

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY BOARD

Thursday, August 8, 2019 – 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, Chair
Joanne Fine, Vice-Chair
Dr. William Kass
Tara Armijo-Prewitt
Eric Olivas
Valerie St. John
Chelsea Van Deventer

Members Absent:

Leonard Waites

Others Present

Edward Harness, CPOA
Amanda Bustos, CPOA
Tina Gooch, Atty
Julian Moya, City Council
Cdr. Mark Velarde, APD
Natalee Davila, IA
Deputy Chief Smathers, APD
Cdr. Paul Szych, APD
Cdr. Duran, APD
Esteban Aguilar, City Attorney
Lindsay Van Meter, Asst. City Atty

Meeting Minutes

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

- I. Welcome and call to order.** Chair Galloway called to order the regular meeting of the Civilian Police Oversight Agency Board at 5:01 p.m.
- II. Pledge of Allegiance.** Chair Galloway led the meeting in the Pledge of Allegiance.
- III. Mission Statement.** Chair Galloway read the Civilian Police Oversight Agency Board's mission statement.
- IV. Approval of the Agenda.**
 - a) Motion.** Motion was made by Member St. John to Table Agenda item X, with the exception of Case 144-19, for the next Agenda. Member Fine seconded the Motion. The Motion was carried by the following vote:

For: 4 – Galloway, Fine, Armijo-Prewitt, St. John,

Against: 3 – Kass, Olivas, Van Deventer
- V. Public Comments.**

- a) Janie Cianci spoke in regards to her complaint that was on the Agenda for Administratively Closed Cases. Her case will be discussed during the Boards next Case Review Subcommittee meeting.
- b) Geraldine Amato spoke about an editorial article she read in the ABQ Journal.

VI. Review and Approval of Minutes. For more information about minutes from prior CPOA Board meetings, please visit our website here:

<http://www.cabq.gov/cpoa/police-oversight-board/pob-agenda-meeting-minutes>

a) Approval of the Minutes from July 11, 2019 and July 16, 2019

- i. Copies of the draft minutes from the July 11, 2019 Civilian Police Oversight Agency Board meeting were distributed to each member in their packets.
- ii. **Motion.** A Motion was made by Member Olivas to approve the minutes as written. Member Van Deventer seconded the Motion. The Motion was carried by the following vote:

**For: 7 – Galloway, Fine, Kass, Olivas, Armijo-Prewitt, St. John,
Van Deventer**

VII. Reports from City Staff

- a) **APD –** Commander Mark Velarde with Internal Affairs-Professional Standards and Lt. Anthony Fincher with Internal Affairs-Force Division gave the following reports for APD:
 - i. **Statistical Data.** Commander Velarde read the Statistical Data for the month of July 2019.
 - ii. **Statistical Data –** Natalee Davila read the Statistical Data for the month of June 2019. A document titled *Civilian Police Oversight Agency Board, Internal Affairs Force Division: Statistical Data for the month of July 2019.* (see attached). Member Olivas would like to see same stats from the last 6 months.
 - iii. **Admin Support Reports.** Deputy Chief Smathers was designated by Chief Geier to present to the Board on plans regarding overtime expenditure efforts. DC Smathers discussed the Special Order in place that will codify these changes into APD policy. Tracking of these changes will be updated bi-weekly. DC Smathers believes the department will have enough data to re-present to the Board by January show any trends of the Special Order. Member Fine asked for a timeline or a short-term plan of action of this special order. It was suggested that DC Smathers produce a summary via PowerDMS. Member Olivas asked DC Smathers to comment on what policy changes were made to the Chief's Overtime program. Member Van Deventer

asked about the new cap amount of hours of Chief's Overtime. Member Van Deventer asked for a memorandum from APD to the CPOA to address which policy changes were a direct result of the CPOA investigation involving Chief's Overtime. The Special Order will be published by the end of the month and uploaded on PowerDMS for Board to review. DC Smathers agreed he would notify the Board when the Special Order is published. Member Dr. Kass asked how many of the policy implementations from the Special Order were going to become codified into Standard Policy. DC Smathers clarified that due to the need to speed up the Chief's overtime changes, the Special Orders will be what is going to be codified into current policy. Special Order will be presented at OPA in September.

