



CIVILIAN POLICE OVERSIGHT AGENCY BOARD

Thursday, November 14, 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
Eric Olivas
Tara Armijo-Prewitt
Valerie St. John
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
Esteban Aguilar, City Atty
Lindsay Van Meter, Asst. City Atty
Chris Sylvan, CPC

Meeting Minutes

PO Box 1293

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.

Albuquerque

II. Pledge of Allegiance. Member Olivas led the meeting in the Pledge of Allegiance.

NM 87103

III. Mission Statement. Chair Galloway read the Civilian Police Oversight Agency Board's mission statement.

www.cabq.gov

IV. Approval of the Agenda.

a) Motion. Motion was made by Vice-Chair Fine to defer agenda item XI. to December's CPOA Board meeting. Motion passed.

b) Motion. A second motion by Vice-Chair Fine to move agenda item IX. f. to be the next agenda item. Motion passed

c) Motion. A final motion by Chair Galloway to approve the agenda as amended. Motion passed.

V. Board Member Qualifications.

- a) **Motion.** Motion by Vice-Chair Fine to accept Member Van Deventer's Resignation. Motion passed.
- b) **Motion.** Motion by Member Dr. Kass that the CPOA Board task the Policy and Procedure Committee to address the issue of board member conduct including social media communications that interfere with the ability of the board to achieve purpose as described in the city ordinance and CASA. Motion passed.
- c) **Motion.** Member Olivas amended the motion to strike the language taskforce and insert with policy and procedure committee. Motion passed.

VI. Public Comments.

- 1. Geraldine Amato

VII. 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 October 10, 2019

- 1. Copies of the draft minutes from the October 10, 2019 Civilian Police Oversight Agency Board meeting were distributed to each member in their packets.
- 2. **Motion.** A motion made by Chair Galloway to approve the minutes as written. Motion passed.

VIII. Reports from City Staff

- a) **APD –** Commander Mark Velarde with Internal Affairs-Professional Standards and Commander Robert Middleton with Internal Affairs-Force Division gave the following reports for APD:
 - 1. **Statistical Data.** Commander Velarde read the Statistical Data for the month of October 2019. A document titled *Police Oversight Board, APD Internal Affairs: Statistical Data for the Month of October 2019* was distributed to the CPOA Board members. (see attached)
 - 2. **Statistical Data –** Commander Middleton read the Statistical Data for the month of October 2019. A document titled *Civilian Police Oversight Agency Board, Internal Affairs Force Division: Statistical Data for the month of October 2019*. (see attached)
- b) **City Council –**
 - 1. **City Council Representative –** Julian Moya presented his report.

- c) **Mayor's Office-**
 - 1. **City Attorney -** Esteban Aguilar presented his report on behalf of the Mayor's Office.
- 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.

Motion. Motion by Vice-Chair Fine to move agenda item XVI up to this point and take a break so they can convene their closed session at the same time as their break.

Motion passed.

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)**

i. Executive Director

1. **Motion.** Motion by Vice-Chair Fine to take a member by member vote to move into a closed session for the limited purpose of discussing a personnel matter.

Roll call vote by board members.

---- Meeting on Personnel issues began at 6:09 p.m. and
the meeting reconvened at 7:28 p.m. ---

2. **Motion.** Motion by Member Dr. Kass to reconvene into open session. Motion passed.

Roll call vote by board members.

3. Motion. Chair Galloway motioned that no other issues than personnel matters related to the Executive Director and to come out of close session. Motion passed.

X. Reports from Subcommittees

a) Community Outreach Subcommittee – *Joanne Fine* –

1. Met October 22, 2019 at 1:00pm
2. Next meeting November 26, 2019 at 1:00pm

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

1. OPA Policies 3-41 and 3-46.

2. SOP 1-61, 2-15, 2-42, 1-16, 2-49, 3-32, 2-43, 3-31 and 1-81

a) **Motion.** Motion by Member Dr. Kass that the board approve the recommend letters and forward to Chief Geier and APD. Motion passed.

b) Chair Galloway appointed Member Dr. Kass as the board’s representative at PPRB and OPA.

