

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY BOARD

Thursday, September 12, 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(late)
Leonard Waites

Members Absent:

Others Present

Edward Harness, CPOA
Katrina Sigala, CPOA
Tina Gooch, Atty
Julian Moya, City Council
Cdr. Mark Velarde, APD
Cdr. Robert Middleton, APD
Lt. Zak Cottrell, APD
Lindsay Van Meter, Asst. City Atty
Chris Sylvan, CPC

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.** Vice-Chair Fine 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 Vice-Chair Fine to approve the agenda. Member St. John seconded the motion. The motion was carried by the following vote:

Against: 8 – Galloway, Fine, Kass, Armijo-Prewitt, Olivas, St. John, Van Deventer, Waites
 - b) **Motion.** A second motion by Chair Galloway to approve the agenda as amended with the removal of cases 065-19 and 066-19. Vice-Chair Fine second the motion. The motion was carried by the following vote:

For: 8 – Galloway, Fine, Kass, Armijo-Prewitt, Olivas, St. John, Van Deventer, Waites

V. Public Comments.

1. Charles Arasim

***** Member Van Deventer arrived at 5:08pm *****

2. Geraldine Amato

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 August 8, 2019

1. Copies of the draft minutes from the August 8, 2019 Civilian Police Oversight Agency Board meeting were distributed to each member in their packets.
2. **Motion.** A motion was made by Member Armijo-Prewitt to approve the minutes as amended. Chair Galloway second the motion. The motion was carried by the following vote:

**For: 8 – Galloway, Fine, Kass, Olivas, Armijo-Prewitt, St. John,
Van Deventer, Waites**

VII. Reports from City Staff

- a) **APD** – Commander Mark Velarde with Internal Affairs-Professional Standards, Commander Robert Middleton with Internal Affairs-Force Division and Lt. Zak Cottrell with APD Traffic gave the following reports for APD:
 1. **Statistical Data.** Commander Velarde read the Statistical Data for the month of August 2019. A document titled *Police Oversight Board, APD Internal Affairs: Statistical Data for the Month of August 2019* was distributed to the CPOA Board members. (see attached)
 2. **Statistical Data** – Commander Middleton read the Statistical Data for the month of August 2019. A document titled *Civilian Police Oversight Agency Board, Internal Affairs Force Division: Statistical Data for the month of August 2019*. (see attached)
 3. **Quarterly Report on Vehicle Crashes** – Lt. Zak Cottrell gave a report on APD officers/APD Employees involved vehicle crashes from April 1, 2019 thru June 30, 2019. A document titled *Crash Review Board Update* was distributed to the CPOA Board Members. (see attached)
- b) **City Council** –
 1. **City Council Representative** – Julian Moya presented his report.

- c) **Mayor's Office-**
 - 1. **Mayor's Office Representative** - There was no one from the Mayor's office present to give a report.
- d) **City Attorney-**
 - 1. **City Attorney** – Lindsay Van Meter presented her report.
- e) **Community Policing Council**
 - 1. **CPC Representative** – Chris Sylvan presented his report.
- f) **Albuquerque Police Officer's Association**
 - 1. There was no one from APOA present to give a report.
- g) **Civilian Police Oversight Agency**
 - 1. **Executive Director.** Edward Harness presented his report.

VIII. Reports from Subcommittees

- a) **Community Outreach Subcommittee – Joanne Fine –**
 - 1. Met September 3, 2019 at 1:00pm
 - 2. Next meeting October 22, 2019 at 1:00pm
- b) **Policy and Procedure Review Subcommittee – Chelsea Van Deventer–**
 - 1. Met September 5, 2019 at 12:30pm.
 - 2. **SOP's 2-8, 2-30, 2-97 and 3-16.**
 - i. **Motion.** Motion by Member Van Deventer that the Board approve the letter drafted by Member Van Deventer on SOP 2-8 and forward to Chief Geier and APD. Member Waites second the motion. The motion was carried by the following vote:

For: 8 – Galloway, Fine, Kass, Olivas, Armijo-Prewitt, St. John, Van Deventer, Waites
 - ii. **Motion.** Motion by Member Van Deventer to approve the letter regarding SOP's 2-30, 2-97 and 3-16 and forward to Chief Geier and APD. Member Olivas second the motion. The motion was carried by the following vote:

For: 8 – Galloway, Fine, Kass, Olivas, Armijo-Prewitt, St. John, Van Deventer, Waites
 - 3. Next meeting October 3, 2019 at 12:30pm.
- c) **Case Review Subcommittee – Valerie St. John –**
 - 1. Met September 3, 2019 at 11:30am
 - 2. Next meeting September 24, 2019 at 11:30am

d) Personnel Subcommittee – Chantal Galloway -

1. Met August 23, 2019 at 9:30am
3. CPOA facilitated discussions project. Member Kass will present recommendations of potential facilitators at the next Personnel meeting.
2. Next meeting September 27, 2019.

e) Motion. Motion by Chair Galloway to amend the agenda by placing item XIII. and place as agenda item IX. Vice-Chair Fine second the motion. The motion was carried by the following vote:

**For: 8 – Galloway, Fine, Kass, Olivas, Armijo-Prewitt, St. John,
Van Deventer, Waites**

IX. 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);**
- b) **Limited personnel matter pursuant to NMSA 1978, Section 10-15-1(H)(2)**

ii. Executive Director

1. **Motion.** Motion by Chair Galloway to take a member by member vote to move into a closed session for the limited purpose of discussing a personnel matter. Vice-Chair Fine seconded the motion. The motion was carried by the following vote:

Roll call vote by board members.

**For: 8 – Galloway, Fine, Kass, Olivas, Armijo-Prewitt, St. John,
Van Deventer, Waites**

**---- Meeting on Personnel issues began at 6:30 p.m. and
the meeting reconvened at 7:56 p.m. ---**

2. **Motion.** Chair Galloway motioned that no other issues than personnel matters related to the Executive Director and to come out of close session. Member Waites seconded the motion. The motion was carried by the following vote:

Roll call vote by board members.

**For: 8 – Galloway, Fine, Kass, Olivas, Armijo-Prewitt, St. John,
Van Deventer, Waites**

3. Motion. Motion by Chair Galloway to reconvene into open session. Member Kass second the motion. The motion was carried by the following vote:

**For: 8 – Galloway, Fine, Kass, Olivas, Armijo-Prewitt, St. John,
Van Deventer, Waites**

X. Discussion and Possible Action

a) CPOA Policies and Procedures – Robert’s Rules of Order Training.

1. Motion. Motion by Member Van Deventer to approve the amended Policy and Procedures. Member Olivas second the motion. The motion was carried by the following vote:

**For: 8 – Galloway, Fine, Kass, Olivas, Armijo-Prewitt, St. John,
Van Deventer, Waites**

2. Motion. Motion by Vice-Chair Fine that the Policy and Procedures not read POB but to be replaced with the Board. Second by second by Member Van Deventer. The motion was carried by the following vote:

**For: 8 – Galloway, Fine, Kass, Olivas, Armijo-Prewitt, St. John,
Van Deventer, Waites**

XI. 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

006-19	040-19	050-19	069-19	073-19	098-18
105-19	106-19	114-19	115-18	119-18	125-19
128-19	139-19	130-19	132-19	133-19	137-19
146-19	155-19	156-19	160-19	161-19	163-19
166-19	167-19	168-17	168-19	169-19	173-19
174-19	176-19	177-19	181-19	188-19	193-19
194-19	195-19	207-17	214-17		

1. Motion. Motion by Vice-Chair Fine to approve all Administratively Closed Cases presented. Member St. John second the motion. The motion was carried by the following vote:

**Against: 8 – Galloway, Fine, Armijo-Prewitt, Kass, Olivas, St. John,
Van Deventer, Waites**

2. Motion. A second motion by Chair Galloway to approve all Administratively Closed cases with the exception of CPC 069-19. Vice-Chair Fine second the motion. The motion was carried by the following vote:

**For: 8 – Galloway, Fine, Kass, Olivas, Armijo-Prewitt, St. John,
Van Deventer, Waites**

**b) Exonerated
146-17**

1. Motion. Motion by Member St. John to accept the findings for CPC 146-17. Vice-Chair Fine second the motion. The motion was carried by the following vote:

**For: 8 – Galloway, Fine, Kass, Olivas, Armijo-Prewitt, St. John,
Van Deventer, Waites**

**c) Appeals
132-18**

1. Motion. Motion by Member Van Deventer to grant the appeal for CPC 132-18. Member Olivas second the motion. The motion was carried by the following vote:

**For: 6 – Galloway, Olivas, Armijo-Prewitt, St. John, Van Deventer
Against: 2 – Fine, Waites**

2. Motion. Chair Galloway motioned to place on next boards agenda an audit discussion and possible action for 132-18. Member Van Deventer second the motion. The motion was carried by the following vote:

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

Against: 2 – Fine, Waites

XII. Serious Use of Force/Officer Involved Shooting Cases.

a) There was no Serious Use of Force/Officer Involved Shooting Cases to present.