iv. Professional Development: Commander Szych presented on career development path opportunities for current APD employees. For example, APD has partnered with CNM to create a pilot program to help cultivate talent for current and future officers. Commander Duran came forward to speak about the training for detectives and the 7 Step curriculum process that is currently pending approval from the Academy. The goal is to standardize career paths for higher ranking positions.

b) City Council – Julian Moya presented his report. Council approved OC-19-28, 2017 CPOA Annual Report and O-19-70, Amended Ordinance to clarify that the Case Review Subcommittee could review cases and make recommendations. For clarification on when Ordinance Amendment will be codified, Mr. Moya said currently council staff was grossing the bill and sent up to Mayor's Office for signature that can take up to 10 days and will be given to City Clerk's office for an enactment number. OC-19-33, the Board Updated Policy and Procedures, was introduced and will be presented at the Finance and Government Operations meeting before being presented to the General City Council. It was recommended that Board representation be present to help answer any questions the Council Subcommittee might have during their discussion. Chair Galloway asked for more information as to when Council will have a new Board member recommendation. Mr. Moya stated within the next couple of weeks.

c) Mayor's Office- None.

d) City Attorney- Esteban Aguilar, City Attorney formally introduced himself to the new Board members. Ms. Van Meter, Assistant City Attorney provided updates regarding upcoming meetings and reports. FRB had a successful first meeting since 2017. Training for Tier 2 is continuing to be developed and is set

to be delivered August 28. SOP 352 is currently under review to help accommodate the Board's timeframe of regular meetings.

- e) **Community Policing Council**– None.
- f) **Albuquerque Police Officer's Association**– None.
- g) **Civilian Police Oversight Agency**-- Executive Director, Edward Harness presented his report.

VIII. Reports from Subcommittees

a) Community Outreach Subcommittee – *Joanne Fine* –

- i. Met July 30, 2019 at 1:30pm
- ii. Next meeting August 27, 2019 at 1:00pm

b) Policy and Procedure Review Subcommittee – *Chelsea Van Deventer*–

- i. Met August 1, 2019 at 12:30pm.
- ii. SMART CASA Presentation- PPRP policies were discussed, however, the subcommittee ran out of time to discuss Motion s, therefore, the are on tonight's Agenda.
- iii. Next meeting September 5, 2019 at 12:30pm

c) Case Review Subcommittee – *Valerie St. John* –

- i. No meeting in July.
- ii. Next meeting August 27, 2019 at 11:30am

d) Personnel Subcommittee – *Chantal Galloway* –

- i. No meeting in July.
- ii. Next meeting August 23, 2019 at 9:30am

Motion. Member St. John made a Motion to take a break. Chair Galloway seconded the Motion for a 15 minute break. The Motion was carried by the following vote:

For: 7- Galloway, Fine, Kass, Olivas, Armijo-Prewitt, St. John, Van Deventer

Break started at 6:38 pm.

Motion. Member Fine made a Motion to resume from break. Member Van Deventer seconded the Motion. The Motion was carried by the following vote:

For: 7- Galloway, Fine, Kass, Olivas, Armijo-Prewitt, St. John, Van Deventer

Meeting Resumed at 6:58 pm.

IX. Discussion

- a) **Board member selection-** Member St. John expressed her concern regarding the City's guidelines via an email sent by Stephanie Yara, Director of Council Services in February of 2019, regarding prospective new board members and Director Harness' involvement. Group discussion found that there was benefit for prospective new board members to meet with both CPOA Executive Director and Board Outreach Subcommittee. Member St. John and Member Fine both feel it is beneficial to meet all together during the initial meeting during the group Board Outreach Subcommittee meeting. No Motion was made, however, it was suggested that Member St. John contact Ms. Yara to clarify her email and the roles of the CPOA Director and the Board Outreach Subcommittee.
- b) **Board member removal process-** Member Dr. Kass discussed the need to have a removal process set in place for should future removal of a board member be needed.
- i. **Motion:** Member St. John made the Motion for the board to "Assign this task to the personnel subcommittee to explore the board member removal process". Member Fine seconded the Motion The Motion was carried by the following vote:

For: 3- Kass, Galloway, St. John, Olivas, Armijo-Prewitt,

Against: 1- Van Deventer

c) **Member Olivas Motions:**

- i. **Board Motion s: Purpose-** In the recent past the board has approved a series of Motion s that authorize a general action without offering specific language. Often this falls in the general form of the board voting to delegate its authority to a specific board member or staff person to draft specific language/text and submit language/text to a designated party or contact. These types of actions cede the authority and independence of the board to individual parties and greatly increase the chances of errors being made or actions being taken that are inconsistent with the original intent of the board. This may also be in violation of the OMA since the public cannot be expected to address issues or language which does not exist at the time of debate and adoption by the board.

