

## CIVILIAN POLICE OVERSIGHT AGENCY BOARD

Thursday, December 12, 2019 – 5:00 PM  
Vincent E. Griego Chambers, Basement Level  
City/County Government Center – One Civic Plaza NW  
Albuquerque, New Mexico

### **Members Present:**

Joanne Fine, Vice-Chair  
Dr. William Kass  
Tara Armijo-Prewitt  
Leonard Waites

### **Members Absent:**

Chantal M. Galloway,  
Chair  
Eric Olivas  
Valerie St. John

### **Others Present**

Edward Harness, CPOA  
Katrina Sigala, CPOA  
Tina Gooch, Atty  
Cdr. Zak Cottrell, APD  
Cdr. Donovan Rivera, APD  
Cdr. Robert Middleton, APD  
Deputy Chief Eric Garcia, APD  
Lindsay Van Meter, Asst. City Atty

### **Meeting Minutes**

- I. **Welcome and call to order.** Vice-Chair Fine called to order the regular meeting of the Civilian Police Oversight Agency Board at 5:00 p.m.
- II. **Pledge of Allegiance.** Member Waites led the meeting in the Pledge of Allegiance.
- III. **Mission Statement.** Vice-Chair Fine read the Civilian Police Oversight Agency Board's mission statement.
- IV. **Approval of the Agenda.**
  - a) **Motion.** Motion by Member Waites to approve the agenda as written. Motion passed.
- V. **Public Comments.**
  - a) None.
- 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 November 14, 2019**
    1. Copies of the draft minutes from the November 14, 2019 Civilian Police Oversight Agency Board meeting were distributed to each member in their packets.
    2. **Motion.** A motion made by Member Waites to approve the minutes as written. Motion passed.

## VII. Reports from City Staff

- a) **APD** – Commander Zak Cottrell with Internal Affairs-Professional Standards, Commander Donovan Rivera with APD Traffic and Commander Robert Middleton with Internal Affairs-Force Division gave the following reports for APD:
  - 1. **Statistical Data.** Commander Cottrell read the Statistical Data for the month of November 2019. A document titled *Police Oversight Board, APD Internal Affairs: Statistical Data for the Month of November 2019* was distributed to the CPOA Board members. (see attached)
  - 2. **Quarterly Report on Vehicle Crashes** – Commander Donovan Rivera gave a report on APD Officers/APD Employees involved vehicle crashes from July 1, 2019 thru September 30, 2019. A document titled *Crash Review Board Update* was distributed to the CPOA Board Members. (see attached)
  - 3. **Statistical Data** – Commander Middleton read the Statistical Data for the month of November 2019. A document titled *Civilian Police Oversight Agency Board, Internal Affairs Force Division: Statistical Data for the month of November 2019*. (see attached)
- b) **City Council** –
  - 1. **City Council Representative** – Director Harness read Mr. Moya’s emailed report.
- c) **Mayor’s Office**-
  - 1. 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. There was no one from CPC present to give a 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 November 26, 2019 at 1:00pm
  - 2. Next meeting December 17, 2019 at 4:15pm
- b) **Policy and Procedure Review Subcommittee – Dr. William Kass**–
  - 1. Met December 9, 2019 at 10:00am.
  - 2. Next meeting TBD

**c) Case Review Subcommittee –*Joanne Fine* –**

1. Met November 26, 2019 at 11:30am
2. Next meeting December 23, 2019 at 4:15pm

**d) Personnel Subcommittee – *Leonard Waites*–**

1. Met December 9, 2019 at 11:00am
2. Next meeting TBD

**IX. Discussion**

**a) Board Communications during APD Policy Development process**

1. Resolution by Member Dr. Kass to adopt a policy in which the Board will formally comment with a unified voice for comments on APD Policy in the 30 day period.

**b) SOP 2-92**

**Motion.** Motion by Member Kass to proceed with the review of SOP 2-92 at the Policy Subcommittee. Motion passed.

**X. 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 evaluation**

1. **Motion.** Motion by Member Waites 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 6:12 p.m. and  
the meeting reconvened at 6:55 p.m. ---**

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

**Roll call vote by board members.**

**c) Approval of Executive Director evaluation and summary pursuant to 9-1-4-1-7(C)**

- 1. Motion.** Motion by Member Dr. Kass to approve the evaluation to be given to Director Harness by Chair Galloway and Member Waites. Motion passed.
- 2. Motion.** Motion by Member Waites to approve the summary evaluation and a summary be sent in pursuant to the ordinance that is required. Motion passed.

**XI. 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  
226-19**

**b) Unfounded**

<b>058-19</b>	<b>067-19</b>	<b>122-19</b>	<b>123-19</b>	<b>164-19</b>
<b>202-19</b>	<b>203-19</b>	<b>204-19</b>	<b>205-19</b>	<b>210-19</b>
<b>217-19</b>	<b>228-19</b>	<b>229-19</b>		

**c) Unfounded and Exonerated  
116-19**

- 1. Motion.** Motion by Member Dr. Kass to approve all Consent Agenda Cases presented with the exception of CPC 226-19 and 204-19. Motion passed.
- 2. Motion.** Motion by Member Armijo-Prewitt to amend the standing motion to pull out 226-19 and 204-19 and remove from the consent agenda. Motion passed.
- 3. Motion.** Motion by Member Armijo-Prewitt to table CPC 226-19 and 204-19 to the January meeting. Motion passed.

