

## **Civilian Police Oversight Agency Board**

*Eric Olivas, Chair*

*Chantal M. Galloway, Vice-Chair*

*Tara Armijo-Prewitt*

*Richard Johnson*

*Dr. William J. Kass*

*Doug Mitchell*

*Eric Nixon*

*Gionne Ralph*

Edward Harness, Executive Director

**Thursday, May 20, 2021 - 5:00 p.m.**

### **Members Present:**

Chantal M. Galloway, Vice-Chair

Richard Johnson

Dr. William Kass

Eric Nixon

Gionne Ralph

### **Members Absent:**

Eric Olivas, Chair

Tara Armijo-Prewitt

Doug Mitchell

### **Others Present:**

Edward Harness, CPOA

Katrina Sigala, CPOA

Valerie Barela, CPOA

Tina Gooch, Atty

Cdr. Cori Lowe, APD

Cdr. Zak Cottrell, APD

Acting Commander Sean Waite, APD

Amanda Tapia, APD

Lindsay Van Meter, Asst. City Atty

Melissa Kountz, Asst. City Atty

Chris Sylvan, City Council

Attendance: In response to the Governor's declaration of a Public Health Emergency and ban on large public gatherings, the Civilian Police Oversight Agency (CPOA) Board meeting on Thursday, May 20, 2021 at 5:00 pm will be held via Zoom video conference.

Viewing: Members of the public will have the ability to view the meeting through GOVTV on Comcast Channel 16, or to stream live on the GOVTV website at:

<https://www.cabq.gov/culturalservices/govtv>, or on YouTube at:

<https://www.cabq.gov/cpoa/events/cpoa-board-meeting-may-20-2021>.

(Please note that the link for YouTube has not yet been generated, however, the link could easily be found on the link provided above prior to the start of the meeting). The GOVTV live stream can be accessed at these addresses from most smartphones, tablets, or computers.

The video recording of this and all past meetings of the CPOA Board will also remain available for viewing at any time on the CPOA's website. CPOA Staff is available to help members of the public access pre-recorded CPOA meetings on-line at any time during normal business hours. Please email [CPOA@cabq.gov](mailto:CPOA@cabq.gov) for assistance.

Public Comment: The agenda for the meeting will be posted on the CPOA website by 5:00 pm, Monday, May 17, 2021 at [www.cabq.gov/cpoa](http://www.cabq.gov/cpoa).

The CPOA Board will take general public comment and comment on the meeting's specific agenda items in written form via email through 4:00 pm on Thursday, May 20, 2021. Submit your public comments to: [POB@cabq.gov](mailto:POB@cabq.gov). These comments will be distributed to all CPOA Board members for review.

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## Meeting Minutes

- I. **Welcome and call to order.** Vice Chair Galloway called to order the regular meeting of the Civilian Police Oversight Agency Board at 5:01 p.m.
- II. **Mission Statement.** Vice Chair Galloway read the Civilian Police Oversight Agency Board's mission statement.
- III. **Approval of the Agenda.**
  - a. **Motion.** A motion by Member Dr. Kass to approve the agenda as drafted. Roll call vote taken. Motion passed.
  - b. **Motion.** A second motion by Vice Chair Galloway to remove and table agenda item X. Serious Use of Force Cases/Officer Involved Shooting until the next regularly scheduled CPOA Board meeting due to APD not providing the material to the Board. Roll call vote taken. Motion passed.  
**For: 5 – Galloway, Johnson, Kass, Nixon, Ralph**
  - c. **Motion.** A third motion by Vice Chair Galloway to add a new agenda item XII. for a procedural vote to suspend Article IV(8)(A) of the CPOA Board's Policies and Procedures to allow Member Johnson and Ralph to be excused from voting on agenda items VII., IX., and X. Roll call vote taken. Motion passed.  
**For: 5 – Galloway, Johnson, Kass, Nixon, Ralph**
  - d. **Motion.** Motion by Member Nixon to the approve the agenda as amended. Roll call vote taken. Motion passed.  
**For: 5 – Galloway, Johnson, Kass, Nixon, Ralph**
- IV. **Public Comments**
  - a. CPOA Investigation Staff (*see attached*)
- V. **Review and Approval of Minutes from May 10, 2021.** 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. **Review and Approval of Minutes from May 10, 2021.** Draft minutes from the May 10, 2021 Civilian Police Oversight Agency Board special

meeting was distributed to each Board Member electronically via a weblink.

- b. **Motion.** A motion by Member Dr. Kass to approve the minutes as written. Roll call vote taken. Motion passed.

**For: 5 – Galloway, Johnson, Kass, Nixon, Ralph**

## **VI. Reports from City Departments**

### **a. APD**

- 1. **Compliance and Oversight Division (SOP N/A) - Acting**  
Commander Sean Waite gave a presentation on the Court Approved Settlement Agreement (CASA) Variation IMR 12-13 and the PowerPoint Presentation was distributed to CPOA Board members. *(see attached)*
- 2. **IA Professional Standards Division (SOP 7-1, SOP 3-41, SOP 3-46) –** Commander Zak Cottrell reported on the Statistical Data for the month of April 2021. A document titled *Police Oversight Board, Professional Standards Division Statistical Data for the Month of April 2021* was distributed to the CPOA Board members. *(see attached)*
- 3. **IA Force Division (SOP 2-52 through SOP 2-57) –** Commander Cori Lowe reported on the Statistical Data for the month of April 2021. A document titled *Civilian Police Oversight Board, Internal Affairs Force Division Statistical Data for the Month of April 2021* was distributed to the CPOA Board members. *(see attached)*

### **b. City Council –**

- 1. **City Council Representative -** Chris Sylvan presented his report.

### **c. Public Safety Committee –**

- 1. **City Council Representative -** Chris Sylvan presented his report.

### **d. Mayor's Office**

- 1. There was no report.

### **e. City Attorney**

- 1. **Assistant City Attorney -** Lindsay Van Meter presented her report.

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**f. CPC – Kelly Mensah**

1. Executive Director Edward Harness introduced the new CPC Office Assistant and announced the next CPC Council of Chairs meeting is scheduled on May 29, 2021 at 10:00 a.m.

**g. APOA**

1. There was no report.

**h. CPOA**

1. **Executive Director** – Edward Harness presented his report.  
(see attached)

**VII. Suspend Article IV(8)(A) of Board Policies and Procedures**

- a. **Motion.** Motion by Vice Chair Galloway to suspend Article IV(8)(A) of the Board's Policies and Procedures for the May 20, 2021 meeting allowing for members Johnson and Ralph to be excused from voting on New Items VIII, IX, and X as they were not provided case materials to review. Roll call vote taken. Motion passed.

**For – Galloway, Johnson, Kass, Nixon, Ralph**

**VIII. Requests for Reconsideration**

**a. 210-20**

1. **Motion.** Motion by Vice Chair Galloway to not grant the appeal request for CPC 210-20. Roll call vote taken. Motion passed.

**For 3: – Galloway, Kass, Nixon**

**Excused 2: – Johnson, Ralph**

**IX. Review of Cases:**

**a. Administratively Closed**

**128-20          151-20          162-20          172-20**  
**300-20          005-21          024-21**

1. The Complainants for CPC 300-20 and 005-21 attended the CPOA Board meeting virtually via zoom and provided a statement.
2. **Motion.** Motion by Member Dr. Kass to accept the Administratively closed cases as presented. Motion passed.

**For 2: – Galloway, Kass**

**Against 1: - Nixon**

**Excused 2: – Johnson, Ralph**

**b. Exonerated**

**136-20          330-20**

1. The Complainant for CPC 136-20 attended the CPOA Board meeting virtually via zoom and provided a statement.
2. The Complainant for CPC 330-20 provided a statement via email.
3. **Motion.** Motion by Vice Chair Galloway to accept the Exonerated CPC 136-20 and 330-20 cases as presented. Roll call vote taken. Motion passed.

**For 3: – Galloway, Kass, Nixon**

**Excused 2: – Johnson, Ralph**

**c. Exonerated and Sustained**

**293-20          304-20**

1. **Motion.** Motion by Vice Chair Galloway to accept the Exonerated and Sustained CPC 293-20 and 304-20 cases as presented. Roll call vote taken. Motion passed.

**For 3: – Galloway, Kass, Nixon**

**Excused 2: – Johnson, Ralph**

**d. Not Sustained and Unfounded**

**072-20**

**1. Motion.** Motion by Vice Chair Galloway to accept the Not Sustained and Unfounded CPC 072-20 case as presented. Roll call vote taken.