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

a) There was no Garrity Materials to present.

XIV. Other Business.

1. Individual Board communication without the Boards consent.

XV. Adjournment – A motion was made by Member Van Deventer to adjourn the meeting. Member Armijo-Prewitt second the motion. The motion was carried by the following vote:

**For: 8 – Galloway, Fine, Armijo-Prewitt, Kass, Olivas, St. John,
Van Deventer, Waites**

The meeting adjourned at 8:45pm

*Next Regularly scheduled POB meeting will be on October 10, 2019 at 5:00 p.m. in the
Vincent E. Griego Chambers.*

APPROVED:

for Chantal Galloway  10/10/19
Chantal M. Galloway, Chair /Date
Civilian Police Oversight Agency

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

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

Attachments

POLICE OVERSIGHT BOARD

PUBLIC COMMENT SIGN IN

DATE: 9/12/19

NAME (PLEASE PRINT)

1. CHARLES ARASIM

13. _____

2. GERARDINE AMATO

14. _____

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24. _____

POLICE OVERSIGHT BOARD

Appeal

PUBLIC COMMENT

SIGN IN

DATE: 9/12/19

NAME (PLEASE PRINT)

1. JIM LANSON 132-18

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I am here to speak to the public at large.

The CPOA's executive director is in violation of a federal court order (Court Approved Settlement Agreement paragraph 183) and, most likely, the requirements of his contract. And he has done so with the full cooperation of this board.

On May 2, 2019, the federal monitor reported to the court that the CPOA administrative office and, in turn, this board are not in operational compliance when it comes to interviewing complainants when performing investigations. The monitor compliance recommendation (4.7.169a) is "Interview all witnesses. If known witnesses are not interviewed, explain, in writing, why they were not interviewed."

To put it simply, the executive director, with this board's approval, has not conducted investigations that are thorough and in compliance with a federal court order.

On July 16, 2019, over three months after the federal monitor's report, 5 members of this board (barely a quorum) failed in their duty to supervise the executive director and knowingly approved the executive director's unlawful actions by administratively closing at least two cases wherein the complainant was not interviewed. (for the record here I'm referring to CPC 065-19 and 066-19)

On August 8, 2019, over four months after the federal monitor's report, the public learned that another case was placed on this board's consent agenda by the executive director to be administratively closed wherein, once again, the complainant was not interviewed. However, the complainant filed public records requests and obtained significant information not reported in the investigation. She appeared at that meeting and persuaded the board to table the question and send it to the case review committee for a recommendation.

It is my understanding that since that time the case did not go to the case review committee for open public discussion and recommendation to the full board today. Instead the full board voted to not administratively close the case, assumedly, by holding a secret rolling quorum outside of the public's view in violation of the New Mexico Open Meetings Act. I suspect the full board went into damage control and decided breaking the open meetings law was preferable

to further exposing their executive director's law breaking and, in turn, their own.
(for the records here I'm referring to CPC 144-19)

Today there are 40 cases set on the consent agenda recommending the Board approve an administrative closing. How many of the complainants in these cases were not interviewed? We will see if the board cares to ask if known witnesses were not interviewed, and, is it explained, in writing, why they were not interviewed? Absent that simple question the board continues to allow their executive director's actions that prevent achievement of operational compliance with the federal court order.

As a member of the public who played a pivotal roll in creating the very seats the members of this board and the executive director occupy, it is sad for me to realize that I wasted my precious time and money to see the CPOA bastardized.

I implore the public at large to petition the Albuquerque City Council to follow their own unfulfilled CPOA ordinance (Section 9-4-1-11) requirement and issue a Request for Proposal for an independent consultant to undertake a complete evaluation and analysis of the entire police oversight process and recommend any necessary changes or amendments that would appropriately improve the process.