**XII. Appeal  
132-18**

**1. Motion.** Motion by Member Dr. Kass take the email received into consideration in close session and not read in open session. Motion passed. (see attached)

**i. Closed discussion for deliberations by the POB in connection with an administrative adjudicatory proceeding pursuant to NMSA 1978, Section 10-15-1(H)(3)**

- 1. Motion.** Motion by Member Dr. Kass to take a member by member vote to move into a closed session for the discussion of the appeal on CPC 132-18. Nothing other than the appeal of CPC 132-18 was discussed during the closed session.

**Roll call vote by board members.**

**---- Meeting on Appeal CPC 132-18 began at 7:28 p.m. and  
the meeting reconvened at 8:30 p.m. ---**

- 2. Motion.** Motion by Member Waites to reconvene into open session. Motion passed.

**Roll call vote by board members.**

- 3. Motion.** Motion by Member Dr. Kass to sustain the findings of the presented from the letter of the agency to the complainant. Motion passed.
- 4. Motion.** A second motion by Member Dr. Kass to address the deficiency in the process that were identified in this case through a policy review of the appropriate SOP's. Motion passed.

**XIII. Non- Consent Agenda:**

- a) There were no Non-Consent Agenda cases to present.

**XIV. Non-Concurrence Cases:**

- a) There was no Non-Concurrence Cases to present.

**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.

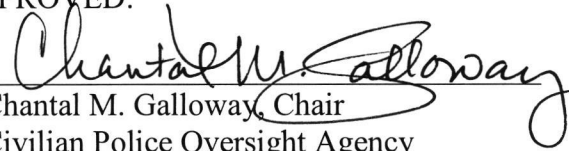
**XVII. Other Business.**

- a) **Motion.** Motion by Vice-Chair Fine to accept the resignation of Member St. John. Motion passed.

- XVIII. Adjournment** – A motion was made by Member Waites to adjourn the meeting. The meeting adjourned at 8:33pm

***Next Regularly scheduled POB meeting will be on January 9, 2020 at 5:00 p.m. in  
the Vincent E. Griego Chambers.***

APPROVED:

  
Chantal M. Galloway, Chair  
Civilian Police Oversight Agency

2/13/2020  
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

# Attachments

**POLICE OVERSIGHT BOARD**

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

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APD 911 Communications Center  
Dispatched calls for Service for **NOVEMBER 2019:**  
**36,866 (decrease from OCTOBER(2,189))**

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**INTERNAL CASES FOR THE MONTH OF NOVEMBER 2019**

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

**11 completed cases (sent out to the area commande)**

1. IA Cases opened in the month of **NOVEMBER 2019: 12**
  2. Pending IA Cases for the month of **NOVEMBER 2019: 11**
  3. Administratively Closed for the month of **NOVEMBER 2019: 10**
  4. Internal Cases Mediated: **0**
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**DISCIPLINE IMPOSED FOR INTERNAL CLOSED CASES IN NOVEMBER 2019**

**1: Termination-On-Duty Conduct- Department Property**

**1: Suspension- Conduct/On-Duty Conduct-**

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**EIRS FOR NOVEMBER 2019: 90 alerts distributed (Overall and Incident type alerts)**



A large blue geometric graphic composed of overlapping triangles and polygons, creating a dynamic, abstract shape that resembles a stylized mountain or a modern architectural element. The colors range from light sky blue to deep navy blue.

# Crash Review Board Update

Stats are for APD officers/APD employees involved crashes from July. 1,  
2019 thru September 30, 2019.

Preventable Crashes this quarter (July 1, 2019 thru September 30, 2019):

33 Non-preventable crashes.

34 Preventable crashes.

4 Officers had 2 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  
July 1, 2019 - Sept. 30, 2019:

\$475,616.90; 3<sup>rd</sup> Party pay out (bodily injury  
or property damage). 27 claims.

\$272,551.65; 1<sup>st</sup> party damage to City  
property involved in APD crashes. 1<sup>st</sup> party  
refers to single vehicle crashes (example:  
police vehicle strikes a curb). 53 claims.



Driving School outcomes since officers attended the Fegan Driving School.

50 officers/PSA's have attended the Fegan Driving School since it's inception (June 2019). Of these 50 personnel, 45 officers/PSA's have not had a preventable crash since they attended (90%).

3 out of the 5, appear to be "not at fault". Scheduled for CRB in January 2020. If this stands true, 96% success rate.