1. **Motion:** Member Olivas made the Motion that "the Civilian Police Oversight Agency Board (CPOAB) shall hereby amend its operating Policies and Procedures Article IV. Part 6. as such Add: "B. No Motion shall be approved by the board that directs action or communication without specific and final text of the proposal or communication being a part of the Motion considered". Member Dr. Kass seconded the Motion.

2. Discussion: Checks and Balance was discussed. The Motion failed by the following vote:

For: 3- Kass, St. John, Olivas, Armijo-Prewitt,

Against: 3- Van Deventer, Armijo-Prewitt, Galloway

Member Fine exited the meeting at 7:43 pm.

ii. Executive Director Evaluation: Purpose- Based on the observation that some members of the board and the community do not appear to have full confidence in the findings of the investigations of the agency, the board must work to improve its process of evaluating the director. The director is ultimately responsible for the work product of the agency and is accountable to the board. Currently the process is centered around a voluntary survey sent to selected stakeholders and community members. To ensure a rigorous evaluation that is based on the director's job description and specific outcomes related to say job description, the board should reevaluate its means of evaluating the director.

i. Motion: Member Olivas made the Motion that "the Civilian Police Oversight Agency Board (CPOAB) shall hereby direct the Personnel Subcommittee to re-evaluate the process of evaluating the agency director. Emphasis shall be placed on utilizing best practices for evaluating executive leadership in government and private industry. The committee shall submit a revised evaluation process for the director position to the CPOAB within 3 months".

ii. Discussion: Matrix & Outcomes of Executive Director Position. Ms. Gooch noted that the Director be notified of any changes to his/her evaluation. This Motion is asking Personnel Subcommittee to evaluate the evaluation process. The Motion was carried by the following vote:

**For: 6- Galloway, Fine, Kass, Olivas, Armijo-Prewitt, St. John,
Van Deventer**

ii. Roberts Rules of Order. Purpose- The Civilian Police Oversight Agency Board (CPOAB) operates as a quasi-judicial legislative body, much as the Albuquerque City Council. The Albuquerque City Council operates according to Robert's Rules of order and its own set of policies and procedures. In order to ensure fair and just treatment of all matters which may come before the board, the board must strive to operate in a professional and predictable manner.

1. Motion: Member Olivas made the Motion that the Civilian Police Oversight Agency Board (CPOAB) shall hereby direct the Civilian Police Oversight Agency (CPOB) to develop and provide training to all members of the CPOAB on Robert's Rules of order and the

professional operation of public meetings. CPOAB members shall be required to complete orientation training in this subject and shall complete an annual refresher training on these topics. The agency shall finalize stated training program within 3 months. Further the board shall amend the Policies and procedures Article III. Part 6. Section b. To Add: "13. Training on Robert's Rules of order and general meeting conduct and operation shall occur annually. Member Dr. Kass seconded the Motion. Chair Galloway proposed an amendment to remove "develop training" on the Motion.

2. **Amended Motion:** Member Olivas amended the Motion: The Civilian Police Oversight Agency Board (CPOAB) shall hereby direct the Civilian Police Oversight Agency (CPOB) to provide training to all members of the CPOAB on Robert's Rules of order and the professional operation of public meetings. CPOAB members shall be required to complete orientation training in this subject and shall complete an annual refresher training on these topics. The agency shall finalize stated training program within 3 months. Further the board shall amend the Policies and procedures Article III. Part 6. Section b. To Add: "13. Training on Robert's Rules of order and general meeting conduct and operation shall occur annually. Chair Galloway seconded the Motion. The Motion was carried by the following vote:

**For: 6- Galloway, Fine, Kass, Olivas, Armijo-Prewitt, St. John,
Van Deventer**

- d) **Executive committee-** Member Dr. Kass initiated a group discussion the need for an Executive Committee and suggested that the Board utilize the executive committee or disband it. Group discussed that if it is deemed necessary, the Chair of each subcommittee can discuss what is needed prior to the general board meeting. Ms. Gooch noted that the Board must be mindful and careful not to initiate a rolling quorum to avoid an OMA violation.