Motion passed.

**For 3: – Galloway, Kass, Nixon**

**Excused 2: – Johnson, Ralph**

**e. Unfounded**

**091-20**

**012-21**

**013-21**

**1.** The Complainant for CPC 013-21 attended the CPOA Board meeting virtually via zoom and provided a statement.

**2. Motion.** Motion by Vice Chair Galloway to accept the Unfounded CPC 091-20, 012-21 and 013-21 cases as presented. Roll call vote taken. Motion failed.

**For 1: – Kass**

**Against 2: - Galloway, Nixon**

**Excused 2: – Johnson, Ralph**

**3. Motion.** A motion by Vice Chair Galloway to accept the Unfounded CPC 091-20 and 012-21 cases as presented. Roll call vote taken.

Motion passed.

**For 3: – Galloway, Kass, Nixon**

**Excused 2: – Johnson, Ralph**

**4. Motion.** A motion by Vice Chair Galloway to accept the finding of Unfounded CPC 013-21 as presented. Roll call vote taken. Motion failed.

**For 1: – Galloway**

**Against 2: - Kass, Nixon**

**Excused 2: – Johnson, Ralph**

**5. Motion.** A motion by Member Dr. Kass to table CPC 013-21 to the next regularly scheduled CPOA Board meeting. Roll call vote taken.  
Motion passed.

**For 3: – Galloway, Kass, Nixon**

**Excused 2: – Johnson, Ralph**

**X. Non-Concurrence Cases**

**249-20            293-20**

1. Director Harness noted that the CPOA received non-concurrence letters for CPC 249-20 and 293-20 cases.

**XI. Reports from Subcommittees**

**a. Community Outreach Subcommittee – *Chantal Galloway***

1. Met April 27, 2021 at 3:00 p.m. (video conference)
2. Vice Chair Galloway gave a verbal and also submitted a written report for the Community and Outreach Subcommittee. (*see attached*)
3. Next meeting May 25, 2021 at 3:00 p.m.

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

1. Met May 6, 2021 at 4:30 pm (video conference)
2. Member Dr. Kass gave a verbal and also submitted a written report for the Policy and Procedure Subcommittee. (*see attached*)
3. Next meeting June 3, 2021 at 4:30 p.m.

**c. Case Review Subcommittee – *Eric Nixon***

1. Met April 27, 2021 at 4:30 pm (video conference)
2. Member Nixon provided a verbal report for the Case Review Subcommittee.
3. Next meeting TBD

**d. Personnel Subcommittee – *Eric Olivas***

1. Met April 26, 2021 at 4:00 p.m. (video conference)
2. Chair Olivas submitted a Personnel Subcommittee written report. (*see attached*)
3. Next meeting June 1, 2021 at 4:00 p.m.

**\*\*Fifteen-minute break began at 7:12 p.m.  
and the meeting reconvened at 7:26 p.m. \*\***

**XII. Discussion and Possible Action**

**a. Traffic Stop Study Proposal and Data Request – *Dr. William Kass***

**1. Motion.** Motion by Member Dr. Kass that the CPOA commence a study on traffic stops conducted by APD. The purpose of this study shall be to determine if APD traffic stops have resulted in disproportionate targeting of minorities, unnecessary use-of-force and/or increased risk to citizen and officer safety. The CPOA shall report back to the Board with its findings and any associated recommendations for changes in APD policy and training. Roll call vote taken. Motion passed. (see attached)

**For: 5 – Galloway, Johnson, Kass, Nixon, Ralph**

**2. Motion.** A second motion by Vice Chair Galloway to amend and change the word “*minorities*” to “*any specific demographic.*” Roll call vote taken. Motion passed.

**For: 5 – Galloway, Johnson, Kass, Nixon, Ralph**

**b. IMR Liaison Proposal – *Eric Olivas***

**1. Motion.** Motion by Vice Chair Galloway to insert the following passage into the CPOA Board Policies and Procedures Article III, Sec 2, while delegating final editing to the Board legal counsel: (15)  
Appoint one Board member to act as an IMR Liaison. The IMR liaison is responsible for viewing the draft IMR, identifying any potential concerns, conferring with the Executive Director on concerns, and notifying the Board of these concerns prior to the public release of the IMR. All members remain able and are encouraged to review the draft IMR. Roll call vote taken. Motion passed. (see attached)

**For: 5 – Galloway, Johnson, Kass, Nixon, Ralph**

**2. Motion.** A second motion by Vice Chair Galloway to amend and modify the language to read “*conferring with the Executive Director*”



*and Legal counsel on concerns,...*” Roll call vote taken. Motion passed.

**For: 5 – Galloway, Johnson, Kass, Nixon, Ralph**

**3. Motion.** Final motion by Vice Chair Galloway to amend and add the language “*and, in coordination with the Chair and Executive Director, report any concerns to the IMR Team.*” Roll call vote taken. Motion passed.

**For: 5 – Galloway, Johnson, Kass, Nixon, Ralph**

**c. IMR-13 and Status Conference – *Tina Gooch, CPOA Counsel and Edward Harness, CPOA Executive Director***

**1. Motion.** Motion by Vice Chair Galloway to allow Chair Olivas and CPOA Counsel, Tina Gooch to finalize and forward the IMR-13 letter to the Court. Roll call vote taken. Motion passed. (*see attached*)

**For: 5 – Galloway, Johnson, Kass, Nixon, Ralph**

**2. Motion.** A motion by Vice Chair Galloway to authorize CPOA Counsel, Tina Gooch to attend the upcoming status conference hearing. Roll call vote taken. Motion passed.

**For: 5 – Galloway, Johnson, Kass, Nixon, Ralph**

**3. Motion.** A motion by Vice Chair Galloway to authorize CPOA Counsel, Tina Gooch to respond that the CPOA Board has no position on the request from the DOJ related to letter page limits. Roll call vote taken. Motion passed.

**For: 5 – Galloway, Johnson, Kass, Nixon, Ralph**

**d. Update on of Serious Use of Force Cases and Officer Involved Shooting Case Materials – *Tina Gooch, CPOA Counsel and Edward Harness, CPOA Executive Director***

**1. Director Harness provided an update on the Serious Use of Force Cases and Officer Involved Shooting Case Materials.**

**e. Update on Board Vacancies – *Edward Harness, CPOA Executive Director***

1. Director Harness provided an update on Board Vacancies and mentioned the potential ninth member of the Board was presented to the CPOA Community Outreach Subcommittee at their May 19, 2021 meeting.

**f. Report on the Continued Use of Zoom for CPOAB Meetings – *Tina Gooch, CPOA Counsel***

1. CPOA Counsel, Tina Gooch updated the Board on the continued use of zoom for CPOA Board meetings after the Public Health Emergency Order is lifted.

**g. Removal of APOA from Agenda Department Reports and Follow-up Letter to APOA - *Eric Olivas***

1. **Motion.** Motion by Vice Chair Galloway that the CPOA Board agenda shall no longer include a reserved section for the APOA in the Department Reports section of the agenda. The APOA shall remain free to address the Board during the public comment section of the meeting and the APOA may request additional time to present to the Board at any time through the Board Chair. The Outreach committee of the CPOA Board shall draft a letter explaining this change and expressing the Board's willingness to work with the APOA and maintain an open channel of communication with the APOA. This letter shall be presented to the Board at its regular June meeting. Roll call vote taken. Motion passed. (see attached)

**For: 5 – Galloway, Johnson, Kass, Nixon, Ralph**

**h. Diversity and Inclusion Training Request Follow-up – *Chantal Galloway and Eric Olivas***

1. Vice Chair Galloway updated the Board on the information provided by the Director of Diversity and Inclusion Division on the training request submitted by the CPOA Board.

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- i. Strategy to Increase Timeline Compliance for CPOA Investigations - *Edward Harness, CPOA Executive Director***

  - 1. Director Harness provided strategies on how to increase timeline compliance for CPOA Investigations.
  
- j. CPOA Staffing and Time Management Study - *Edward Harness, CPOA Executive Director***

  - 1. Director Harness informed the Board that the CPOA will conduct a Staffing and Time Management Study post the health emergency and when the agency investigation staffed is fully trained.
  
- k. CPOA Investigation Checklist - *Edward Harness, CPOA Executive Director***

  - 1. Director Harness provided an update on the Board’s request for a CPOA Investigation Checklist indicated that the checklist constitutes an audit and is not permitted under the City Ordinance.
  
- l. Notification Protocol for Complainants for Board Meetings - *Edward Harness, CPOA Executive Director***

  - 1. Director Harness provided the CPOA’s process used to notify complainants when their cases will be presented to the Board.
  