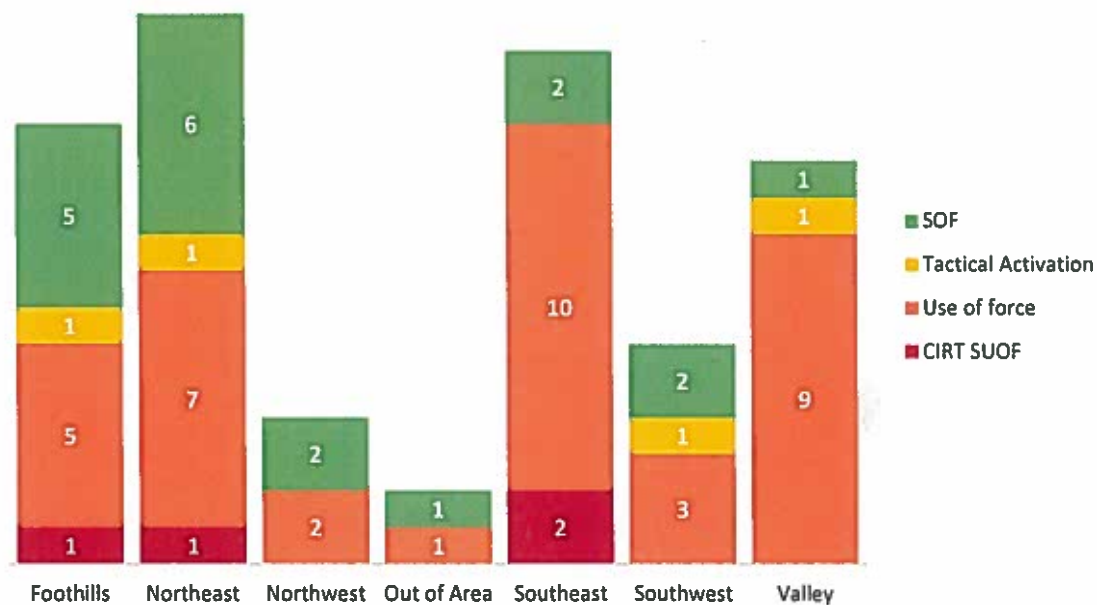
Civilian Police Oversight Agency Board  
 INTERNAL AFFAIRS FORCE DIVISION  
 STATISTICAL DATA FOR THE MONTH OF November 2019

**INCIDENT AREA COMMAND**

Area Command	CIRT SUOF	Use of force	Tactical Activation	SOF	Grand Total
Foothills	1	5	1	5	12
Northeast	1	7	1	6	15
Northwest		2		2	4
Out of Area		1		1	2
Southeast	2	10		2	14
Southwest		3	1	2	6
Valley		9	1	1	11
<b>Grand Total</b>	<b>4</b>	<b>37</b>	<b>4</b>	<b>19</b>	<b>64</b>

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.