3. Next meeting TBD

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

1. Met October 22, 2019 at 11:30am
2. Notice of Board review for complaints
3. Interviewing complainants
4. Next meeting November 26, 2019 at 11:30am

d) Personnel Subcommittee – *Chantal Galloway* -

1. Met October 25, 2019 at 9:30am
2. **Motion.** Motion by Member Olivas that the board accept and forward the communications to the Executive Director as drafted by Counsel. Motion passed.
3. Next meeting TBD

XI. Discussion

a) NACOLE Conference

b) Las Vegas Conference

c) IACP Conference

d) Audits of Cases

1. Defer to next month’s CPOA Board agenda.

e) CPOA contracting a Facilitator

1. **Motion.** Motion by Member Dr. Kass that the CPOA contact the City to provide a Facilitator under their facilitation program. Motion passed.

f) Meeting attendance

XII. Consent Agenda Cases: The CPOA’s findings in each case listed on the consent agenda are reviewed and approved by the CPOA Board. 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

068-19	121-19	139-19	154-19	158-19
187-19	190-19	197-19	198-19	199-19
200-19	211-19			

1. Motion. Motion by Vice-Chair Fine to approve all Administratively Closed Cases presented with the exception of CPC 069-19. Motion passed.

b) Unfounded and Exonerated

045-19	110-19	165-19	172-19	189-19
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1. Motion. Motion by Member St. John to approve the Unfounded and Exonerated cases presented. Motion passed.

Sustained

144-19

2. Motion. Motion by Member St. John to accept the findings for CPC 144-19. Motion passed.

c) Appeal and possible audit

132-18

1. Chair Galloway deferred the appeal CPC 132-18 to next month’s board meeting.

XIII. Non- Consent Agenda:

069-19

1. Motion. Motion by Member Olivas that the Board adopt the agency’s findings, that the original complaint was unfounded, but that in the course of the investigation, an additional policy violation, minor lapel camera violation was discovered and documented or sustained that follow-up complaint for CPC 069-19. Motion passed

XIV. Non-Concurrence Cases:

a) CPC 184-18

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

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

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

- a) There was no *Garrity* Materials to present.

XVII. Other Business.


1. Due to the change of the number of board members they must reduce each subcommittee to no more than three members per subcommittee. Member Olives volunteered to not participate in December's Personnel Subcommittee meeting.

XVIII. Adjournment – A motion was made by Vice-Chair Fine to adjourn the meeting.

The meeting adjourned at 9:04 pm

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 M. Galloway, Chair
Civilian Police Oversight Agency

12/12/19
Date

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

POLICE OVERSIGHT BOARD

PUBLIC COMMENT SIGN IN

DATE: 11/14/2019

NAME (PLEASE PRINT)

1. Geraldine L. Mato

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24. _____

POLICE OVERSIGHT BOARD

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

APD 911 Communications Center
Dispatched calls for Service for **OCTOBER 2019**:
39,055 (decrease from OCTOBER (1,836))

INTERNAL CASES FOR THE MONTH OF OCTOBER 2019

Total Internal Cases Completed in the month of **OCTOBER**;
Comprised of:

32 completed cases

1. IA Cases opened in the month of **OCTOBER 2019**: 12
 2. Pending IA Cases for the month of **OCTOBER 2019**: 09
 3. Administratively Closed for the month of **OCTOBER 2019**: 07
 4. Internal Cases Mediated: 0
-

DISCIPLINE IMPOSED FOR INTERNAL CLOSED CASES IN OCTOBER 2019

7: Letters of Reprimand-Supervisor responsibilities, Supervisor leadership, Conduct, OBRD

6: Verbal Reprimand-Restraint and Transport of Prisoners, OBRD, Supervisor leadership, Conduct, Missed Court

1: Training-Use of Force requirements

1: Counseling-Conduct

EIRS FOR **OCTOBER 2019: 139 alerts distributed (Overall and Incident type alerts)**