- m. CPOA Standardized Findings Letter - *Edward Harness, CPOA Executive Director***

  - 1. Director Harness provided an update on the standardized findings letter and will forward a copy of the draft letter to the CPOA Board.
  
- n. Training for Board Members on CPOA Investigations – *Edward Harness, CPOA Executive Director***

  - 1. Director Harness noted that the training for Board members on CPOA Investigations will take place at a later time due to training of new investigation staff.

**o. Protocol on Responding to pob@cabq.gov Emails - *Edward Harness, CPOA Executive Director***

1. Director Harness and Vice Chair Galloway discussed the protocol on responding to the pob@cabq.gov emails.

**p. Board Member Responsibilities – *Eric Olivas***

**1. Training Deficits**

- i. Vice Chair Galloway reminded Board per Chair Olivas that members need to complete their trainings requirements per the City Ordinance and CASA and to inform Director Harness and Chair Olivas when trainings are complete.

**q. Appointment of Board Point of Contact (POC) - *Eric Olivas***

1. **Motion.** Motion by Vice Chair Galloway that the Board approve the appointment of Vice Chair Galloway as the CPOA Board's Point of Contact until a new Chair and Vice Chair are elected in year 2022.

**Roll call vote taken.** Motion passed.

**For: 5 – Galloway, Johnson, Kass, Nixon, Ralph**

**r. CPOA Board Subcommittee Assignments – *Eric Olivas***

1. **Motion.** Motion by Vice Chair Galloway to appoint Board Members the following subcommittees and approve until a new Chair and Vice Chair is elected in year 2022:

- i. Outreach: Members Galloway, Mitchell, Nixon and Ralf
  - ii. Policy and Procedure: Members Dr. Kass, Armijo-Prewitt, Olivas and Johnson
  - iii. Case Review: Members Nixon, Galloway, Dr. Kass and Johnson
  - iv. Personnel: Members Olivas, Mitchell, Armijo-Prewitt and Ralph
- Roll call vote taken. Motion passed. (see attached)

**For: 5 – Galloway, Johnson, Kass, Nixon, Ralph**

**s. Appointment of Board Serious Use of Force Case Manager –  
*Eric Olivas***

**1. Motion.** Motion by Vice Chair Galloway to appoint Member Dr. Kass as the Serious Use of Force Case Manager until a new Chair and Vice Chair are elected in year 2022. Roll call vote taken. Motion passed.

**For: 5 – Galloway, Johnson, Kass, Nixon, Ralph**

**t. Consideration of PPRB Policies with “No Recommendation”:  
*Dr. William Kass***

**1. Motion.** A motion by Member Dr. Kass to submit a “No Recommendation” recommendation for SOP 2-1, SOP 2-27, SOP 2-69, SOP 2-7, SOP 2-37, SOP 3-33, and SOP 3-50 to the APD Policy and Procedure Review Unit (formerly OPA). Roll call vote taken. Motion passed.

**For: 5 – Galloway, Johnson, Kass, Nixon, Ralph**

**u. Review and Approval of 1<sup>st</sup> Quarter Case Findings Audit Report –  
*Eric Nixon***

**1. Motion.** Motion by Vice Chair Galloway to approve the 1<sup>st</sup> Quarter Case Findings Audit Report. Roll call vote taken. Motion passed.  
(see attached)

**For: 5 – Galloway, Johnson, Kass, Nixon, Ralph**

**v. Use of Administratively Closed for Complaints due to the change in  
Officer Employment Status – *Chantal Galloway***

**1. Motion.** Motion by Vice Chair Galloway that the Policy and Procedures subcommittee look into this topic and for the full Board either way continue using administratively closed due to a change in officer employment status or not and instructing the CPOA to go ahead and minimally investigate that complaint. Roll call vote taken. Motion passed.

**For: 5 – Galloway, Johnson, Kass, Nixon, Ralph**

**w. Draft July – December 2020 Semi-Annual Report – *Edward Harness, CPOA Executive Director***

1. Director Harness advised the Board that the Draft July – December 2020 Semi-Annual Report is available for Board review on SharePoint and the item will be on placed on the agenda for Board for approval at the next regularly scheduled CPOA Board meeting.

**x. Updates to Executive Director’s Job Description – *Eric Olivas***

1. **Motion.** Motion by Vice Chair Galloway to table agenda item XII.x to the next regularly scheduled CPOA Board meeting. Roll call vote taken. Motion passed.

**For: 5 – Galloway, Johnson, Kass, Nixon, Ralph**

**XIII. 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)**

1. ***Miller v. City of Albuquerque et al., D-202-CV-2021-02444***

- i. **Motion.** A motion by Vice Chair Galloway to take a member by member vote to move into closed session for the limited purpose of discussing a litigation matter. Roll call vote taken. Motion passed.

**For: 5 – Galloway, Johnson, Kass, Nixon, Ralph**

**--- Meeting on Personnel matters began at 8:54 p.m. and the meeting reconvened at 8:58 p.m. ---**

- i. Motion.** A motion by Vice Chair Galloway to reconvene into open session and that no matters other than attorney-client privilege matters were discussed in closed session. Roll call vote taken. Motion passed.

**For: 5 – Galloway, Johnson, Kass, Nixon, Ralph**

**XIV. Other Business**

- a.** Dr. Kass spoke on SOP 2-98 Gunshot Detection Policy and advised that the Policy and Procedure Subcommittee's intent is to present a recommendation letter on SOP 2-98 for Board approval at the upcoming CPOA Board meeting.


**XV. Adjournment**

- a. Motion.** A motion by Vice Chair Galloway to adjourn the meeting. Roll call vote taken. Motion passed.

**For: 5 – Galloway, Johnson, Kass, Nixon, Ralph**

- b.** The meeting was adjourned at 9:03 p.m.

APPROVED:

  
Eric Olivas, Chair E2D49BE500374B3 June 10, 2021  
Civilian Police Oversight Agency Board Date

CC: Julian Moya, City Council Staff  
Ethan Watson, City Clerk  
Cynthia Borrego, City Council President (via email)

Minutes drafted and submitted by:  
Valerie Barela, Administrative Assistant



## ATTACHMENTS

The investigative staff members of the Civilian Police Oversight Agency have concerns that the Civilian Police Oversight Board members are overreaching in their authority over the employees of the Agency contrary to the Police Oversight Ordinance and the Merit Ordinance that governs city employee supervision. Pending meetings with the City of Albuquerque HR Department and the CPOAB's current exploration of options with legal counsel about individual citizen case review, it is suggested the following topics be delayed in any final action taken. It is the staff's opinion the following topics are in the purview of the Executive Director and his supervision over the Agency.

- i. Strategy to Increase Timeline Compliance for CPOA Investigations**
- k. CPOA Investigation Checklist**
- m. CPOA Standardized Findings Letter**
- v. Use of Administratively Closed for Complaints due to the change in Officer Employment Status**

# Court Approved Settlement Agreement (CASA)



Variation IMR 12-13

May 3, 2021

Professional Standards and Accountability Bureau  
Abuquerque Police Department



## **Independent Monitor Team (IMT)**

**Independent Monitor: James D. Ginger, Ph.D.**

**IMT Team Members:**

- Mr. Phil Coyne
- Mr. Dan Giaquinto
- Laura L. Kunard, Ph.D.
- Mr. Rick Necelis
- Mr. Albert Preik
- Mr. Stephen Rickman
- William M. Toms, Ed.D.
- Mr. David Torres

## CASA



- **Links:**

- <http://www.cabq.gov/police/documents-related-to-apds-settlement-agreement>
- <http://documents.cabq.gov/police/reports/department-of-justice/independent-monitors-thirteenth-report-may-2021.pdf>

# CASA



## CASA Sections:

- Use of Force
- Specialized Units
- Crisis Intervention
- Policies and Training
- Misconduct, Complaint Intake, Investigation and Adjudication
- Staffing, Management and Supervision
- Recruitment, Selection and Promotions
- Officer Assistance and Support
- Community Engagement and Oversight