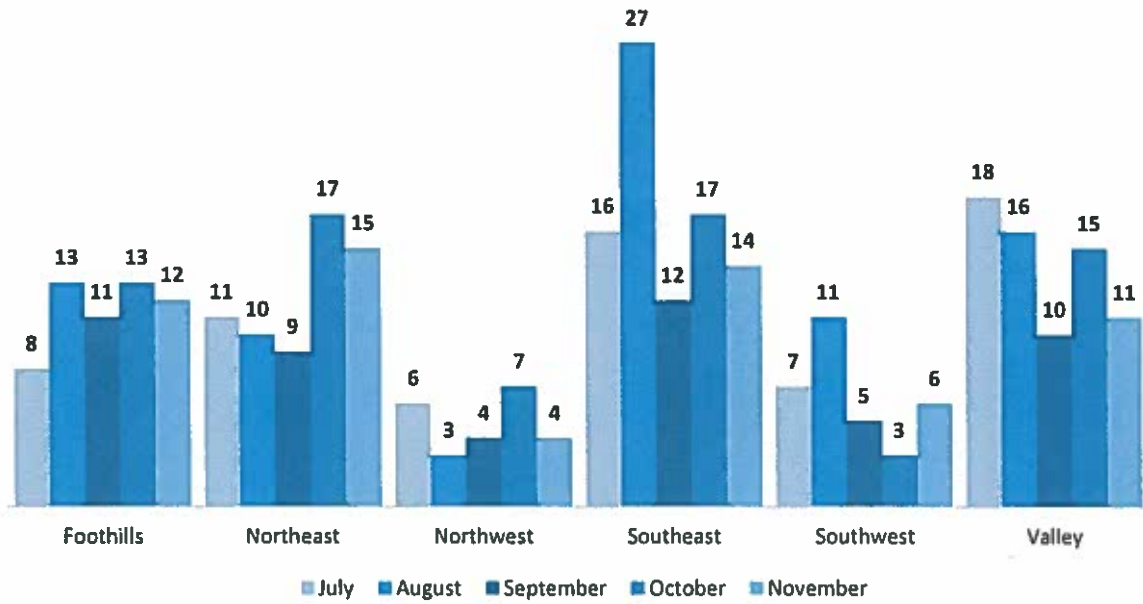
**November 2019 Force Events**



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

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Five Months of Force Data



OPA PPRB PnP CPOA Policy Process

	SOP Title	OPA Review Date	OPA action	PPRB Review Date	PPRB Action	Date Notice Sent/Rec	Comment Deadline	CASA	PnP Review Date	PnP review Action	CPOA review	CPOA letter Sent
all												
SOP 1-86	Report Review	01-Nov-18		20-Mar-19	passed	26-Mar-19	26-Apr-19					
SOP 2-46	Response to Traffic crashes	01-Nov-18		20-Mar-19	passed	26-Mar-19	26-Apr-19					
SOP 1-80	Prisoner Transport Unit (PTU) (SOP 6-5)	04-Oct-18		17-Apr-19	passed	24-Apr-19	24-May-19					
SOP 1-88	Sex Crimes Unit	20-Dec-18		17-Apr-19	passed	24-Apr-19	24-May-19					
SOP 2-10	Use of emergency communications	13-Sep-18		17-Jul-19	passed	19-Jul-19	19-Aug-19			sop 2-10 rec	08-Aug-19	20-Aug-19
SOP 3-33	Performance evaluation and management	20-Sep-18		24-Jul-19	passed	26-Jul-19		CASA		SOP 3-33rec	08-Aug-19	20-Aug-19
SOP 1-2	Social media	15-Nov-18		24-Jul-19	passed	26-Jul-19				sop 1-2 rec	08-Aug-19	20-Aug-19
SOP 1-35	Crime Scene Specialists	18-Apr-19		24-Jul-19	passed	01-Aug-19	02-Sep-19			1-35 1-41 1-57	08-Aug-19	20-Aug-19
SOP 2-79	Law enforcement assisted diversion	25-Jul-19		24-Jul-19	passed	26-Jul-19				SOP 2-79 rec	08-Aug-19	20-Aug-19
SOP 3-16	Seniority	29-Nov-18		21-Aug-19	passed	26-Aug-19						
SOP 2-30	Emergency command post	25-Jul-19		21-Aug-19	passed	26-Aug-19						
SOP 2-97	Harm Reduction Act	25-Jul-19		21-Aug-19	passed	26-Aug-19				wjk		
SOP 2-42	DWI Investigations	01-Nov-18		04-Sep-19	passed	09-Sep-19	15-Nov-19				14-Nov-19	19-Nov-19
SOP 2-43	Roadblocks and checkpoints	01-Nov-18		04-Sep-19	passed	09-Sep-19	15-Nov-19			SOP 2-43.docx	14-Nov-19	19-Nov-19
SOP 2-15	Small Unmanned Aircraft Systems Operation	02-May-19		04-Sep-19	passed	09-Sep-19	15-Nov-19				14-Nov-19	19-Nov-19
SOP 1-81	Proactive response team (PRT)	25-Jul-19		04-Sep-19	passed	09-Sep-19	15-Nov-19			sop 1-81 rec	14-Nov-19	19-Nov-19
SOP 1-61	Internal affairs force division	01-Aug-19		04-Sep-19	passed	09-Sep-19	15-Nov-19				14-Nov-19	19-Nov-19
SOP 3-31	Physical fitness test	08-Nov-18		18-Sep-19	passed	21-Sep-19	15-Nov-19			sop 3-31 rec	14-Nov-19	19-Nov-19
SOP 1-16	Auto theft	06-Jun-19		18-Sep-19	passed	09-Sep-19	15-Nov-19				14-Nov-19	19-Nov-19
SOP 2-49	Inspection of motor vehicles	06-Jun-19		18-Sep-19	passed	09-Sep-19	15-Nov-19				14-Nov-19	19-Nov-19
SOP 2-61	Gathering of criminal activity info	18-Jul-19		18-Sep-19	passed	09-Sep-19	15-Nov-19				14-Nov-19	19-Nov-19
SOP 3-32	Employee work plan	18-Jul-19		18-Sep-19	passed	09-Sep-19	15-Nov-19	CASA			14-Nov-19	19-Nov-19
SOP 1-39	DWI Section	27-Sep-19		02-Oct-19	passed	04-Oct-19	04-Nov-19			PnP 09/05		
SOP 2-86	Investigation of property crimes	27-Sep-19	2nd rev	02-Oct-19	passed	04-Oct-19	04-Nov-19					
SOP 2-88	Bait Car Program	27-Sep-19	2nd rev	02-Oct-19	passed	04-Oct-19	04-Nov-19					
SOP 2-73	Collection submission and disposition of evidence and property	18-Apr-19	packet	16-Oct-19	passed	23-Oct-19	25-Nov-19					
SOP 3-15	Sworn personnel positions	25-Apr-19	packet	16-Oct-19	passed	23-Oct-19	25-Nov-19					
SOP 3-17	Duty assignments and transfers	25-Apr-19	packet	16-Oct-19	passed	23-Oct-19	25-Nov-19					
SOP 3-25	Bid and transfers	25-Apr-19	packet	16-Oct-19	passed	23-Oct-19	25-Nov-19					
SOP 3-23	Retirement observance	30-May-19	packet	16-Oct-19	passed	23-Oct-19	25-Nov-19					
SOP 2-9	CJIS security policy	01-Jun-19		16-Oct-19	passed	23-Oct-19	25-Nov-19					
SOP 2-18	Use of computer systems	11-Jul-19		16-Oct-19	passed	23-Oct-19	25-Nov-19					
SOP 1-45	Contact with individuals with disabilities	25-Apr-19		30-Oct-19	passed	31-Oct-19	02-Dec-19					
SOP 3-11	Family abuse and stalking training team	11-Sep-19		30-Oct-19	passed	31-Oct-19	02-Dec-19					
SOP 3-24	Command staff responsibilities	02-May-19		13-Nov-19	tabled			CASA				
SOP 1-95	line of duty death notice and benefits	30-May-19		13-Nov-19	passed							
SOP 1-54	Traffic Section	28-Aug-19		13-Nov-19	passed					PnP 09/05		
SOP 1-54	Honor Guard Unit	09-Oct-19		13-Nov-19	passed							