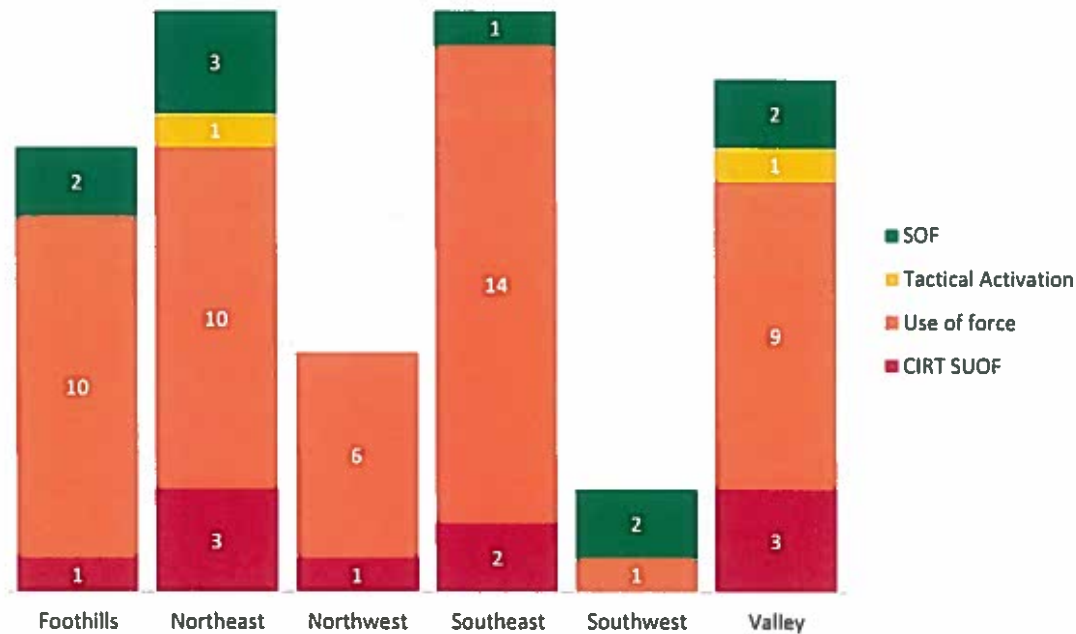
Civilian Police Oversight Agency Board
 INTERNAL AFFAIRS FORCE DIVISION
 STATISTICAL DATA FOR THE MONTH OF OCTOBER 2019

INCIDENT AREA COMMAND

Area Command	CIRT SUOF	Use of force	Tactical Activation	SOF	Grand Total
Foothills	1	10		2	13
Northeast	3	10	1	3	17
Northwest	1	6			7
Southeast	2	14		1	17
Southwest		1		2	3
Valley	3	9	1	2	15
Grand Total	10	50	2	10	72

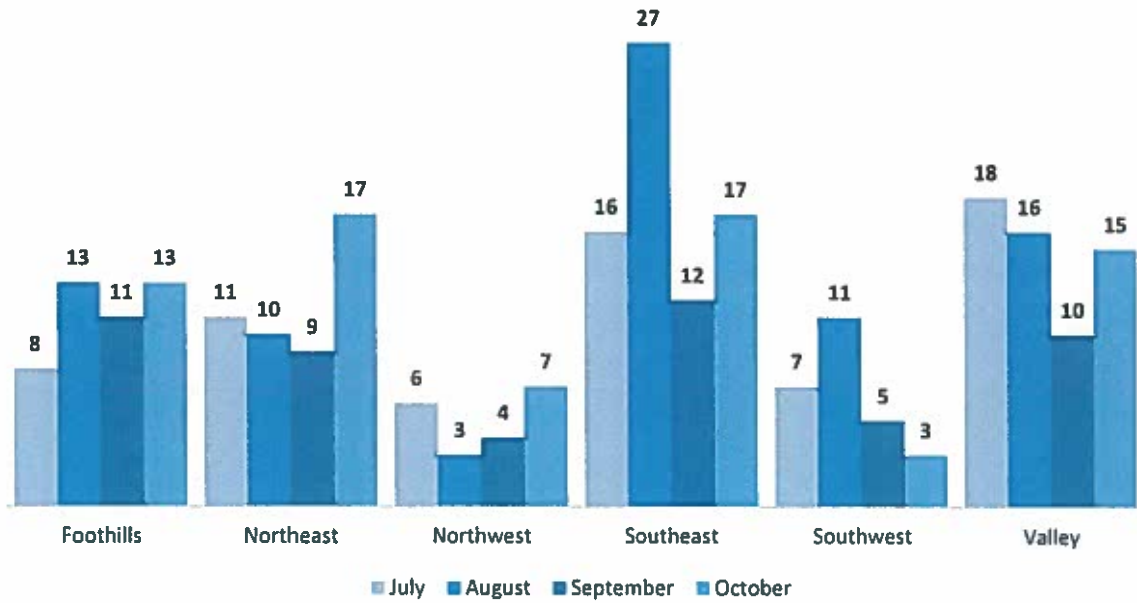
If one case number is associated with more than one force type it is classified according to the most serious type where CIRT SUOF > UOF > Tactical Activation > SOF.

