

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT BOARD

Wednesday, May 16, 2018 – 5:00 PM
Vincent E. Griego Chambers, Basement Level
City/County Government Center – One Civic Plaza NW
Albuquerque, New Mexico

Members Present:

Chantal M. Galloway, Vice-Chair
Eric Cruz
Joanne Fine
Dr. William Kass
James A. Larson

Members Absent:

Leonard Waites, Chair
Valerie St. John
Chelsea Van Deventer

Others Present

Edward Harness, CPOA
Katrina Sigala, CPOA
Deputy Chief Garcia, APD
Cdr. Michael Miller, APD
Lt. Languit, APD
Matt Jackson, Attorney
Jeramy Schmehl, Asst. City Atty

Meeting Minutes

- I. Welcome and call to order.** Vice-Chair Galloway called to order the regular meeting of the Police Oversight Board at 5:02 p.m.
- II. Pledge of Allegiance.** Member Cruz led the meeting in the Pledge of Allegiance.
- III. Mission Statement.** Member Dr. Kass read the Police Oversight Board's mission statement.
- IV. Approval of the Agenda.**
- a) A motion was made by Member Cruz to approve the agenda Member Dr. Kass 2nd. Also, adding to include a vote to suspend Article IV, Section 5A of the Policy and procedures. The motion vote: **Unanimous**. Motion Vice-Chair Galloway, Member Dr. Kass 2nd.
- V. Discussion:** None
- VI. Review and Approval of Minutes.** For more information about minutes from prior POB meetings, please visit our website here: <http://www.cabq.gov/cpoa/police-oversight-board/pob-agenda-meeting-minutes>
- a) **Approval of the Minutes from April 12, 2018**
 1. Motion to approve minutes by Member Larson, Member Fine 2nd : vote **unanimous**
- VII. Public Comments.** 1 comment

VIII. Reports from City Staff

a) APD –

1. Commander Miller presented monthly statistics from IA (see attached)
2. Lt. Languit with IA Force Division answered Member Larson question on APD monitor report of 500 Use of Force Pending Investigation. Pending cases have been reduced to about 250.

b) Mayor's Office – None

c) City Attorney

1. Asst. City Atty. - Jeramy Schmehl presented his report

d) City Council - None

e) Community Policing Councils - None

f) CPOA

1. Executive Director Edward Harness presented his report

IX. Reports from Subcommittees

a) Community Outreach Subcommittee – *Chantal Galloway*

1. Met on April 27, 2018
2. Next meeting May 22, 2018 at 2:30pm

b) Policy and Procedure Review Subcommittee – *William Kass* –

1. Met April 19, 2018
2. Presentation ALCU information on cell site simulator technology APD owns and has been asked to write policy
3. Next meeting May 24, 2018 at 5:00pm, APD will give presentation on OPA policy review process
4. Motion to table Amended Agenda VII-b.-ii-1-4 (Further Amending the Ordinance) and iii(Exit interview to Chief) for next POB, Dr. Kass, Cruz 2nd

c) Case Review Subcommittee – *Fine*

1. Met May 8, 2018
2. Concerns and discussions on Administratively Closed Cases.
3. Next meeting May 31, 2018 at 3:00pm

d) Personnel Subcommittee – *Eric Cruz*-

1. Met May 11, 2018 at 4:00pm
2. Reviewed Attorney Applications and motion vote: **Unanimous.** Member Larson to move forward with Sutin Thayer & Browne Member Fin 2nd
3. Draft request for Extension of CPOA Director Contract (see attached) motion vote: **Unanimous.** Member Larson, Member Cruz 2nd

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

a) **Administratively Closed Cases**

164-17	212-17	213-17	003-18	024-18
031-18	036-18	051-18	058-18	065-18
067-18	070-18	071-18	072-18	075-18
080-18	081-18	082-18	086-18	088-18
091-18	092-18	093-18	094-18	096-18
097-18				

For: Unanimous

b) **Cases Investigated**

040-18	054-18	061-18
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For: Unanimous

XI. **Non-Consent Agenda**

228-17	063-18	069-18	084-18	090-18
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Case 228-17 remove from Non-Consent Agenda to be sent back to CPOA for further investigation. Motion by Member Fine, Member Larson 2nd

Cases 063-18, 069-18, 084-18 and 090-18 For: Unanimous

XII. **Non-Concurrence Cases - None**

XIII. **Serious Use of Force/Officer Involved Shooting Cases**

a) There were no Use of Force materials to discuss.