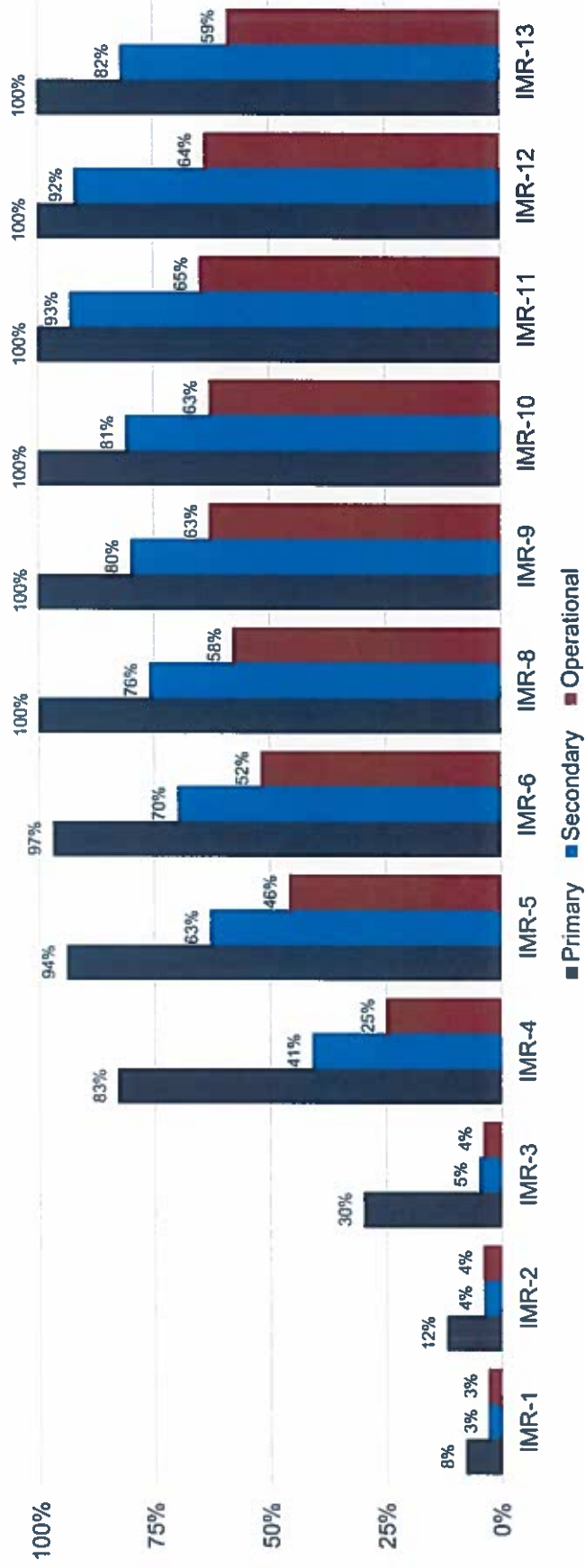
## CASA:

- 344 paragraphs total
- 276 paragraphs measurable for compliance
- 3 levels of compliance:
  - Primary
    - Policy and Procedures
  - Secondary
    - Training
  - Operational
    - Daily Operations



## The Number of Measurable Paragraphs:

In the Albuquerque Police Department and City of Albuquerque Court Approved Settlement Agreement (CASA) by Compliance Levels and by the Independent Monitor Reports (IMR) Over Time





## IMR-12 vs. IMR-13

IMR-12
Primary: 100% Secondary: 91% Operational: 64%

IMR-13
Primary: 100% Secondary: 82% Operational: 59%

Since the last report, IMR-12, the following changes in compliance levels are noted:

- Primary Compliance: No change at 100%
- Secondary Compliance: A loss of 9.9 percent
- Operational Compliance: A loss of 7.8 percent



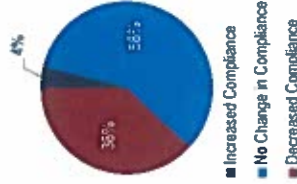


# Analysis

## Part 1

### Use of Force

Total number of paragraphs with increased compliance	3
Total number of paragraphs with no change in compliance	44
Total number of paragraphs with decreased compliance	29



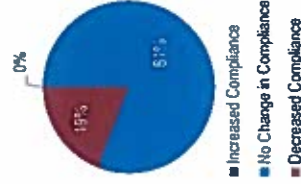
### Specialized Units

Total number of paragraphs with increased compliance	1
Total number of paragraphs with no change in compliance	19
Total number of paragraphs with decreased compliance	0



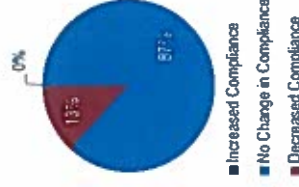
### Crisis Intervention

Total number of paragraphs with increased compliance	0
Total number of paragraphs with no change in compliance	22
Total number of paragraphs with decreased compliance	5



### Policies and Training

Total number of paragraphs with increased compliance	0
Total number of paragraphs with no change in compliance	20
Total number of paragraphs with decreased compliance	3



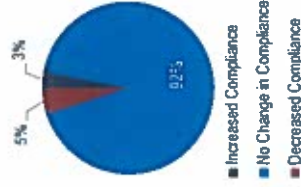


# Analysis

## Part 2

### Misconduct Complaint Intake, Investigation and Adjudication

Total number of paragraphs with increased compliance	1
Total number of paragraphs with no change in compliance	37
Total number of paragraphs with decreased compliance	2



### Staffing, Management and Supervision

Total number of paragraphs with increased compliance	0
Total number of paragraphs with no change in compliance	29
Total number of paragraphs with decreased compliance	1



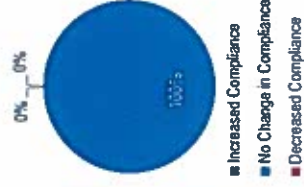
### Recruitment, Selection and Promotions

Total number of paragraphs with increased compliance	0
Total number of paragraphs with no change in compliance	14
Total number of paragraphs with decreased compliance	0



### Officer Assistance and Support

Total number of paragraphs with increased compliance	0
Total number of paragraphs with no change in compliance	7
Total number of paragraphs with decreased compliance	0



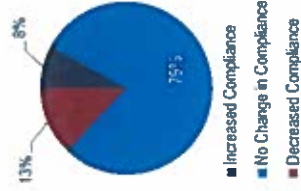


# Analysis

## Part 3

### Community Engagement and Oversight

Total number of paragraphs with increased compliance	3
Total number of paragraphs with no change in compliance	30
Total number of paragraphs with decreased compliance	5



### Implementation, Compliance Assessment and Enforcement

Total number of paragraphs with increased compliance	0
Total number of paragraphs with no change in compliance	0
Total number of paragraphs with decreased compliance	1



# Questions?

**Contact:** Professional Standards  
and Accountability Bureau

**Current email:**  
[apdcompliance@cabq.gov](mailto:apdcompliance@cabq.gov)



Professional Standards and Accountability Bureau  
Albuquerque Police Department

**POLICE OVERSIGHT BOARD**

INTERNAL AFFAIRS PROFESSIONAL STANDARDS DIVISION  
STATISTICAL DATA FOR THE MONTH OF April 2021

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**INTERNAL CASES FOR THE MONTH OF April 2021**

Total Internal Cases Completed in the month of April-11

**15 completed cases (sent out to the area command)**

1. IA Cases opened in the month of April 2021: 14
  2. Area Command IA cases opened for the month of April 2021: 18
  3. Pending IA Cases for the month of April 2021: 15
  4. Internal Cases Mediated: 0
- 