October Force Events



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

Four Months of Force Data





CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board

Chantal Galloway, Chair *Joanne Fine, Vice Chair*

Dr. William Kass,

Tara Armijo-Prewitt

Eric Olivas

Valerie St. John

Chelsea Van Deventer

Leonard Waites

Edward Harness, Esq., Executive Director

CIVILIAN POLICE OVERSIGHT AGENC BOARD

2020 Meeting Schedule

January – December

**All Meetings are held in the
Vincent E. Griego Chambers –
One Civic Plaza NW - 5th & Marquette NW, Lower Level
Albuquerque, NM 87102**

**Meetings will begin at 5:00 p.m. unless noted
otherwise and may extend beyond 8:00 p.m.**

Thursday, January 9, 2020

Thursday, February 13, 2020

Thursday, March 12, 2020

Thursday, April 9, 2020

Thursday, May 14, 2020

Thursday, June 11, 2020

Thursday, July 9, 2020

Thursday, August 13, 2020

Thursday, September 10, 2020

Thursday, October 8, 2020

Thursday, November 12, 2020/Conflict

Thursday, December 10, 2020

CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

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Edward Harness, Executive Director

November 14, 2019

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

*Re: SOP 1-61 Internal Affairs Force Division; SOP 2-15 Small Unmanned Aircraft Systems; SOP 2-42
DWI Investigations; SOP 1-16 Auto Theft; SOP 2-49 Inspection of Motor Vehicles; SOP 3-32 Employee
Work Plan*

Dear Chief Michael Geier and the Albuquerque Police Department,

The Civilian Police Oversight Agency Board (Board) is in receipt of SOP 1-61 Internal Affairs Force Division; SOP 2-15 Small Unmanned Aircraft Systems; SOP 2-42 DWI Investigations; SOP 1-16 Auto Theft; 2-49 Inspection of Motor Vehicles; and SOP 3-32 Employee Work Plan.

Standard Operating Procedures 1-61 Internal Affairs Force Division; 2-15 Small Unmanned Aircraft Systems; and 2-42 DWI Investigations were approved by the department's Policy and Procedure Review Board on September 4, 2019 and sent to the Civilian Police Oversight Agency Board on September 9, 2019. Comment on these policies became due by this Board on October 9, 2019, but the Board's standard policy review process did not conclude until October 10, 2019.

While SOP 1-61 Internal Affairs Force Division and SOP 2-15 Small Unmanned Aircraft are policies of interest to the Board we have no substantive feedback at this time. It is possible the Board may take these policies up at a later date. Likewise, the Board makes no recommendation on SOP 2-42 DWI and notes that this policy does not pertain to the CASA.

Standard Operating Procedures 1-16 Auto Theft Unit; 2-49 Inspection of Motor Vehicles; and 3-32 Employee Work Plan were approved by the department's Policy and Procedure Review Board on September 18, 2019 and sent to the Board on September 21, 2019 for comment. The Board has no feedback, commentary, or recommendations for these policies.