9-12-19

Mr. Charles Arasim

POLICE OVERSIGHT BOARD

INTERNAL AFFAIRS
STATISTICAL DATA FOR THE MONTH OF **AUGUST 2019**

APD 911 Communications Center

Dispatched calls for Service for **AUGUST 2019**: **43,800 (increase from JULY (143))**

INTERNAL CASES FOR THE MONTH OF AUGUST 2019

Total Internal Cases Completed in the month of **AUGUST**;

Comprised of:

40 completed cases

1. IA Cases opened in the month of **AUGUST 2019**: 11
 2. Pending IA Cases for the month of **AUGUST 2019**: 39
 3. Administratively Closed for the month of **AUGUST 2019**: 13
 4. Internal Cases Mediated: 0
-

DISCIPLINE IMPOSED FOR INTERNAL CLOSED CASES IN AUGUST 2019

5: Letters of Reprimand-UOF/ECW usage/UOF Reporting/Reporting for Duty/Overtime

2: Conduct/Rules of Conduct- 8 hour suspension

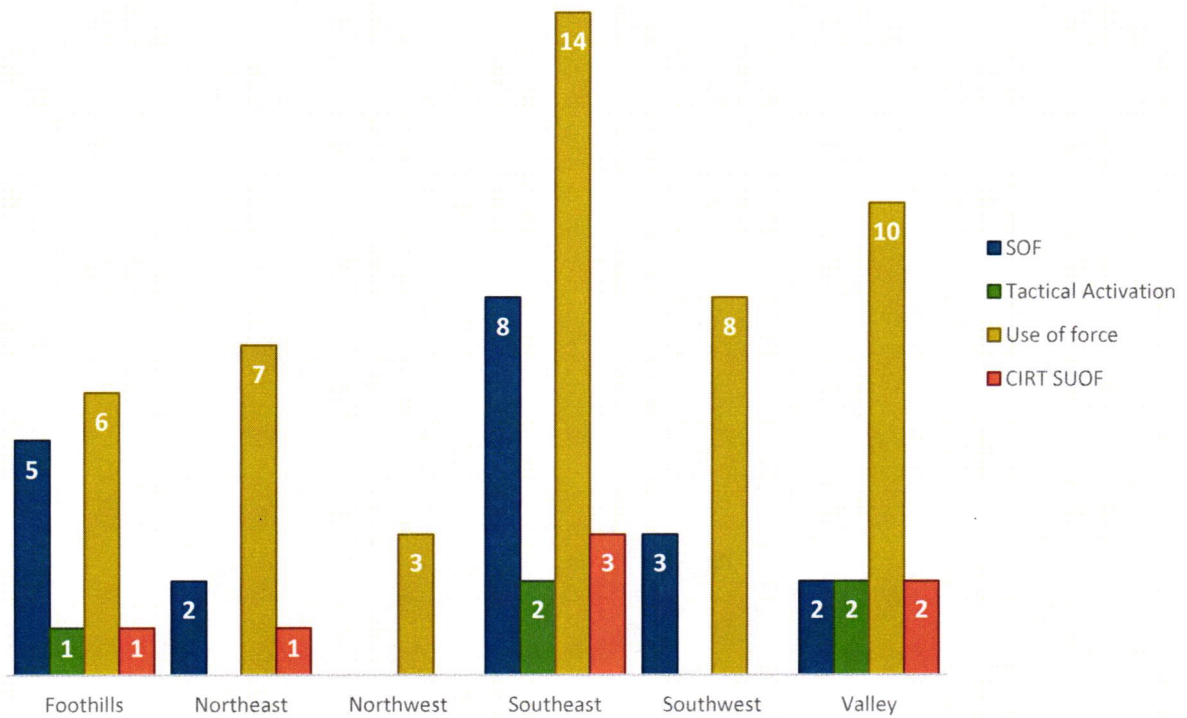
1: Supervisory Investigation Requirements/ 40 hour suspension

EIRS FOR **AUGUST 2019: 78 alerts distributed (Overall and Incident type alerts)**