OPA PPRB PnP CPOA Policy Process

all	SOP Title	OPA Review Date	OPA action	PPRB Review Date	PPRB Action	Date Notice Sent/Rec	Comment Deadline	CASA	PnP Review Date	PnP review Action	CPOA review	CPOA letter Sent
SOP 2-58	Force Review Board	06-Dec-18										
SOP 2-14	Use of cell site simulator technology	13-Dec-18										
SOP 1-41	Evidence Unit	18-Apr-19		passed	passed	01-Aug-19	02-Sep-19		01-Aug-19	1-35 1-41 1-57	08-Aug-19	20-Aug-19
SOP 1-57	Identification / Disposition unit	18-Apr-19		passed	passed	01-Aug-19	02-Sep-19		01-Aug-19	1-35 1-41 1-57	08-Aug-19	20-Aug-19
SOP 1-87	Scientific Evidence Division	18-Apr-19										
SOP 3-12	Chief's Staff	25-Apr-19										
SOP 3-18	Temporary assignments and transfers	25-Apr-19										
SOP 3-19	Restricted Duty temporary assignments	25-Apr-19										
SOP 3-10	Chief's authority and responsibility	02-May-19										
SOP 3-9	Delegations and command	02-May-19										
SOP 3-22	Contracts and MOUs for LE Services	30-May-19										
SOP 4-7	Police and community together	11-Jul-19										
SOP 1-5	Sexual Harassment	25-Jul-19				26-Jul-19				sop 1-5 rec		20-Aug-19
SOP 1-53	Homicide Unit	09-Oct-19										
SOP 1-66	Missing Persons Unit	09-Oct-19										
SOP 2-60	Prelim and follow up criminal invest.	09-Oct-19										
SOP 2-64	ID, interview crime victim/witnesses	09-Oct-19										
SOP 2-67	Photo, array and field identifications	09-Oct-19										
SOP 2-68	Interviews and interrogations	09-Oct-19										
SOP 3-41	Complaints involving APD personnel	09-Oct-19					15-Nov-19	CASA		PnP 09/05	14-Nov-19	20-Aug-19
sop 3-46	Discipline System	09-Oct-19						CASA		PnP 09/05	14-Nov-19	
SOP 2-8	OBRD (SO 19-72 mute function 7/16/19)	23-Oct-19	2nd rev ?					CASA	05-Sep-19	letter		
SOP 2-45	Pursuit by motor vehicle	06-Nov-19										
SOP 2-66	Victim and witness assistance	06-Nov-19	2nd rev									
SOP 1-65	Metropolitan court protection unit	20-Nov-19										
SOP 2-82	Restraint and transportation of prisoners	20-Nov-19										
SOP 3-30	Inspections process	20-Nov-19										



# Nonprofit Board Member CODES OF CONDUCT AND ETHICS

Are nonprofit board members required to conduct themselves in any particular manner? Yes! Under well-established principles of nonprofit corporation law, a board member must meet certain standards of conduct and attention in carrying out his or her responsibilities to the organization. Several states, in fact, have statutes adopting some variation of these duties that would be used in court to determine whether a board member acted improperly. These standards are usually described as the duty of care, the duty of loyalty, and the duty of obedience.

## DUTY OF CARE

The duty of care describes the level of competence that is expected of a board member and is commonly expressed as the duty of “care that an ordinarily prudent person would exercise in a like position and under similar circumstances.” This means that a board member owes the duty to exercise reasonable care when he or she makes a decision as a steward of the organization.

## DUTY OF LOYALTY

The duty of loyalty is a standard of faithfulness; a board member must give undivided allegiance when making decisions affecting the organization. This means that a board member can never use information obtained as a member for personal gain, but must act in the best interests of the organization.

## DUTY OF OBEDIENCE

The duty of obedience requires board members to be faithful to the organization’s mission. They are not permitted to act in a way that is inconsistent with the central goals of the organization. A basis for this rule lies in the public’s trust that the organization will manage donated funds to advance the organization’s mission. This duty also requires board members to obey the law and the organization’s internal rules and regulations.

## WHAT ARE THE RESPONSIBILITIES OF INDIVIDUAL BOARD MEMBERS?

- Attend all board and committee meetings and as many functions, such as special events, as possible.
- Be informed about the organization’s mission, services, policies, and programs.
- Prepare for board and committee meetings by reviewing the meeting agenda and supporting materials.
- Serve on committees or task forces and offer to take on special assignments when your capacity allows.
- Make a personal financial contribution to the organization.
- Inform others about the organization. Advocate for the organization.
- Suggest possible nominees to the board who can make significant contributions to the work of the board and the organization.
- Keep up-to-date on developments in the organization’s field.
- Follow conflict-of-interest and confidentiality policies.
- Assist the board in carrying out its fiduciary responsibilities, such as reviewing the organization’s financial statements.



## CODES OF ETHICS

There has been increasing concern about ethical behavior in nonprofit — particularly charitable — organizations in recent years. Public scandals in the nonprofit sector have drawn attention to the need for an increased level of board accountability. In response, many organizations have developed codes of ethics. These documents encompass the values of the organization and provide a code of conduct for employees and volunteers, including board members. While a values statement guides the organization in a strategic, fundamental way, codes of ethics shape the actions, behaviors, and decision making of an organization in a more explicit way.

## NONPROFIT BOARD MEMBER CODES OF CONDUCT AND ETHICS

Although a code of ethics by itself cannot prevent wrongdoing, it conveys a strong message both internally and externally about the culture and work of the organization.

### Key Elements

- Serves as an overarching statement for other policies that establish standards of integrity and accountability.
- Should outline the process and/or mechanism for implementing the defined culture and values within the organization from top to bottom. A values statement is sometimes incorporated into the code of ethics.
- Often general in nature. Some issues, such as confidentiality, conflict of interest, and nepotism, may be addressed in separate policies.

### Practical Tips

- Define what ethical behavior means for your organization, and clarify accepted professional standards.
- Separate staff and board issues. Board members and staff members often get confronted with different situations based on their role vis-à-vis the organization, its constituents, and the community at large.
- When discussing the code with staff and board members, it is often useful to provide examples of unacceptable behavior.
- As a way to stress the importance of the code, some organizations request a signature from board and staff members as a sign of understanding and acceptance of the standards.
- Once the code is established, it should be reviewed periodically by the staff and board for possible revision. In this way, the language of the code will continue to serve the expectations and needs of the organization.