XIV. **POB's Review of Garrity Materials**

a) There were no additional Garrity materials to discuss.

XV. **Meeting with Counsel re: Pending Litigation or Personnel Issues:**

Closed Discussion and Possible Action re: Pending Litigation or Personnel Issues

a) 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); and

b) Limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2)

c) There were no issues to discuss.

XVI. Other Business.

- a) Member Larson wanting CPOA Director Harness to have daily contact with investigator on incident with 7 year old girl sex trafficking victim. Crimes Against Children's Unit Policies was updated on October 25, 2017 that the dispatch officers responsibility of criminal sexual contact under the age of 13 CACU will be notified immediately. Juvenile Section Policy 5 4 was also updated on October 25, 2017 it describes the duties and responsibility of detectives of personal assigned to juvenile section. These policies are current not out of date. CPOA is to monitor should investigate all civilian complaints relating to police conduct monitor and report on Police Internal Affairs matters. CPOA Director should report directly to POB and lead the administratively office independently investigate and supervise all investigations civilian complaints and audit all IA Investigations and complaints.
- b) Member Larson Motion for CPOA to immediately monitoring IA to the investigation into what is happening so POB doesn't get left behind and knows what is going on now. Have more real-time insight. Vice-Chair Galloway 2nd
- c) Member Larson withdrawals Motion

XVII. Adjournment – Motion to Adjourn by Member Fine, Dr. Kass 2nd.

Vote: unanimous

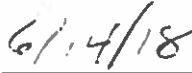
The meeting adjourned at 7:19pm.

Next Regularly scheduled POB meeting will be on June 14, 2018 at 5:00 p.m. in the Vincent E. Griego Chambers.

APPROVED:



Leonard Waites, Chair
Civilian Police Oversight Agency



Date

CC: Julian Moya, City Council Staff
Trina Gurule, Interim City Clerk
Ken Sanchez, City Council President (via email)

Minutes drafted and submitted by:
Katrina Sigala, Senior Administrative Assistant

Attachments

- I. Welcome
- II. Pledge
- III. Mission Statement
- IV. Approval of Agenda
 - a. To include a vote to suspend Article III, Section 5A of the POB Policy and Procedures (***I would say indefinitely. You may want to ask Ed if he feels as though this is even necessary to do but I think it would be better to deal with it once and not mess with it again if possible. It may also be something that we should take to the City Council, I'm just unclear there.***)
- V. Public Comment
- VI. Reports from City Staff
 - a. APD
 - i. (***I think this may be where discussion on 2-52, 53, 54, 55 may occur***)
 - b. City Council
 - c. Mayor's Office
 - d. City Attorney
 - e. CPOA – *Edward Harness, Executive Director*
 - i. Update on Data Analysis Contract with UNM
 - ii. Update on the search for new Legal Counsel
- VII. Reports from Subcommittees
 - a. Community Outreach – *Chantal M. Galloway*
 - b. Policy and Procedure Review - *Dr. William Kass*
 - i. (***Perhaps additional discussion on the Use of Force Policies***)
 - ii. Further Amending the Ordinance
 - 1. Make semi annual reports, annual reports
 - 2. Discussion around changing the rule that the chair and vice-chair cannot secede themselves
 - 3. Updating the Ordinance further
 - 4. Other
 - c. Case Review – *Valerie St. John*
- VIII. Consent Agenda Cases
 - a. Administratively Closed
 - b. Cases Investigated
- IX. Non-Concurrence Case:
- X. Serious Use of Force/Officer Involved Shooting Cases
- XI. POB's Review of Garrity Materials
- XII. Meeting with Counsel re: Pending Litigation or Personnel Issues
 - Closed Discussion and Possible Action re: Pending Litigation or Personnel Issues
 - a. 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); and
 - b. Limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2)
- XIII. Other Business
- XIV. Adjournment – *Next regularly scheduled POB meeting will be on June 14, 2018 at 5 p.m. in the Vincent E. Griego Chambers.*