Sincerely,



Chantal M. Galloway
Civilian Police Oversight Agency Board

CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Chantal M. Galloway, Chair *Joanne Fine, Vice Chair* *Dr. William J. Kass*

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November 14, 2019

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

Re: *SOP 2-43 Roadblocks and Checkpoints*

Dear Chief Michael Geier and the Albuquerque Police Department,

The Civilian Police Oversight Agency Board (Board) is in receipt of SOP 2-43 Roadblocks and Checkpoints which was approved by the department's Policy and Procedure Review Board on September 4, 2019 and sent to the Board on September 9, 2019. Comment on this policy became due by this Board on October 9, 2019, but the Board's standard policy review process did not conclude until October 10, 2019.

The Board has a recommendation concerning this policy. The policy should include a short and concise statement describing when, if ever, a pursuit is permissible for drivers who flee or evade a roadblock or checkpoint. That guidance should be consistent with SOP 2-45 Pursuit by Motor Vehicle, which this policy does include at the outset as a related policy, but then does not cite at any point within the policy.

Sincerely,



Chantal M. Galloway
Civilian Police Oversight Agency Board

CIVILIAN POLICE OVERSIGHT AGENCY

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November 14, 2019

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

Re: SOP 3-31 Physical Fitness Test

Dear Chief Michael Geier and the Albuquerque Police Department,

The Civilian Police Oversight Agency Board (Board) is in receipt of SOP 3-31 Physical Fitness Test which was approved by the department's Policy and Procedure Review Board on September 18, 2019 and sent to the Board on September 21, 2019.

The Board has a recommendation regarding this policy. This Standard Operating Procedure seeks to encourage and incentivize physical fitness among officers. As a part of this, it appears that it intends to incentivize fitness with comp hours because it includes a chart that has columns that match fitness tests with a comp hour reward for passing. However, the policy is unclear here; it includes this comp time chart under a section which states only that physical fitness will be assessed using this chart. However, in the actual incentive section the chart is not mentioned and the incentive section discusses only badges and not comp time. Whether this comp time chart is a part of the incentive scheme needs to be clarified. If comp time is not a part of the schematic, the chart needs to be altered to exclude comp time columns or the policy will remain confusing.

However, if this is a chart identifying comp time as an incentive or reward, the department should consider whether they should have multiple standards that account for age and gender. Doing so could help ensure that this program is fair to all officers. This process might first involve a legal analysis in order to determine whether there are problems in either direction.

Sincerely,



Chantal M. Galloway
Civilian Police Oversight Agency Board

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Edward Harness, Executive Director

November 14, 2019

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

Re: SOP 1-81 Proactive Response Team

Dear Chief Michael Geier and the Albuquerque Police Department,

The Civilian Police Oversight Agency Board (Board) is in receipt of SOP 1-81 Proactive Response Team which was approved by the department's Policy and Procedure Review Board on September 4, 2019, and was forwarded to the Board on September 9, 2019. The Board's comments for this policy became due on October 9, 2019, but the Board's standard policy review process did not conclude until October 10, 2019.

The Board would like to provide feedback and make recommendations regarding this policy. Our first concern is that this policy is likely prone to misinterpretation. While this policy compliments the community policing principles emphasized by the department and the CASA, some of the language contained within this policy might create a false inference amongst the public that this policy is instead actually another version of "broken windows policing" policies and methods. If the public or members of the media misunderstand this policy in this particular way, it might subject the department and this policy to counterproductive criticism.

This concern – that the community might misconstrue this policy as a broken windows policy as opposed to a community policing and diversionary type of policy– is based on board members having observed this happen in the media with similar police policies in recent history.