## SAMPLE CODES OF ETHICS

The following samples range from very general to specific, with each reflecting the organization's values and culture.

### **SAMPLE #1 | This policy establishes a formal statement about promoting ethical conduct.**

As a nonprofit organization at the forefront of [purpose of organization], XYZ's policy is to uphold the highest legal, ethical, and moral standards. Our donors and volunteers support XYZ because they trust us to be good stewards of their resources, and to uphold rigorous standards of conduct. Our reputation for integrity and excellence requires the careful observance of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

XYZ will comply with all applicable laws and regulations and expects its directors, officers, and employees to conduct business in accordance with the letter and spirit of all relevant laws; to refrain from any illegal, dishonest, or unethical conduct; to act in a professional, businesslike manner; and to treat others with respect. Directors and officers should not use their positions to obtain unreasonable or excessive services or expertise from XYZ's staff.

In general, the use of good judgment based on high ethical principles will guide directors, officers, and employees with respect to lines of acceptable conduct. However, if a situation arises where it is difficult to determine the proper course of conduct, or where questions arise concerning the propriety of certain conduct by an individual or others, the matter should be brought to the attention of XYZ. Employees should contact their immediate supervisor and, if necessary, the director of human resources. Board members should raise any such concerns with the chair or the treasurer of XYZ's board. In all questions involving ethics and conduct, the board will make relevant determinations, except that any individual whose conduct is at issue will not participate in such decisions.

**SAMPLE #2** | This ethics policy sets an affirmative tone through the introductory phrase of "We will do the following."

We, as XYZ professionals (staff and board members), dedicate ourselves to carrying out the mission of this organization. We will do the following:

1. Recognize that the chief function of XYZ at all times is to serve the best interests of our constituency.
2. Accept as a personal duty the responsibility to keep up-to-date on emerging issues and to conduct ourselves with professional competence, fairness, impartiality, efficiency, and effectiveness.
3. Respect the structure and responsibilities of the board, provide them with facts and advice as a basis for their making policy decisions, and uphold and implement policies adopted by the board.
4. Keep the community informed about issues affecting it.
5. Conduct our organizational and operational duties with positive leadership exemplified by open communication, creativity, dedication, and compassion.
6. Exercise whatever discretionary authority we have under the law to carry out the mission of the organization.
7. Serve with respect, concern, courtesy, and responsiveness in carrying out the organization's mission.
8. Demonstrate the highest standards of personal integrity, truthfulness, honesty, and fortitude in all our activities in order to inspire confidence and trust in our activities.
9. Avoid any interest or activity that is in conflict with the conduct of our official duties.
10. Respect and protect privileged information to which we have access in the course of our official duties.
11. Strive for personal and professional excellence and encourage the professional developments of others.

**SAMPLE #3** | This code of conduct sets its standard by stating what the board and key staff will not do. It also includes a signature line and reporting procedures.

It is the intent of XYZ to strive for the highest ethical conduct from all board and staff. The leadership is particularly sensitive to individuals who hold management and governance positions of trust and confidence in fulfilling the mission and goals of the organization. These sensitive positions include officers, key senior staff members designated by the chief executive, and members of the board. In an effort to achieve the highest standards of conduct, each officer, key staff member, and board member is requested to acknowledge (by signing) the following adopted Code of Ethics by [month/day] each year. This acknowledgement will be kept on file in the human resource department.

All officers, key staff members, and members of the board of XYZ are required and expected to exercise the highest ethical standards of conduct and practice fundamental honesty at all times.

In support of XYZ's standards of high ethical conduct, each officer, key staff member, and board member WILL NOT

- deceive, defraud, or mislead XYZ board members, officers, staff members, managers, supervisors, or other associates, or those with whom XYZ has business or other relationships
- misrepresent XYZ in any negotiations, dealings, contracts, or agreements
- divulge or release any information of a proprietary nature relating to XYZ's plans, mission, or operational databases without appropriate approval
- obtain a personal advantage or benefit due to relationships established by any officer, senior staff member, or board member by use of the organization's name
- accept individual gifts of any kind in excess of \$[xxx], in connection with the officer's, key staff member's, or board member's relationship with XYZ. All such gifts are to be reported to the chief financial officer who shall divulge gifts received during the calendar year to the audit committee