POLICE OVERSIGHT BOARD
INTERNAL AFFAIRS
STATISTICAL DATA FOR THE MONTH OF APRIL 2018

APD 911 Communications Center

Dispatched calls for Service for APRIL 2018: 44,444 (decrease from MARCH (787))

INTERNAL CASES FOR THE MONTH OF APRIL 2018

I's

Total Internal Cases Completed the Month of APRIL: 11

Comprised of:

- **10-Internal Affairs Investigations**
- **1-Area Command Investigated case**

Internal Cases Administratively Closed: 1

Internal Cases Mediated: 0

Discipline imposed for Internal Cases/ APRIL 2018:

5: Verbal Reprimand- OBRD, department issued property, timeliness of reports, ECW restrictions

2: Letter of Reprimand- Conduct, OBRD

2: Suspension (8hrs.)- Compliance with rules & regs., OBRD

1: Suspension (40hrs.)- Arrests

1: Suspension (192 hours) –Compliance with rules & regs., conduct, rules & regs. Vac. Leave,

1: Suspension (272 hrs.)- Compliance with rules & regs.

1: Resignation in lieu of termination- department issued property, compliance with rules & regs., conduct, alcoholic beverages & controlled substances, tagged items, internal department complaints investigation process

EIRS FOR APRIL 2018: 73 alerts distributed

Pending IA Cases for the Month of APRIL 2018: 27

IA/IAC Cases opened in the month of APRIL 2018: 6



Civilian Police Oversight Agency

Plaza Del Sol Building
600 2nd Street NW, Suite 813
Albuquerque, NM 87102
505-924-3770
cpoa@cabq.gov
pob@cabq.gov

ALBUQUERQUE, NM- The Civilian Police Oversight Agency (CPOA) is an independent agency of City Government, not part of either the City Administration or City Council that consists of a Police Oversight Board (POB) and an Administrative Office led by the CPOA Executive Director. The CPOA consists of a Council-appointed Board (the POB) which oversees the Executive Director. The Executive Director manages the day-to-day operations of the CPOA's Administrative Office, which includes a senior administrative assistant, four investigators, a community engagement specialist, and a data analyst.

The Agency provides a means for prompt, impartial, and fair investigation of all citizen complaints brought by individuals against employees of the Albuquerque Police Department (APD) and provides a safe place for community participation in setting and reviewing police department policies, practices, and procedures.

BRIEF HISTORY- On September 18, 2014, the City Council passed amendments to the Police Oversight Ordinance through Ordinance O-14-13. On October 6, 2014, Mayor Richard J. Berry signed the legislation. The new amendments replaced the prior Police Oversight Commission (POC) and the Independent Review Office (IRO) with the Civilian Police Oversight Agency, one-body consisting of the Police Oversight Board, the CPOA Executive Director, and the CPOA Administrative Office. Also under the amended Police Oversight Ordinance, City Council is responsible for selecting and confirming nine Albuquerque community members on to the new Police Oversight Board. The amended Ordinance made several changes to the existing Civilian Police Oversight system that has essentially been in place since the 1970's.

ABBREVIATION KEY:

- CPOA- Civilian Police Oversight Agency
- POB- Police Oversight Board
- APD- Albuquerque Police Department

Example Email:

Good afternoon,

Thank you for taking my call earlier regarding the Civilian Police Oversight Agency and Police Oversight Board. As I mentioned, we are looking to raise awareness about who we are and the work we do for the community.

Just a brief history, on September 18, 2014, the City Council passed amendments to the Police Oversight Ordinance through Ordinance O-14-13. On October 6, 2014, Mayor Richard J. Berry signed the legislation.

- The new amendments replaced the prior Police Oversight Commission (POC) and the Independent Review Office (IRO) with the Civilian Police Oversight Agency.
- A volunteer Board of Directors, comprised of nine members from various parts of the city, is appointed by City Council and oversees the CPOA's Executive Director.
- The Executive Director manages the day-to-day operations of the CPOA's Administrative Office, which includes a senior administrative assistant, four investigators, a community engagement specialist, and a data analyst.