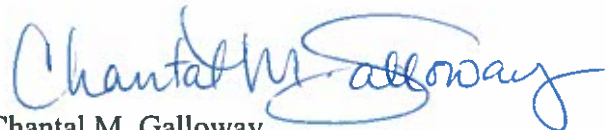
In order to circumvent this problem, the Board recommends that SOP 1-81 avoid the use of specific language that is commonly associated with broken windows policing. Namely, the policy might remove all instances of "quality of life crimes." Over time, this language has become loaded and directly associated with broken windows methodology; our fear that this policy might be misconstrued is based, in part, on the presence of this descriptor. Instead of using that terminology, the policy could simply list the exact offenses the policy intends to target. It might be wise if the policy utilized citations to ordinances and state statutes in addition to the offense's name. Then, to deal with the use of "quality of life crimes" at the beginning of the policy, the policy could simply say "by targeting the offenses listed in the definitions section."

Similarly, while data will be collected in order to determine the number of contacts, calls, citations and arrests, there is no mention of tracking outcomes regarding the citizens who are diverted from the criminal system when committing a “quality of life crime.” If the department is able to account for outcomes in an official way, it could also help keep this policy intact over the long-haul by helping it avoid community pushback and misinterpretation.

Additionally, the Board recommends that this policy replace all instances of “community feedback” (sometimes just “feedback”) with community input or input. The policy should define input in its definition section; ideally, having a definition of community input will help insulate the department from potential complaints of arbitrariness or unfair targeting of certain demographics, etc.

More broadly, the Board also felt that this policy overall lacks clarity and requires elaboration and further detail in order to successfully and effectively describe how this policy works, what it is designed to achieve, and how it will be implemented. For example, the policy refers to Crisis Outreach and Support Team employees providing outreach. More information should be provided to explain the connection and integration of these program resources.

Sincerely,



Chantal M. Galloway
The Civilian Police Oversight Agency Board

At the most recent Personnel subcommittee meeting, I was given the task to research resources available to hold a facilitated meeting with members of the Board and CPOA staff. The purpose of this effort is to improve communications and trust between the Board and the CPOA and create more effective working relationships between the CPOA and Board, as well as, within the Board.

The purpose, methods and goals of the CPOA and Board as defined by the Ordinance, the CASA and our own Policies and Procedures will be the primary references.

This idea has been in the works for several months during which time some information has been gathered by Chair Galloway. The process had bogged down for a number of reasons which included cost of the project and following the City procurement process. The City has a list of approved vendors which I reviewed. I found only a couple who appeared to do what we had in mind. The City has a requirement that we submit three proposals if we want to use a vendor not on their list. One proposal received by Chair Galloway was from Keystone International who is not on the approved City vendor list and whose hourly rate is \$265. However, with some of my own additions, their proposal is what I am suggesting as a baseline.

Proposal:

- The designated facilitator will become familiar with the Ordinance, CASA requirements relating to the CPOA, and the Board Policies and procedures.
- The facilitator will interview all the participants individually and privately. Each interview should take about 45 minutes. There would be 8-9 board members and 6-7 CPOA staff. Each interviewee would be able to give the facilitator confidential information regarding their concerns and issues.
- The facilitator would use interview information to identify the most important issues and concerns in preparation for the facilitated discussion. The privacy of this information will be protected and not shared with any of the participants before the facilitated discussion. (This is an important deviation from the Keystone proposal.)
- A half-day group meeting and facilitated discussion will be held with all the participants. One outcome of this meeting should be to identify where more focus is needed to solve identified shared group issues/concerns.
- Plan for future activity.

How to proceed.

20190826 facilitation proposal

At the recommendation of Director Harness, I talked to Tyson Hummell (thummell@cabq.gov, 768-4660), who is the City Alternative Dispute Resolution Coordinator. He informed me that the City has a program in place to do what I have described above. He provided some ideas that are reflected in this proposal. The process his department follows is to assign an independent outside private facilitator already under contract to handle the facilitation. This prevents the City from influencing the results of the facilitation. There will be no further cost to the CPOA since this is an ongoing program in the City.

I am proposing that we start this process in early October after the NACOLE meeting. This gives us time to get Board approval and for the CPOA to modify this proposal. This timeline is also compatible with the City ADR Department.

At this time, I want to know what the rest of the Personnel Committee thinks so that we can present a recommendation to the Board on September 12.