- i. **Motion:** Member Van Deventer made the Motion that the board disband the executive committee. The Motion was carried by the following vote:

**For: 6- Galloway, Fine, Kass, Olivas, Armijo-Prewitt, St. John,
Van Deventer**

- e) **Policies for review— Member Van Deventer**

- i. **SOP 1-2 Social media (due August 26)**

1. **Recommendation:** Member Van Deventer recommends the SOP be clarified.
 2. **Motion:** Chair Galloway made a Motion that the board recommend the SOP but that it is clarified that the department sanctioned social media pages are those pages run by the department and that individual

sworn personnel cannot operate department sanctioned social media pages. Member Van Deventer seconded the Motion . Board agrees to also allow Member Van Deventer to write the letter and submit it on behalf of the board. The Motion was carried by the following vote:

For: 6- Galloway, Fine, Kass, Olivas, Armijo-Prewitt, St. John, Van Deventer

ii. SOP 1-5 Sexual harassment (due August 26)

1. **Recommendation:** No Substantive comment at this time.
2. **Motion:** Member Van Deventer made a Motion that the Board informs APD that the board does not have any substantive comments at this time. Member Olivas seconded the Motion. The Motion was carried by the following vote:

For: 6- Galloway, Fine, Kass, Olivas, Armijo-Prewitt, St. John, Van Deventer

iii. SOP 2-79 LEAD (due August 26)

1. **Recommendation:** Board acknowledges this is a pilot program and wants to show support for it.
2. **Motion:** Member Van Deventer made a Motion that the Board Recommendation Letter reflects an endorsement for this SOP. Chair Galloway seconded the Motion. The Motion was carried by the following vote:

For: 6- Galloway, Fine, Kass, Olivas, Armijo-Prewitt, St. John, Van Deventer

iv. SOP 3-33 Performance evaluation and management (due August 26)

1. **Recommendation:** Board acknowledges this is a pilot program and wants to show support for it.
2. **Motion:** Member Dr. Kass made a Motion that the Board endorses this SOP. Member Galloway seconded the Motion. The Motion was carried by the following vote:

For: 6- Galloway, Fine, Kass, Olivas, Armijo-Prewitt, St. John, Van Deventer

v. SOP 2-10 Use of emergency communications (due August 19)

1. **Recommendation:** No Substantive comment at this time.
2. **Motion:** Member Dr. Kass made a Motion that the Board endorses this SOP. Member Van Deventer seconded the Motion. The Motion was carried by the following vote:

**For: 6- Galloway, Fine, Kass, Olivas, Armijo-Prewitt, St. John,
Van Deventer**

vi. SOP 1-35 Crime scene specialist (due Sept 2)

- 1. Recommendation:** No Substantive comment at this time.
- 2. Motion:** Member Van Deventer made a Motion that the Board informs APD that the board does not have any substantive comments at this time. Member Dr. Kass seconded the Motion. The Motion was carried by the following vote:

**For: 6- Galloway, Fine, Kass, Olivas, Armijo-Prewitt, St. John,
Van Deventer**

vii. SOP 1-41 Evidence Unit (due Sept 2)

- 1. Recommendation:** No Substantive comment at this time.
- 2. Motion:** Member Van Deventer made a Motion that the Board informs APD that the board does not have any substantive comments at this time. Member Dr. Kass seconded the Motion. The Motion was carried by the following vote:

**For: 6- Galloway, Fine, Kass, Olivas, Armijo-Prewitt, St. John,
Van Deventer**

viii. SOP 1-57 Scientific Evidence Division (comment due Sept 2)

- 1. Recommendation:** No Substantive comment at this time.
- 2. Motion:** Member Van Deventer made a Motion that the Board informs APD that the board does not have any substantive comments at this time. Member Dr. Kass seconded the Motion. The Motion was carried by the following vote:

**For: 6- Galloway, Fine, Kass, Olivas, Armijo-Prewitt, St. John,
Van Deventer**

X. This Agenda Item was Tabled until next meeting.

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~~

~~098-18~~ ~~006-19~~ ~~040-19~~ ~~050-19~~ ~~069-19~~ ~~073-19~~
~~073-19~~ ~~105-19~~ ~~106-19~~ ~~114-19~~ ~~125-19~~ ~~128-19~~
~~129-19~~ ~~130-19~~ ~~137-19~~ ~~144-19~~ ~~146-19~~ ~~155-19~~
~~156-19~~ ~~167-19~~ ~~168-19~~ ~~169-19~~ ~~173-19~~ ~~176-19~~
~~177-19~~ ~~181-19~~ ~~188-19~~

~~b) Appeals~~

~~065-19~~ ~~066-19~~

- XI. Serious Use of Force/Officer Involved Shooting Cases.**
a) There was no Serious Use of Force/Officer Involved Shooting Cases to present.
- XII. POB's Review of Garrity Materials.**
a) There was no Garrity Materials to present.
- XIII. Other Business- None.**
- XIV. Adjournment** – A Motion was made by Chair Galloway to adjourn the meeting. Member Dr. Kass second the Motion. The Motion was carried by the following vote:

**For: 6 – Galloway, Armijo-Prewitt, Kass, Olivas, St. John,
Van Deventer**

The meeting adjourned at 8:48 pm.

*Next Regularly scheduled POB meeting will be on August 8, 2019 at 5:00 p.m. in the
Vincent E. Griego Chambers.*

APPROVED:

Chantal M. Galloway, Chair
Civilian Police Oversight Agency

Date

CC: Julian Moya, City Council Staff
Katy Duhigg, City Clerk
Klarissa Pena, City Council President (via email)

Minutes drafted and submitted by:
Amanda Bustos, CPOA Community Engagement Specialist

Attachments

DRAFT

POLICE OVERSIGHT BOARD
INTERNAL AFFAIRS
STATISTICAL DATA FOR THE MONTH OF JULY 2019

APD 911 Communications Center

Dispatched calls for Service for **JULY 2019:**

42,943. (increase from June (2,072)

INTERNAL CASES FOR THE MONTH OF JULY 2019

Total Internal Cases Completed the Month of **JULY:**

Comprised of:

- **2-Internal Affairs Investigations**
- **0-Area Command Investigated case**

Internal Cases Administratively Closed: **0**

Internal Cases Mediated: **0.**

Discipline imposed for Internal Cases **JULY 2019**

Conduct-16 hour suspension

Free Speech/Internal Dept. Complaints- 216 hr proposed discipline (case out of time line)

Conduct/Internal dept. Complaints -50 hr proposed discipline (case out of time line)

Controlled Substances and Cooperation with investigation--Termination

EIRS FOR JULY 2019: 61 alerts distributed

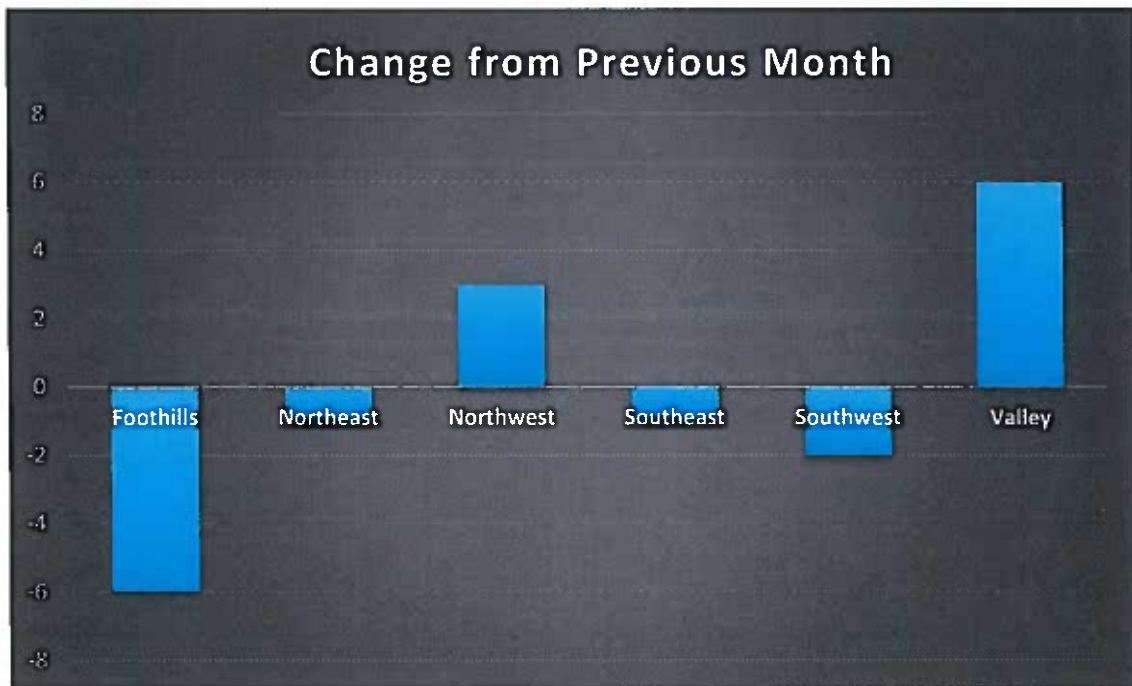
Pending IA Cases for the Month of **JULY 2019: 11**

