Rejected. 5-4

This will be discussed in further detail with Mark Baker and staff Members.

Board Member Amado-McCoy motioned: *Page 14, Item B1, the addition of: "Or because of any concern regarding mental illness"*

Member Cruz seconded the motion. Passed.

For: Mohr, Waites, Fine, Ring III, Brown, Amado-McCoy, Baca, Wilson, Cruz

Board Member Fine requested a clerical correction to Page 16.

Co-Vice Chair Mohr was concerned about page 20, 13b. Clarification will be made as to who will keep track of the complaints made by homeless, etc.

Board Member Cruz motioned: *That version numbers and dates be added to the bottom of each page.*

Member Baca seconded the motion. Passed.

For: Mohr, Waites, Fine, Ring III, Brown, Amado-McCoy, Baca, Wilson, Cruz

Board Member Fine motioned: *The policies and procedures as amended be available for comment and published and made public.*

Board Member Baca seconded the motion. Passed.

For: Mohr, Waites, Fine, Ring III, Brown, Amado-McCoy, Baca, Wilson, Cruz

Board Members requested information as to when the City Council will be hearing these amendments. A special meeting will be held on Monday, September 28th at 5:00 p.m.

XII. OTHER BUSINESS

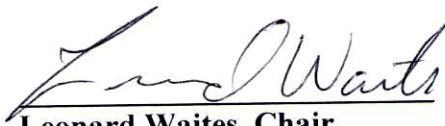
Board Member Amado-McCoy requested an amendment of the meetings be done to clarify her presence and voting record during the past few meetings.

XIII. Adjournment - Next Regularly Scheduled POB meeting will be on Thursday, October 15, 2015 at 5:00 PM in the Vincent E. Griego Chambers. Board Member Wilson made a motion to adjourn the meeting. Board Member Fine seconded the motion. Passed.

For: Mohr, Waites, Fine, Ring III, Brown, Amado-McCoy, Baca, Wilson, Cruz

The meeting adjourned at 8:20 p.m.

APPROVED:



**Leonard Waites, Chair
Public Oversight Board**

1-4-16

DATE

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