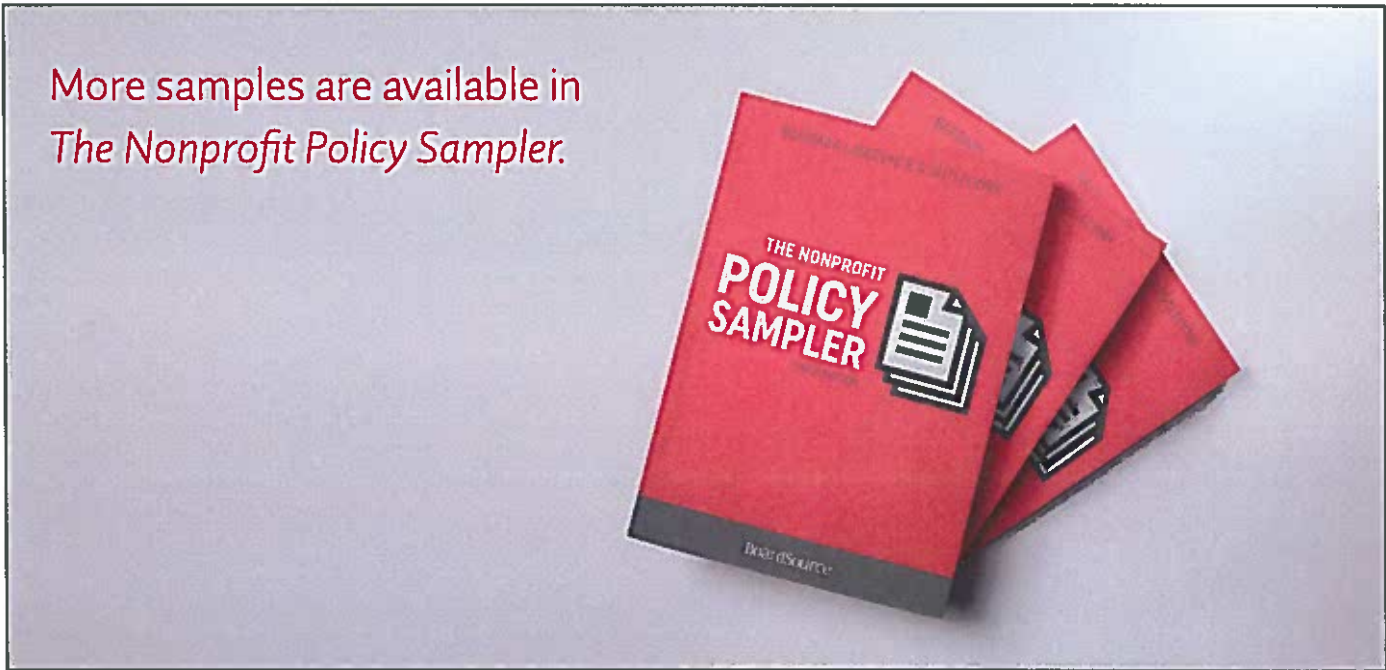
NONPROFIT BOARD MEMBER CODES OF CONDUCT AND ETHICS

- withhold their best efforts to perform their duties to acceptable standards
- engage in unethical business practices of any type
- use XYZ property, financial resources, or services of XYZ personnel for personal benefit
- violate any applicable laws or ordinances

Infractions of this Statement of Personal and Professional Standards of Conduct are to be reported directly to any member of the audit committee who shall, in his or her determination, bring the infraction to the full executive committee.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name (please print) \_\_\_\_\_





## **National Association for Civilian Oversight of Law Enforcement**

### **Code of Ethics**

#### **PREAMBLE**

*Civilian oversight practitioners have a unique role as public servants overseeing law enforcement agencies. The community, government, and law enforcement have entrusted them to conduct their work in a professional, fair and impartial manner. They earn this trust through a firm commitment to the public good, the mission of their agency, and the ethical and professional standards described herein.*

*The standards in the Code are intended to be of general application. It is recognized, however, that the practice of civilian oversight varies among jurisdictions and agencies, and additional standards may be necessary. The spirit of these ethical and professional standards should guide the civilian oversight practitioner in adapting to individual circumstances, and in promoting public trust, integrity and transparency.*

#### **PERSONAL INTEGRITY**

Demonstrate the highest standards of personal integrity, commitment, truthfulness, and fortitude in order to inspire trust among your stakeholders, and to set an example for others. Avoid conflicts of interest. Conduct yourself in a fair and impartial manner and recuse yourself or personnel within your agency when a significant conflict of interest arises. Do not accept gifts, gratuities or favors that could compromise your impartiality and independence.

#### **INDEPENDENT AND THOROUGH OVERSIGHT**

Conduct investigations, audits, evaluations and reviews with diligence, an open and questioning mind, integrity, objectivity and fairness, in a timely manner. Rigorously test the accuracy and reliability of information from all sources. Present the facts and findings without regard to personal beliefs or concern for personal, professional, or political consequences.

#### **TRANSPARENCY AND CONFIDENTIALITY**

Conduct oversight activities openly and transparently, providing regular reports and analysis of your activities, and explanations of your procedures and practices to as wide an audience as possible. Maintain the confidentiality of information that cannot be disclosed and protect the security of confidential records.

#### **RESPECTFUL AND UNBIASED TREATMENT**

Treat all individuals with dignity and respect, and without preference or discrimination including, but not limited to: age, ethnicity, citizenship, color, culture, race, disability, gender, gender identity, gender expression, housing status, marriage, mental health, nationality, religion, sexual orientation, socioeconomic status, or political beliefs, and all other protected classes.

## **OUTREACH AND RELATIONSHIPS WITH STAKEHOLDERS**

Disseminate information and conduct outreach activity in the communities that you serve. Pursue open, candid, and non-defensive dialogue with your stakeholders. Educate and learn from the community.

## **AGENCY SELF-EXAMINATION AND COMMITMENT TO POLICY REVIEW**

Seek continuous improvement in the effectiveness of your oversight agency, the law enforcement agency it works with, and their relations with the communities they serve. Gauge your effectiveness through evaluation and analysis of your work product. Emphasize policy review aimed at substantive organizational reforms that advance law enforcement accountability and performance.

## **PROFESSIONAL EXCELLENCE**

Seek professional development to ensure competence. Acquire the necessary knowledge and understanding of the policies, procedures, and practices of the law enforcement agency you oversee. Keep informed of current legal, professional and social issues that affect the community, the law enforcement agency, and your oversight agency.