IAPS Cases opened in the month of **JULY 2019: 09**

Civilian Police Oversight Agency Board
INTERNAL AFFAIRS FORCE DIVISION
STATISTICAL DATA FOR THE MONTH OF JULY 2019

INCIDENT AREA COMMAND

Area Command	Serious UOF	UOF	SOF	Grand Total	Change from previous month
Foothills	1	5	2	8	-6
Northeast	0	3	3	11	-1
Northwest	0	3	3	6	+3
Southeast	3	12	1	16	-1
Southwest	2	4	1	7	-2
Valley	4	11	3	18	+6



Harness, Edward

From: Tina M. Gooch <TMG@SUTINFIRM.COM>
Sent: Wednesday, August 07, 2019 9:17 AM
To: Harness, Edward; St. John, Valerie
Cc: Pauline V. Archuleta; Sigala, Katrina M.
Subject: FW: POB Appointment Process
Attachments: POB Appointment Process.pdf

Good morning Ed and Valerie-

Valarie has asked that the email below and the attachment be provided to the CPOA Board for use as part of a discussion item on tomorrow night's agenda. Ed, can you work with Katrina to ensure that this information is part of the Board packet for the meeting tomorrow night and transmitted to the Board through the usual channels by which this information is provided? I want to ensure OMA compliance while at the same time providing adequate time for the Board to consider items that will be discussed at the meeting tomorrow night. If anyone has any questions or concerns about how this information should get to the Board, please let me know.

Sincerely,



Tina Muscarella Gooch

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From: St. John, Valerie
Sent: Friday, August 2, 2019 3:51 PM
To: Galloway, Chantal M.; Fine, Joanne
Cc: Yara, Stephanie; Moya, Julian N; Winter, Brad D.; Benton, Isaac; Pena, Klarissa J.; Aguilar Jr., Esteban A.
Subject: POB Appointment Process

Chair Galloway and Co- Chair Fine,

I am writing to to address Director Harness interviewing prospective new board members and the letter from Stephanie M. Yara sent to the board on Tuesday, February 12, 2019. After our last list of applicants we received from Mr. Moya, I was surprised that Director Harness decided to interview perspective new board members. It seems that Stephanie M. Yara's e-mail message of 2/12/19 at 2:55 PM sent to the board described in detail the City Council's appointment process to the POB. For your convenience, I have attached a complete copy of this e-mail message. The final paragraph of this message states:

"Also, it was my understanding that the purpose of providing the nominees to the CPOA prior to their appointment was so that POB members could help them understand the nature of the commitment, and help start building their capacity to serve as part of the efforts to cut down on turnover. However, I did not expect that they would be interviewed for the seat by CPOA staff. Please let me know if we need to discuss this further in order to clarify. In any event, if you or any of the POB members have feedback on whether anyone doesn't seem up to the task with respect to workload and commitment, we would welcome that discussion."