**DISCIPLINE IMPOSED FOR INTERNAL CLOSED CASES IN April 2021**

**I-737-20**

2-52-4A2 Use of Force Requirements

Sustained

Letter of Reprimand

**I-754-20**

2-80-2-Q-2dii Custody of Prisoners

Sustained

Letter of Reprimand

2-83-4C4 Hospital In-Custody Procedures

Administratively Closed

No Disciplinary Action

2-52-6A1 Use of Force Procedures

Sustained

Letter of Reprimand

2-60-4A5e Preliminary Investigations

Sustained

Letter of Reprimand

1-1-4D19 On-Duty Conduct

Sustained

Terminated

3-41-4D3 Internal Dept. Complaints- Reporting and Assignment

Sustained

Terminated

**I-755-20**

2-45-4A1a Initiating- Primary Pursuit Unit

Sustained

Letter of Reprimand

2-56-5C1 Officer's Obligations Following Level 1 Use of Force

Unfounded

No Disciplinary Action

2-57-3C1a Use of Force Review by Supervisors and the Chain of Command

Sustained

Suspension

2-57-3C1b Use of Force Review by Supervisors and the Chain of Command

Sustained

Suspension

2-57-3C1h Use of Force Review by Supervisors and the Chain of Command

Sustained

Suspension

2-57-3D3b Supervisor Documentation of UOF

Sustained

Suspension

**I-787-20**

1-1-4B6a Compliance with Laws, Rules and Regulations

Sustained

Letter of Reprimand

1-1-4B2 Compliance with Laws, Rules and Regulations

Sustained

Terminated

2-8-5D Mandatory Recording Incidents

Sustained

Terminated

3-13-3B3b Enforcing Laws, Ordinances, and Police Regulations

Sustained

Terminated

2-73-2E2 Submission of Evidence, Confiscated Property, and Found Items

Sustained

Terminated

1-1-4B6b Compliance with Laws, Rules and Regulations

Sustained

Suspension

**I-825-20**

1-1-4E3 On and Off Duty Conduct

Sustained

Letter of Reprimand

**I-864-20**

2-56-4A1 Use of Force Reporting Procedures

Not Sustained

No Disciplinary Action

**I-866-20**

1-1-4B6 Compliance with Laws, Rules and Regulations

Sustained

Suspension

**I-11-21**

2-57-3D4h Supervisor Documentation of UOF

Unfounded

No Disciplinary Action

2-52-5C Use of Force Prohibitions

Exonerated

No Disciplinary Action

2-8-5C3 Mandatory Recording

Unfounded

No Disciplinary Action

**I-38-21**

1-1-4B2 Compliance with Laws, Rules and Regulations

Unfounded

No Disciplinary Action

**I-42-21**

1-1-4D19 On-Duty Conduct

Unfounded

No Disciplinary Action

**I-46-21**

1-1-4D2 On-Duty Conduct

Sustained

Suspension

1-1-4D17 On-Duty Conduct

Sustained

Suspension

1-1-4D20 On-Duty Conduct

Sustained

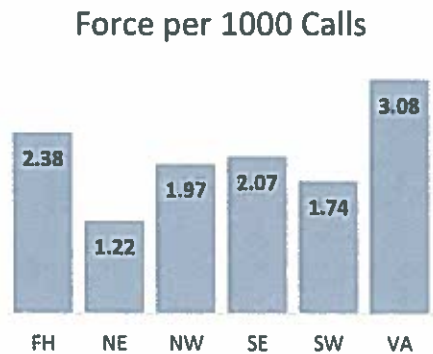
Suspension

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**Civilian Police Oversight Agency Board**  
**INTERNAL AFFAIRS FORCE DIVISION**  
**STATISTICAL DATA FOR THE MONTH OF APRIL 2021**

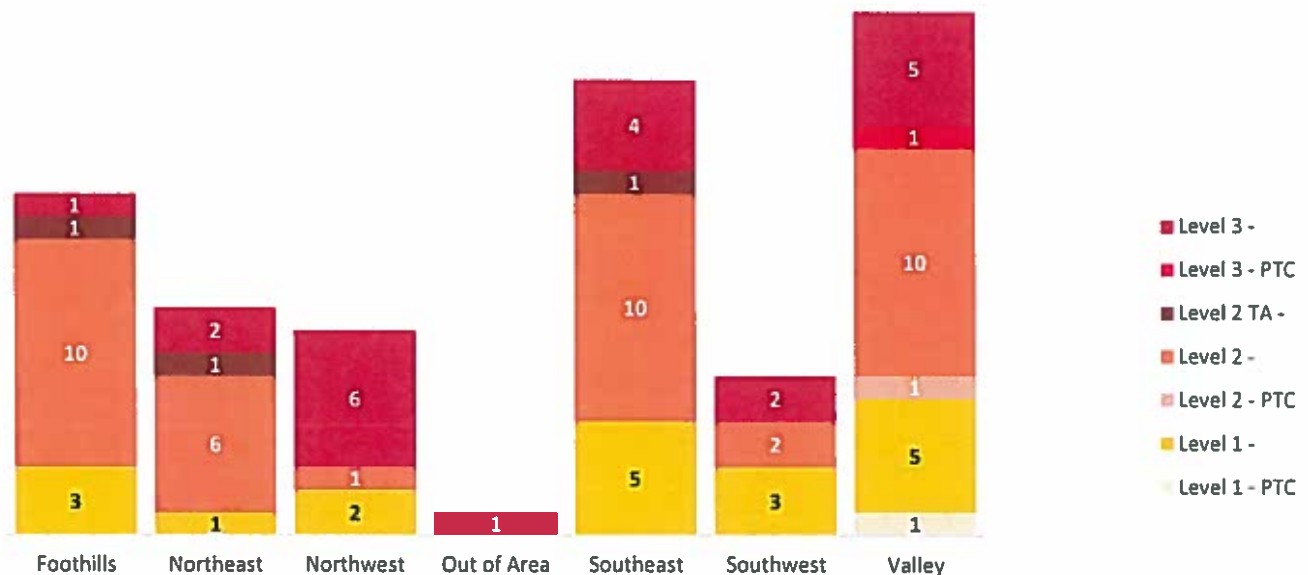
	Level 1	Level 2	Level 2 TA	Level 3	Total	Calls
Foothills	3	10	1	1	15	6308
Northeast	1	6	1	2	10	8191
Northwest	2	1		6	9	4572
Out of Area				1	1	
Southeast	5	10	1	4	20	9678
Southwest	3	2		2	7	4014
Valley	5	10		5	20	7467
Valley PTC	1	1		1	3	
<b>Total</b>	<b>20</b>	<b>40</b>	<b>3</b>	<b>22</b>	<b>85</b>	



Force cases are now categorized by three levels. If a case involves multiple applications of force, it is categorized as the most serious at the case level. These counts are not considered final as investigations are continuously updated.

- Level 1 is force that is likely to cause only transitory pain, disorientation, or discomfort during its application as a means of gaining compliance. This includes techniques which are not reasonably expected to cause injury, do not result in actual injury, and are not likely to result in a complaint of injury (i.e., pain compliance techniques and resisted handcuffing). Pointing a firearm, beanbag shotgun, or 40 millimeter launcher at a subject, or using an ECW to "paint" a subject with the laser sight, as a show of force are reportable as Level 1 force. Level 1 force does not include interaction meant to guide, assist, or control a subject who is offering minimal resistance.
- Level 2 is force that causes injury, could reasonably be expected to cause injury, or results in a complaint of injury. Level 2 force includes use of an ECW, including where an ECW is fired at a subject but misses; use of a beanbag shotgun or 40 millimeter launcher, including where it is fired at a subject but misses; OC Spray application; empty hand techniques (i.e., strikes, kicks, takedowns, distraction techniques, or leg sweeps); and strikes with impact weapons, except strikes to the head, neck, or throat, which would be considered a Level 3 use of force.
- Level 3 is force that results in, or could reasonably result in, serious physical injury, hospitalization, or death. Level 3 force includes all lethal force, critical firearms discharges; all head, neck, and throat strikes with an object; neck holds; canine bites; three or more uses of an ECW on an individual during a single interaction regardless of mode or duration or an ECW application for longer than 15 seconds, whether continuous or consecutive; four or more strikes with a baton; any strike, blow, kick, ECW application, or similar use of force against a handcuffed subject; and uses of force resulting in a loss of consciousness.