## **PRIMARY OBLIGATION TO THE COMMUNITY**

At all times, place your obligation to the community, duty to uphold the law and to the goals and objectives of your agency above your personal self-interest.

The following oversight agencies have adopted the NACOLE Code of Ethics:

- Citizen Oversight Board, City & County of Denver, CO
- Citizens' Law Enforcement Review Board, San Diego County, CA
- Citizens' Review Board on Police Practices, San Diego, CA
- Civilian Review Board, Eugene, OR
- Independent Review Panel, Miami, FL
- Milwaukee Fire and Police Commission, Milwaukee, WI
- Office of Citizen Complaints, San Francisco, CA
- Office of Community Complaints, Kansas City, MO
- Office of Police Complaints, Washington, D.C.
- Office of Professional Accountability, Seattle, WA
- Office of the Community Ombudsman, Boise, ID
- Office of the Independent Monitor, City & County of Denver, CO
- Office of the Independent Police Auditor, Bay Area Rapid Transit District, San Francisco, CA
- Office of the Independent Police Auditor, San Jose, CA
- Office of the Police Auditor, Eugene, OR
- Office of the Police Ombudsman, Spokane, WA
- Richmond Police Commission, Richmond, CA

## Sigala, Katrina M.

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**From:** Jim Larson <larsonjima@gmail.com>  
**Sent:** Tuesday, December 10, 2019 9:34 PM  
**To:** POB  
**Cc:** Civilian Police Oversight Agency  
**Subject:** 132-18 Hearing – Complainant 5-Minute Closing Statement

Date: December 11, 2019

Dear Chair Galloway and Board Members,

Identifying and addressing systemic concerns of why children continue to fall through the cracks in APD preliminary responses to reports of child abuse, neglect, sexual molestation, and welfare checks is at the heart of this complaint.

The CPOA investigation in this case found no misconduct or potential systemic problems needing changes in strategy, tactics, policy, procedures, or training were identified. Everything was just fine.

However, APD recognized errors and made rapid corrections to their calamitous law enforcement procedures and practices regarding the RTCC information and the evidence collection practices for preliminary investigations, the two principal concerns of the complaint. APD issued two Special Orders on June 6, 2018.

These two SO's escaped acknowledgment in the originally completed CPOA investigation and the CPOA was apparently unaware of them until February 2019. I mentioned them not suggesting the CPOA should have retroactively applied them to the investigation as Director Harness argued, I know that would be ridiculous. I mentioned them only to highlight the two central issues of the complaint were recognized as system problems by APD but not the CPOA. The only reference in the final public letter was to codify the two Special Orders.

I have documented several concerns in this case several times to this Board. The concerns arose as I reviewed the CPOA and IA case files provided in response to IPRA requests. Many, if not most, *of the concerns remain unanswered even though I put together all the evidence and supporting information in my several page request for reconsideration. They all remain undocumented without resolution.*

The following examples have been frequently presented via email to the Board and discussed at various meetings and specifically identified in writing in the appeal request.

1. The most flagrant example is the fact that my original complaint was that the RTCC personnel did not follow their policies and contact the CYFD Law Enforcement Portal as required in juvenile cases, is not answered in your approved public letter to me. This has been pointed out several times, including in my oral presentation at the hearing.
  - Director Harness has told you "Officers of APD did not have access to the CYFD Law Enforcement Portal therefore, no ability to go into and look at the history for this particular family." The information I provided says otherwise, the RTCC officers and two CACU personnel were trained on and using the Portal starting in May 2017.
  - The IA investigation concluded that "there is no evidence any detective or officers viewed the historical CYFD CPS file for the Stewart family." IA makes no mention of a lack of officer access or a "broken" RTCC.
  - Where is the CPOA evidence or investigative reports describing that the Portal was "broken" or officers did not have access to the Portal when this incident occurred? And why is that not documented in the public letter?
2. I compared Office A's lapel video with his report and found he clearly wrote seriously false statements in his report regarding essential elements and significant additional information required by SOP 2-60-4 and repeated them to the CPOA according to their report. Again, that remains unanswered. (Section 28.0 in the appeal request)

3. The CACU Detectives failed to write a report as required in SOP 2-92-3(B)3 for all confirmed or suspected cases of child abuse, neglect, abandonment, or cruelty to children. They wrote a forty-eight word note in the SharePoint system. They did not interview the teacher and did not look at the bloody underwear or filthy clothing evidence as required in SOP 2-60-4 for preliminary investigations. This suggests some review of systemic problems in CACU that the CPOA did not discuss.

4. The Director notified me in August 2018 that he knew I only filed one complaint, not two, but the public letter continues to say I filed two complaints. The Director and the Board also know of my concerns that I was not interviewed as required by the CASA and as I was told I would be in a CPOA letter to me in July 2018. The Board just ignores these as "minor" issues leaving the public letter factually incorrect and why I was not interviewed unanswered.

The Board did not ask a single question of me during or after my 15-minute statement and summarizing for five-minutes 60-days after the hearing will serve no purpose.

This investigation and the Board's response is why, as Board Member Olivas recently pointed out, this Board's credibility with the community when it comes to case investigations is actively suffering.

Please ensure this email is presented to meet the requirement of my five-minute summary in lieu of my personal appearance. I hope the Board reads this and considers it during the secret meeting to deliberate the case.

Thank you,

Jim Larson

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This message has been analyzed by Deep Discovery Email Inspector.