I agree with Ms. Yara's comment on Director Harness interviewing prospective POB board members since he is CPOA staff. He should not be part of the process of selecting POB members, nor should any recommendations given by him be included in the selection process. This process described by Ms Yara in her e-mail message of 2/12/19 at 2:55 PM to Director Harness involves the City Council, the staff they chosen to assistant them, and the Police Oversight Board. Any concerns from the board can be addressed to Ms. Yara as she mentioned in her letter.

Director Harness is welcome to attend our outreach meeting with the prospective new boards members and meet them at that time.

This new exercise has taken the City Council and their staff time in assisting our board, with a thorough undertaking in adapting a better process.

Also, this email message from Ms. Yara, addresses why we are provided the nominees information prior to their appointment. The process she describes allows current POB members to help potential appointees understand their nature of their commitment.

Respectfully submitted,

Valerie St. John
Police Oversight Board Member

=====
This message has been analyzed by Deep Discovery Email Inspector.

POB Appointment Process

Yara, Stephanie

Sent: Tuesday, February 12, 2019 2:55 PM

To: POB; Harness, Edward

Cc: Moya, Julian N; Melendrez, Chris P.

Mr. Harness,

I am emailing to provide the details of the City Council's appointment process for the POB, for you and the board per your inquiry. Mr. Moya will be available on February 14th to answer questions that the board may have about this information:

In 2014, the City Council-commissioned Police Oversight Task Force recommended that instead of having direct appointments to the POB by individual City Councilors, an intermediary group should be tasked with reviewing candidates and making objective recommendations to the City Council for appointment. It was ultimately settled that the staff of the City Council would fulfill this role and remain accountable to the City Council in the process.

The initial staff nomination committee was faced with reviewing approximately 122 applications in just a short time – far more than the City typically sees for these types of volunteer boards. Given that task, Council staff had to figure out a way to give meaningful and fair consideration to each individual applicant. Ultimately, Council staff developed a process that's modeled after the admissions process at the UNM School of Law, which itself is tasked with sifting through thousands of applicants on a rolling basis, and weighing various factors in a committee setting; where everyone is judged as objectively as possible using the same measuring stick – the strength of their paper applications in key areas. This model was embraced by staff at the time, as well as by the two community representatives who helped with the initial reviews – Mr. Ralph Arellanes and Mr. Ed Perea; and it is currently still used.

In order to implement this model, the specific criteria of the ordinance were identified, and questions were devised to help glean each applicant's relative qualifications with respect to these criteria. Each question is then assigned a maximum of 10 points. The first step of the review is for each committee member (currently three council staffers) to individually review, consider, and score each of the applicants based on how well their responses seem to match or advance the various factors. Although the questions don't include whether they've read the ordinance or reviewed the website per se, the very first question is – "Please describe your understanding of the purpose and the function of the board." When people put time and thought into their answers it is incredibly informative, and it usually is.

After the individual scoring is complete, the committee members meet to discuss each candidate and share their scores. After each application is individually discussed by the committee, the individual scores are tallied and averaged to come up with an average score for each applicant. A cutoff score is then identified to whittle down a top group whose relative qualifications are generally the most acceptable and relatively equivalent. The committee then meets again to discuss the top scorers and to categorize and arrange them based on their geographic distribution across the City. This second step is necessary in order to help apply the diversity requirements of the ordinance.

As a result of the second step, a person with a strong score and living in one part of town that's already generally "represented" may be overlooked for the time being in favor of someone else who is still within the top group, but that lives in another part of town; or in favor of someone that comes from a demographic that's not represented and that otherwise promotes the "broad cross section" requirements of the ordinance and the CASA.

Newer applicants are compared against all of the past applicants previously reviewed so that everyone can be reviewed against the same standard, and so that applicants who were not previously nominated because they didn't contribute to the right balance can be reconsidered in case the balance on the board has shifted based on geography, demographics, etc. This yields the ultimate nominee(s). At that point, staff follows up with them to discuss on-going interests in serving, the process for serving, and the commitment that's involved. After hearing from staff, some past prospects have withdrawn themselves from consideration based on workload or changes in their personal circumstances.

Given this already somewhat rigorous process of sifting through and working toward a board that represents a broad cross section of the community, in person interviews have not seemed necessary and have never previously been an

issue. To the extent in person considerations might be made, the opportunity has existed at the Council meetings where the appointments are up for a vote – not unlike how nominees for other boards are sometimes debated and questioned at Council prior to the vote.