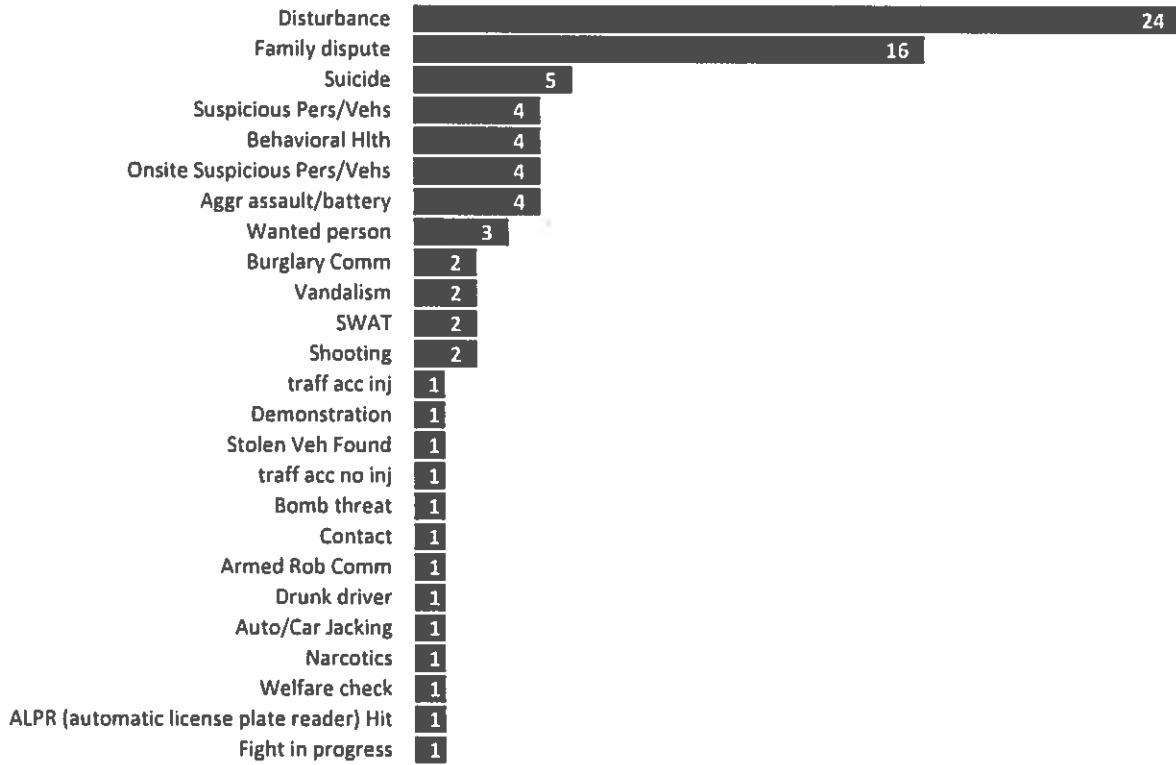
**April 2021 Force Events**



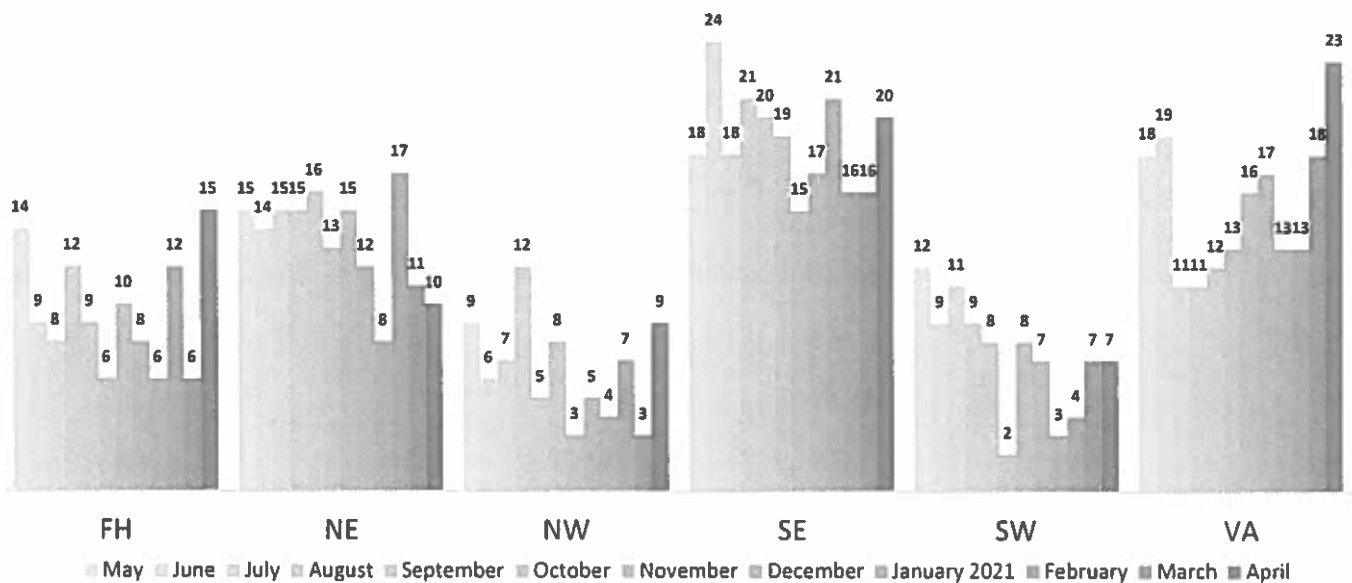
Civilian Police Oversight Agency Board  
 INTERNAL AFFAIRS FORCE DIVISION  
 STATISTICAL DATA FOR THE MONTH OF APRIL 2021

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Call Types Associated with April 2021 Force Events



Twelve Months of Force Data



## May 2021 Executive Director's Report

1. City Council approved the final budget on May 17, 2021. If approved by the Mayor's office the CPOA final number is \$1,698,000.00. That will allow for the hiring of a Policy Analyst and an additional Investigator
2. Beginning next week, I will receive the FRB materials via a Thumb drive, until the issues with Sharebase can be resolved.
3. City Council Public Safety Committee, recommended approval and forwarded APD's EFIT proposal for the full City Council for passage. The CPOA Board received that proposal via email on May 4, 2021. Here is the link:  
<https://cabq.legistar.com/LegislationDetail.aspx?ID=4930047&GUID=D3E2A1E5-CEDD-4DF4-ADFD-49CEFD8D78B>
4. The 12<sup>th</sup> Amici update meeting is May 27<sup>th</sup> at 3:30pm here is the link:  
<https://cabq.zoom.us/j/97539381573?pwd=ZzdVMGhTWGE3c3FSRVZVdjkvTmNSQT09>
5. The next Monitor site visit will be the week of June 21<sup>st</sup>
6. The CPC Office Assistant has started. Her name is Martessa Billy.
7. We are hiring two new Investigators from the latest posting. The hiring memos went to city HR on April 12.
8. The new board member training folder has been updated on SharePoint
9. You have received the latest training offers from both NACOLE and the Office of Equity and Inclusion
10. Reminder the next Status conference will be June 9, unsure if it will be in-person or via Zoom. Please advise if you plan to attend.

## **CPOA Board – Outreach Subcommittee Report**

The Outreach committee met via Zoom on April 27, 2021.

1. Director Harness provided an update on the following topics:
    - The new CPC Liaison Assistant accepted the position and was expected to start on 5/10/2021.
    - The May 5th SW CPC focused on the Officer Accountability Project with a discussion titled “The Other Side of Law & Order, Part 1: The Impacts of Officer Misconduct”.
      - o A recording of that meeting can be found at [https://cabq.zoom.us/rec/share/riVOGh\\_H8HVXc9tNPdng7lO54vDdqYY3a7VTDjk3\\_tNOZid\\_uMaoJR0hEqKJ5EC7U.7WnRmrKhPn0sMs3z](https://cabq.zoom.us/rec/share/riVOGh_H8HVXc9tNPdng7lO54vDdqYY3a7VTDjk3_tNOZid_uMaoJR0hEqKJ5EC7U.7WnRmrKhPn0sMs3z)
    - The SE CPC is in “turmoil”. A member who was voted off the CPC is appealing to the council of chairs.
    - The CPCs are developing a recommendations protocol to identify who will receive CPC recommendations.
    - Ed provided a template for an MOU to the CPCs. CPC members believe it is important to have a memo detailing authority between the Agency and the CPCs. Ed believes that, if they have concerns, it is their responsibility to identify those and draft the MOU.
    - The final budget request to the City was for \$1.6M and includes funding for the CPCs.
    - There are approximately 20 meetings per month attended by Kelly
      - o One interesting thing of note is that Ed believes that relationships between the CPCs and the agency have improved since Kelly took over for Amanda and Ed.
  2. Chair Olivas had asked the Outreach Committee to look into the development of a Board Review similar to that of the ED Review. Member Mitchell has been assigned that task.
  3. Because there has not been much progress made over the years, there is discussion about a task force to take over the Board appointee process and look at things like:
    - a. Board requirements
    - b. Demographics
    - c. Why candidates are excluded
- There was a bit of discussion surrounding Board vacancies and some of the assumptions for and communications with the City, DOJ, etc. as to why members leave. The Board has never conducted exit interviews so any assumption is just that. Member Nixon has been tasked with taking a first run at exit interview questions.
4. Director Harness spoke with Councilor Sena’s Policy Analyst in an attempt to schedule a meeting with CPOAB members. Their calendars are pretty committed through budget season so we are tabling these attempts until the budget process is completed.
  5. Smartsheet licenses are at purchasing for approval.
  6. Complaint and Mediation brochures have been reviewed and corrections provided to the Agency to update with the printing company when that time comes.
  7. Member Galloway will remain as Chair of the Outreach Subcommittee for the 2021-22 Board cycle.

The next meeting of the Outreach Subcommittee will be held via Zoom on May 25<sup>th</sup>, 2021 at 3:00 PM.

The Policy and Procedure Review Subcommittee met on May 6, 2021.