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

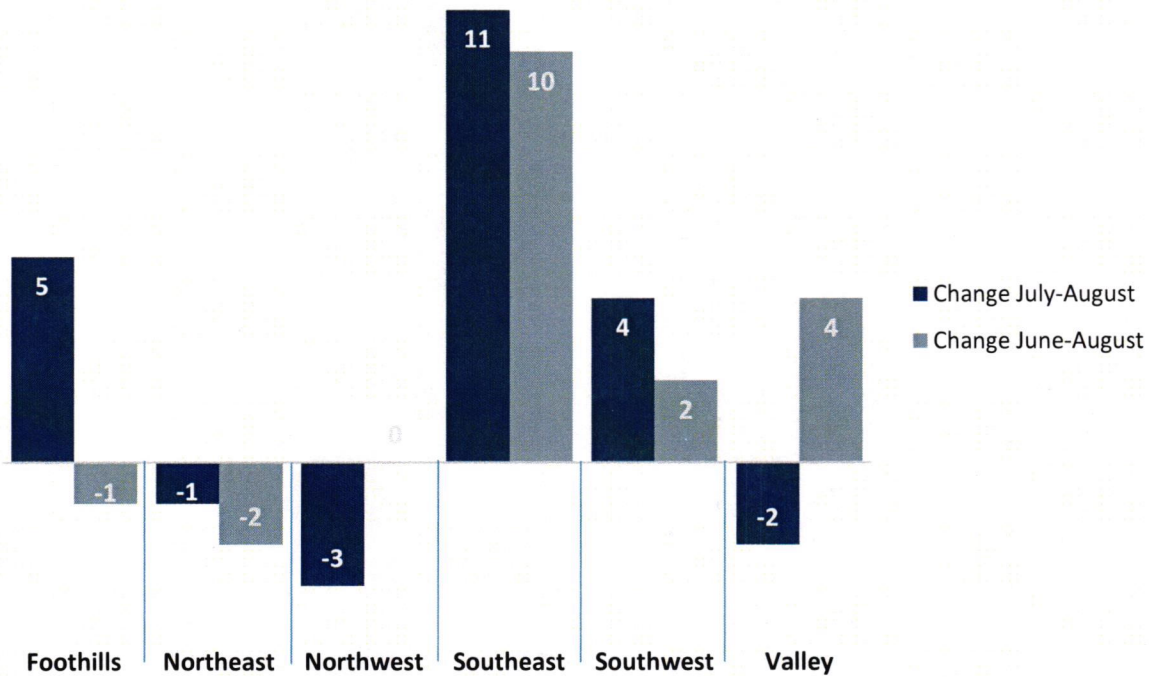
INCIDENT AREA COMMAND

Area Command	SOF	Tactical Activation	Use of force	CIRT SUOF	Grand Total	Change from July
Foothills	5	1	6	1	13	5
Northeast	2		7	1	10	-1
Northwest			3		3	-3
Southeast	8	2	14	3	27	11
Southwest	3		8		11	4
Valley	2	2	10	2	16	-2
GRAND TOTAL	20	5	48	7	80	14



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

August As Compared to July, June



Area Command	Policy outcomes are not yet completed				Policy outcome(s) are all within policy			Grand Total
	SOF	Tactical Activation	Use of force	CIRT SUOF	SOF	Tactical Activation	Use of force	
Foothills	5	1	6	1				13
Northeast	1		7	1	1			10
Northwest			2				1	3
Southeast	8	2	14	3				27
Southwest	3		8					11
Valley	2	1	10	2		1		16
Grand Total	19	4	47	7	1	1	1	80



Crash Review Board Update

Stats are for APD officers/APD Employees involved crashes from Apr. 1,
2019 thru June 30, 2019.

Preventable Crashes this quarter (April 1, 2019 thru June 30, 2019):

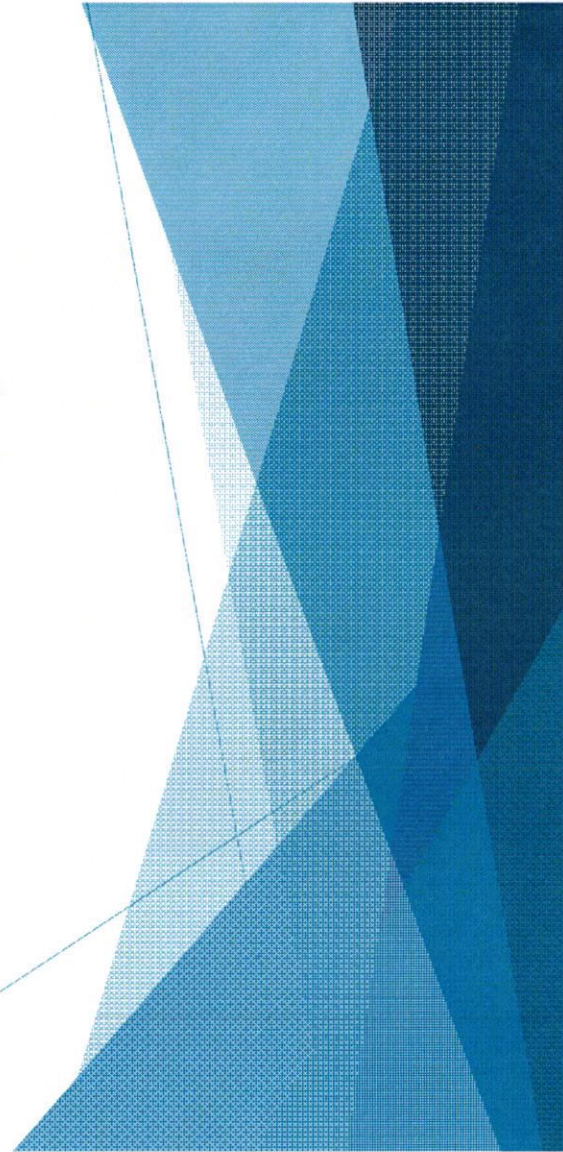
- 30 Non-preventable crashes.
- 29 Preventable crashes.
- 4 Officers had 2 Preventable crashes within a 12 month period.
- 0 Officers had 3 or more Preventable crashes within a 12 month period.