With respect to the current nominees, in case there is any misunderstanding as to which applicants were reviewed in developing the list of three and the standby list, all applications that have been received to date were evaluated per the above process, not just those from November of 2017.

Also, it was my understanding that the purpose of providing the nominees to the CPOA prior to their appointment was so that POB members could help them understand the nature of the commitment, and help start building their capacity to serve as part of the efforts to cut down on turnover. However, I did not expect that they would be interviewed for the seat by CPOA staff. Please let me know if we need to discuss this further in order to clarify. In any event, if you or any of the POB members have feedback on whether anyone doesn't seem up to the task with respect to workload and commitment, we would welcome that discussion.

Thank You

Stephanie M. Yara, CPA, CGFM

Director of Council Services

City of Albuquerque

(505) 768-3302

(505) 768-3227 fax

syara@cabq.gov

www.cabq.gov/council

CIVILIAN POLICE OVERSIGHT AGENCY BOARD

Chantal M. Galloway, Chair Joanne Fine, Vice Chair Tara Armijo-Prewitt
Dr. William J. Kass Eric Olivas Valerie St. John
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August 9, 2019
VIA EMAIL ONLY

Honorable James O. Browning
United States District Court
Pete V. Domenici United States Courthouse
333 Lomas Blvd NW, Suite 660
Albuquerque, New Mexico 87102

Re: CPOA Issues for Consideration

Dear Judge Browning:

We are writing to Your Honor on behalf of the CPOA and the CPOA Board. Thank you for this opportunity to address some issues we see as long term concerns. Specifically they are: adequate funding of the agency, staffing of the board, complaint investigation timelines, and mediation of complaints. All of these issues are being evaluated by the Monitor.

FUNDING

Paragraph 278 of the CASA states in part, “The City shall provide the agency with a dedicated budget...” When the City Council rewrote the police oversight ordinance in Feb. 2014, it provided the agency’s budget would be .05% of APD’s budget.

In April 2019, the City Council approved significant amendments to the oversight ordinance. The amendment included a change to the funding of the agency. No longer is it a stated percentage of APD’s budget. Instead the budget will be “dedicated and independent source of funding”. Among the many concerns this raises, one is this could be the first step towards defunding the agency as soon as the CASA is completed.

STAFFING OF THE BOARD

The oversight ordinance states the Board shall have nine (9) volunteer members from a cross section of the community. For the better part of the last year the Board operated with only six (6) members. Only last month were two of the three vacancies filled. The Board has operated with less than nine members for over a year. This shortage lead to the CPOA losing operational compliance in IMR-9, paragraph 279 of the CASA.

It is the responsibility of the City Council to appoint members to the Board. City Council staff acknowledges it has a pool of over 70 applicants from which to appoint members to the Board. Yet, the Board is forced to operate at less than capacity for over a year.

COMPLAINT INVESTIGATION TIMELINES

Paragraph 191 of the CASA states in part, "All administrative investigations conducted by the Internal Affairs Bureau and Civilian Police Oversight Agency shall be completed within 90 days of the initiation of the complaint investigation". The CPOA is on pace to receive nearly 400 complaints in 2019. We only have a staff of 4 investigators. For fiscal year 2020 the CPOA requested 4 additional investigator positions. That request was not allowed in the fiscal year 2020 budget.

At the last site visit by the Monitoring Team we discussed the impossibility for 4 investigators to timely investigate all the complaints received by the agency. One solution offered was to explore the option of expanding the timelines of the investigation.

MEDIATION

Paragraph 184 states in part, "APD and the Civilian Police Oversight Agency shall investigate all misconduct complaints". The oversight ordinance states the CPOA shall use mediation first as a means to resolve a complaint. To resolve this conflict and to allow for mediation the Parties entered a Joint Stipulation suspended paragraph 184 for limited use of mediation. The stipulation allowed for a six (6) month pilot program. The term of the pilot program expired in November 2018.

The CPOA would like to continue the use of mediation. We urge the Court's approval when this matter comes before you.

Sincerely,
The CPOA Board by

Chantal Galloway
Board Chair
(505) 924-3770

Sincerely,
The CPOA by

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Executive Director
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