The meetings of APD's Policy and Procedure Unit were review by the policies presented. This list is shown at the end of this report.

An update of **SOP 3-52 Policy Development Process** was presented by Deputy Commander Sean Waite. This policy is still under review at City legal but appears to be ready to come to the P&P soon for an overdue review and update.

**Traffic Stops** -A proposal was discussed for presentation to the Board meeting in May to request data from APD to allow the CPOA to study reducing the number of low-level traffic stops. This proposal will be on the May 20 agenda.

**IMR Liaison Appointment** – This proposal was discussed and supported to be on the May 10 and May 20 Board agenda.

A list of 'no recommendation' SOPs that have advanced through the APD PPRB process and for which the PnP makes a 'no recommendation' has been prepared for Board consideration and approval. These SOPs are marked in the appropriate PPRB meetings shown below. If approved, this list of SOPs will be given to Ali Abbasi to transmit the 'no recommendation' comment to APD Policy and Procedure Unit.

The PnP discussed **SOP 2-98 Gunshot detection procedure** and withheld making a no recommendation comment to the Board.

Member Olivas concerns are expressed below:

Given the age of the program and the significant cost, why does this policy not contain any metrics to analyze the costs and benefits of the program? The policy includes no self-assessment or goals for what the policy/program are supposed to accomplish. The program clearly identifies may gunshots, but what it does with those shots and how this response is any different from before Shot spotter unclear. My chief concern with this policy as with many others is that the policy has no mechanism integrated to ensure it is effective. Since this is a new program of significant financial cost the lack of an analysis tool is particularly concerning.

These concerns are addressed in general in the whitepaper that Member Kass submitted to APD for consideration of the overdue review of SOP 3-52 (see above). That proposal would incorporate goals and self-assessment into the first presentation of a policy when created and into subsequent reviews. This has been languishing at APD / City Legal for about 9 months.

7 April 2021 P&P Unit

1. SOP 2-107 Use of Crime Scene Specialist (CSS) Unit <u>2-107 Use of Crime Scene Specialist Unit OPA Draft 04-07-21</u>	Presented by Lt. Matthew McElroy
2. SOP 3-15 Sworn Personnel Positions and Seniority <u>3-15 Sworn Personnel Positions and Seniority OPA Draft 04-07-21</u>	Presented by Sgt. Paul Haugh
3. SOP 3-16 Seniority (to be deleted) <u>3-16 Seniority OPA Draft 04-07-21</u>	Presented by Sgt. Paul Haugh
4. SOP 3-40 Civil Litigation Process <u>3-40 Civil Litigation Process OPA Draft 04-07-21</u>	v Presented by Commander Zakary Cottrell

28 April 2021 P&P Unit

SOP Number and Title	Presented By
1-84 (Currently 8-4) Records Division <u>1-84 (Currently 8-4) Records Division P&amp;P Draft 04-28-21</u>	Kathy Roybal-Nunez
1-90 (Currently 5-1) Special Investigations Division <u>1-90 (Currently 5-1) Investigative Services Division P&amp;P Draft 04-28-21</u>	Commander Norris
2-72 (Currently 2-91) Procedures for Serious Crimes Call-Outs <u>2-72 (Currently 2-91) Procedures for Serious Crimes Call-Outs P&amp;P Draft 04-28-21</u>	Lt. McElroy, A/ Lt. Apodaca
2-111 (Currently 1-86, 8-5, 8-6, 8-7, 8-8, 8-9, 8-10, 8-13) Records Division Units	Kathy Roybal-Nunez

5 May 2021 P&P Unit

SOP 1-14 Rapid Accountability Diversion Program	Presented by Commander Collins
SOP 1-17 Aviation Division	Presented by D/Commander Jeremy Bassett
SOP 1-31 Court Services Unit	Presented by Sgt. Andrew Wickline
SOP 1-75 Planning Division	Presented by Maria Garcia-Cunningham
SOP 2-75 Request for Legal Opinions for the City Attorney	Presented by Patricia Serna
SOP 3-23 Retirement Observance	v Presented by Sgt. Haugh

21 April 2021 PPRB

Number	Title	Presented By	CPOA Board Recommendation
1-36	<b>Officer Wellness Program Tabled</b> <u>1-36 Officer Wellness Program PPRB Draft 04-21-21</u>	Lt. Bret White	N/A
2-1	<b>Uniforms Advanced</b> <u>2-1 Uniforms PPRB Draft 04-21-21</u>	Det. Carlson	No Recommendation
2-27	<b>Rescue Task Force Advanced</b> <u>2-27 Rescue Task Force PPRB Draft 04-21-21</u>	Sgt. DeFrates	No Recommendation
2-69	<b>Informants Advanced</b> <u>2-69 Informants PPRB Draft 04-21-21</u>	Commander Norris	No Recommendation
2-98	<b>Gun Shot Detection Procedure Advanced</b> <u>2-98 Gunshot Detection PPRB Draft 04-21-21</u>	Sarah Masek	Further Discussion see text above

22 April 2021 PPRB

2-7	<b>Damage to Civilian Property Advanced</b> <u>2-7 Damage to Civilian Property PPRB Draft 04-22-21</u>	Lt. Jennifer Chacon	No Recommendation
2-37 (currently 4-16)	<b>Meal Breaks Advanced</b> <u>2-37 (Currently 4-16) Meal Breaks PPRB Draft 04-22-21 passed</u>	Commander Yara	No Recommendation
3-33	<b>Performance Evaluation and Management System (PEMS) Advanced</b> <u>3-33 Performance Evaluation and Mangement System PPRB Draft 04-22-21</u>	Lt. Bret White	No Recommendation
3-50	<b>Forms Control Advanced</b> <u>3-50 Forms Control PPRB Draft 04-22-21</u>	Angelina Medina	No Recommendation

## **Personnel Committee Report**

April Meeting Date: 4/26/21

The committee received a report from Director Harness on staffing and agency processes. The Director indicated that the hiring of new investigators is proceeding, but it appears that only ⅓ positions have qualified applicants at this time. A middle of May onboarding for these new staff is the best that can be expected at the current time. The CPOA portion of the Benchmark platform is expected to be at least 6-9 months delayed. In the meantime, IA pro use will continue. A CPC Admin has been hired and will begin work on 5/10/21. A reference and recommendation process/policy for the Executive Director was discussed. Based on the current Ethics Policy and other Policies of the Board further action on this matter was not pursued as members of the committee felt that adequate safeguards were in place to ensure the position of the Board was not misrepresented. The current Director was advised to refer to HR if reference was needed and/or requested. The Executive Director's Contract expiration was discussed. The contract will expire on 12/3/21. Melissa Kountz with city HR participated in a discussion of options for filling the Executive Director position. Due to ordinance changes the Board will need to work with HR to process a B3 form to update the position and either reclassify the current Director into the new position or post the position for applicants. A position will need to be created to match the current (or updated) job description along with ordinance updates. It was also suggested that the Board designate a point-of-contact to work with City HR to advance whatever option it chooses. The committee held a closed session where Personnel matters were discussed involving the Executive Director.

Next Meeting: June 1st @4PM



#### Background:

There was a recent article in USA Today which described the result of Fayetteville, NC limiting traffic stops to moving violations of immediate concern to public safety. '... speeding, stop sign/light violations, DWI and reckless driving'. Studies have shown that Black and Hispanic drivers are disproportionately targeted for traffic stops, and once stopped, they are more likely to have their cars searched during the stop.

Quoting further from the article -"The difficulty people are having is that a traffic stop is not really a traffic stop. It's an opportunity for the police to do an informal criminal investigation," he said. An analysis by (Frank) Baumgartner (Political Science Professor at UNC Chapel Hill) and his colleagues shows that out of 20 million traffic stops in the state, only 2% led to arrests.

While the total number of traffic stops went down significantly during the period of the study, the number of stops for speeding went up. The percentage of searches of Black drivers also went down.

Another example: In the City of Philadelphia between October 2018 and September 2019, 88% of all police-initiated motor vehicle stops were based on lighting equipment violations (more than 130,000 stops), stop sign violations, (approximately 50,000 stops), illegally tinted windows (nearly 45,000 stops), illegal turns or signal (approximately 25,000 stops), and issues related to registration and inspection (more than 20,000 stops). Moreover, approximately 90% of traffic stops in the city did not result in a police officer issuing a ticket.