The officers chain of command imposes discipline, not the Crash Review Board.

APD Crashes Involving Police Crashes from
Jan. 1, 2019 - Mar. 31, 2019:

\$292,458.35; 3rd Party pay out (bodily injury or property damage). 33 claims.

\$119,074.22; 1st party damage to City property involved in APD crashes. 1st party refers to single vehicle crashes (example: police vehicle strikes a curb).



Police Officer Driver Training Program:

The Chief of Police is continuing with providing a list of officers who MUST attend the Charlie Fegan Vehicle Operations Course at Sandia Speedway. The course is a full two day driving course but broken up into different groups of officers. This driving course puts officers behind the wheel and through different driving scenarios in a closed course setting.

Police Officer Driver Training Program (con't):

This quarter has 34 officers listed broken up into four groups. The dates of training are Aug 6-7, Aug 8-9, Sep 24-25, and Sep 26-27.

September 12, 2019

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

Re: *SOP 2-8 On Body Recording Devices*

Dear Chief Geier and the Albuquerque Police Department,

The Civilian Police Oversight Agency Board writes concerning SOP 2-8 On Body Recording Devices. Currently, videos that are considered non-evidence are deleted after 120 days. The Civilian Police Oversight Agency Board asks that you consider retaining non-evidentiary videos for a period of at least one year.

Often, videos that are relevant to the investigation of citizen complaints are categorized as non-evidentiary. Moreover, many citizens often come forward well after 120 days and at times civilian complaints take several months to complete meaning that video might be lost while an investigation is ongoing.

Far more often than not, videos relevant to civilian complaints exonerate the target officer(s); therefore, it is in the interest of the department that these non-evidentiary videos be retained for longer than 120 days. In the few instances where videos do not exonerate the officer, all parties can rest assured that the correct conclusions were drawn from the most objective evidence available. Both the public at large and the department's officers benefit when the reliability of the CPOA's investigations increases.

For these reasons, we ask that you modify SOP 2-8, extending the retention time frame for non-evidentiary videos from 120 days to a period of at least one year.

As an aside, the Board has discussed the muting capabilities of the department's OBRDs. We are curious and interested to see how the rules surrounding the muting capacity might be drafted and incorporated into the next iteration of SOP 2-8, and we may make further comment regarding this functionality in the future.

Sincerely,



Civilian Police Oversight Agency Board

September 12, 2019

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

Re: *SOP 2-30 Emergency Command Post; 2-97 Harm Reduction Act; 3-16 Seniority*

Dear APD,

The Civilian Police Oversight Agency Board is in receipt of SOP 2-30 Emergency Command Post; SOP 2-97 Harm Reduction Act; and SOP 3-16 Seniority. The Board received these policies on August 26, 2019 after they were approved by the Policies and Procedures Review Board on August 24, 2019.

As a general rule, the Board is committed to providing feedback, commentary, and recommendations on all policies implicated by the Court Approved Settlement Agreement (CASA). At times, the Board may also provide feedback, commentary, and recommendations on policies that are not implicated by the CASA but that are of particular interest to the Board, the community, or the Board's mission of advancing constitutional policing.

We note that these SOPs do not pertain to the CASA. The Civilian Police Oversight Board makes no recommendations on SOP 2-30 Emergency Command Post; SOP 2-97 Harm Reduction Act; nor SOP 3-16 Seniority.

Sincerely,

Civilian Police Oversight Agency Board