The CPOA provides a means for prompt, impartial, and fair investigation of all citizen complaints brought by individuals against employees of the Albuquerque Police Department (APD) and provides a safe place for community participation in setting and reviewing police department policies, practices, and procedures.

What we hope to convey to the community is that, though we are funded by the City, we are neither a part of APD nor are we beholden to City Council. We exist to be a voice for the people of Albuquerque. We welcome an opportunity to discuss our organization with you further. I am copying Amanda Bustos, our Community Engagement Specialist, on this email. Please feel free to contact either of us for additional information or to arrange a time to meet to discuss further.

Warm regards,

Chantal M. Galloway, MBA
Albuquerque Police Oversight Board

Date

Subject: Request for Extension of CPOA Director Contract

Honorable Council Members,

I am writing you to express the Police Oversight Board's (POB) satisfaction with the performance of Director Ed Harness, and formally requesting that his contract be extended for another three-year term. Since 2015, Director Harness has met or exceeded the expectations outlined in the Director's duties. Additionally, he led the push to amend the CASA to allow for mediation of complaints as required under city ordinance. His leadership has repaired a once fractured relationship with APD, while increasing access to the complaint process. He continues to ensure fair and impartial investigations, while increasing efficiencies with the agency to handle the increasing caseload.

In evaluating Director Harness' performance, scored and unscored feedback was solicited from the POB, CPOA, and the public; the input we received is consistent with the excellent work Director Harness does and supports our recommendation for contract extension. The POB also asks that several contract modifications be made: (a) annual salary be adjusted for current cost-of-living rates, or as negotiated between the City and Director Harness, (b) a retention incentive of \$15,000.00, and (c) a provision be added that the POB can make a recommendation City Council for a potential, annual, one-time bonus, not to exceed 5% of annual salary, be awarded for exceptional execution of duties contingent on the annual evaluation send to the POB, CPOA staff, and valued stakeholders.

If you have any questions, please contact me at lwaites.pob@cabq.gov or at (505) 924-3770.

Respectfully,

Leonard Waites

Chair, Police Oversight Board

Civilian Police Oversight Agency
Edward Harness, Esq., Executive Director

Police Oversight Board

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

Date: May 7, 2018

Michael Geier, Chief of Police
City of Albuquerque
Albuquerque Police Department
400 Roma NW
Albuquerque, NM 87102

Enclosures: City of Denver law enforcement exit survey; City of Minneapolis exit questionnaire

Re: Exit Interviews

Dear Chief Geier,

The Police Oversight Board recognizes that one of the challenges your department faces involves officer retention. Recently, your own head of recruiting, Officer Russ Alberti, reached out and made an excellent suggestion whose implementation could be helpful in understanding the root causes of this continued issue.

Unified with APD recruiting, the Police Oversight Board recommends that your office begin the practice of conducting exit interviews of officers as they leave the department. Doing so will help you better understand the specific issues that result in high attrition rates and will leave less to speculation. Better understanding the issues at hand will naturally help you equip yourself to address aspects of this problem that are readily resolvable. For example, it is a widely held belief that officers leave the department for higher salaries found elsewhere. If the data collected through exit interviews supports this theory, it will be easier to make the case for increased funding of the department.

Basic preliminary research reveals that exit interviews are standard tools for businesses and municipalities alike. It also appears that many law enforcement agencies currently conduct such surveys of their departing personnel. Attached are two exit interview samples that you can review in the event you decide implementing this practice would be of benefit to your agency. Hopefully, you will find these to be helpful starting points to develop something more specific if so desired. I would further encourage you to visit the Minneapolis site, because you will find numerous links that could assist your HR department in formulating an exit survey and also developing best practices in order to assure reliable results.

Thank you for your prompt attention to this matter.

Sincerely,

Chelsea N. Van Deventer
Police Oversight Board

CC: City Council President Dan Lewis

POLICE OVERSIGHT BOARD

PUBLIC COMMENT SIGN IN

DATE: 5/16/2018 _____

NAME (PLEASE PRINT)

1. ROBERT HECKMAN

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