#### Proposed motion for the CPOA:

The Civilian Police Oversight Agency Board hereby proposes that the Civilian Police Oversight Agency (CPOA) commence a study traffic stops conducted by APD. The purpose of this study shall be to determine if APD traffic stops have resulted in disproportionate targeting of minorities, unnecessary use-of-force and/or increased risk to citizen and officer safety. The CPOA shall report back to the Board with its findings and any associated recommendations for changes in APD policy and training.

**Background:**

The Board is asked to go to in person viewings of the IMR draft. Due to IPRA issues, it is my understanding that the Board cannot have access to this legally privileged material in virtual format. The Board is still encouraged to view the draft to identify any potential errors or issues that should be addressed with the monitor prior to publishing. This helps the Board to potentially avoid embarrassing errors or other misunderstandings that would be more difficult to handle after the public release.

It does not seem to be a good use of Board time to ask all members to individually view the document. This duplicates the effort and work.

**Proposal:**

Insert the following passage into the Board Policies and Procedures Article III, Sec 2., while delegating final editing to Board legal counsel:

(15) Appoint one Board member to act as an IMR Liaison. The IMR liaison is responsible for viewing the draft IMR, identifying any potential concerns, conferring with the Executive Director on concerns, and notifying the Board of these concerns prior to the public release of the IMR. All members remain able and are encouraged to review the draft IMR.

# CITY OF ALBUQUERQUE



## **Civilian Police Oversight Agency Board**

### **Civilian Police Oversight Agency Board**

*Eric Olivas, Chair*

*Chantal M. Galloway, Vice-Chair*

*Tara Armijo-Prewitt*

*Richard Johnson*

*Dr. William J. Kass*

*Doug Mitchell*

*Eric Nixon*

*Gionne Ralph*

**Edward Harness, Executive Director**

May 26, 2021

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 Board Issues for Consideration in Anticipation of June 9, 2021  
Public Hearing**

Dear Judge Browning:

PO Box 1293

Albuquerque

We are writing on behalf of the CPOA Board. Thank you for this opportunity to address some significant issues that continue to pose long-term concerns (i.e. the CPOA's adequate funding, unfilled CPOA Board positions), and challenges the CPOA Board is currently experiencing regarding accessing specialized training and APD's Serious Use of Force (SUOF) materials. All of these issues are being evaluated by the Monitor, and, with regard to the funding and Board composition issues, have been ongoing concerns for some time. Last, but certainly not least, the CPOA Board wants to highlight the successes of the CPOA's data analysis as well as the Citizen Policing Councils (CPCs) move within the CPOA.

NM 87103

### **CPOA BOARD STAFFING**

www.cabq.gov

The City's oversight ordinance states the CPOA Board shall have nine (9) volunteer members from a broad cross-section of the community (Albuquerque Ordinance 9-4-1-5(A)). For the better parts of 2018, 2019, 2020, and through March, 2021, the CPOA Board had been operating with only six (6) members. As noted in IMR-13 [Doc. 781] p. 328, this has now been a problem for more than three years. While two new CPOA Board members were recently appointed in the last month (outside of the IMR-13 reporting period), there is still one unfilled position.

It is the City Council's responsibility to appoint Board members (Albuquerque Ordinance, § 9-4-1-5(C)). City Council staff has represented that it has a robust pool of applications from which to appoint members to the CPOA Board. Yet, the CPOA Board has been, and continues to be, forced to operate at less than full capacity for over three years. This perpetual shortage of CPOA Board members is challenging for the existing volunteer CPOA Board members and indicates there are systemic problems with the appointment process that must be remedied. Indeed, the Monitor has recently indicated

“that a systems analysis study may be needed to identify problems, issues, need and solutions related to recruiting and retaining” CPOA Board members. (IMR-13 [Doc. 781], p. 329.) This is a busy Board tasked with many duties and responsibilities. It needs a full complement of the CPOA Board to operate as effectively and efficiently as possible.

### TIMELY ACCESS TO SUOF MATERIALS

The CPOA Board reviews all SUOF investigations. CASA, ¶ 280; *see also generally* Albuquerque Ordinance, § 9-4-1-4(C). Both the CASA and Albuquerque Ordinance specifically require that the CPOA Board be provided “access to all APD documents, reports, and other materials that are reasonably necessary for the agency to perform thorough, independent investigations of civilian complaints and reviews of serious uses of force and officer-involved shootings.” CASA, ¶ 280; *see also* Albuquerque Ordinance, § 9-4-1-4(C)(3) (“APD shall provide Board members, the Director, and CPOA staff with reasonable access to APD premises, files, documents, reports and other materials that are reasonably necessary for the agency to perform thorough, independent investigations of civilian complaints and reviews of serious uses of force and officer-involved shootings.”).

While CPOA Board review of FRB presentations and SUOF investigations was in its infancy during the IMR-13 review period, issues have already arisen regarding access to these materials. Technology issues with APD’s new document management system mean that CPOA Board is not provided timely or meaningful access to the FRB presentations. FRB presentations take significant time to load, and none of the embedded videos play. This issue is leading to a backlog with the CPOA Board that needs to be addressed as expeditiously as possible.

Similarly, the OBRD videos that are included with SUOF investigations are posing significant delays in the CPOA Board’s review. The APOA has demanded that the City redact these videos—which takes a tremendous amount of APD time and resources. The City, APOA, and CPOA Board are in the process of working towards acceptable solutions for this issue that is contributing to the CPOA Board’s backlog. If these discussions are not successful, this is an issue that will warrant increased focus moving forward.

### FUNDING

Paragraph 278 of the CASA [Doc 465-1], paragraph 278, provides, in pertinent part that, “the City shall provide the agency with a dedicated budget.” When City Council rewrote the police oversight ordinance in February 2014, it provided the CPOA’s budget would be 0.5% of APD’s budget. In April 2019, City Council approved significant amendments to the oversight ordinance. The amendment included a change to the funding of the CPOA. No longer is it a stated percentage of APD’s budget. Instead the budget will be “a dedicated and independent source of funding” (Albuquerque Ordinance 9-4-1-4(A)(2)). Among the many concerns this raises, one is this could be the first step towards defunding the CPOA as soon as the CASA is completed. It is also concerning that, despite the fact the CPOA is “accountable to, but independent from, the Mayor, the City Attorney’s Office, the City Council, and APD,” the CPOA is required to seek support and

approval from the City to ensure adequate funding. (CASA [Doc. 465-1], ¶ 272 (emphasis added).) As noted in IMR-13 [Doc. 781], p. 255), this is an issue the Independent Monitor has been, and continues to, carefully monitor.

### **CPOA BOARD SPECIALIZED TRAINING**

In line with the Monitor's acknowledgement that "[n]eeds-focused training is essential to the effectiveness of the CPOA Board," the CPOA Board is working with the City to obtain diversity and inclusion training that meets its specialized needs. It is also working with the City regarding updated use of force training that includes APD's trainings related these updated policies and procedures. (IMR-13 [Doc. 781], p. 331.)

### **ADMINISTRATIVE INVESTIGATIONS**

Paragraph 184 of the CASA [Doc 465-1], paragraph 184 provides in part, "the Civilian Police Oversight Agency shall investigate all misconduct complaints..." The CPOA states emphatically without a limitation on the types of complaints it must investigate, and a statute of limitations for complaints, the CPOA cannot attain meaningful oversight.

Paragraph 191 of the CASA [Doc 465-1], paragraph 191 provides in part that, "[a]ll administrative investigations conducted by the Internal Affairs Bureau of the Civilian Police Oversight Agency shall be completed in 90 days of the initiation of the complaint investigation." The CPOA views this limitation as an impediment to fair and thorough investigations.

### **CPOA SUCCESS WITH CPC INTEGRATION AND DATA ANALYSIS**

Importantly, the CPC's were integrated into the CPOA during IMR-13's review period. This assimilation and integration was not only seamless, but it was highly successful. The CPOA and CPCs should be commended for their hard work in this regard. Additionally, the CPOA's data analysis excelled during this review period. Through its in-house data analysis, the CPOA has produced high-quality work and continues to produce policy focused work. The CPOA and its data analyst should be commended for their hard work in this regard.

Sincerely,

DocuSigned by:

*Edward Harness*

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

DocuSigned by:

*Eric Olivas*

Eric Olivas, Chair  
Civilian Police Oversight Agency Board

## **2021 CIVILIAN POLICE OVERSIGHT AGENCY BOARD SUBCOMMITTEES**

**POLICY AND PROCEDURE (PNP):** Meetings are held on the 1<sup>st</sup> Thursday of every month.  
Board Members: W. Kass, Chair, T. Armijo-Prewitt, R. Johnson, E. Olivas

**CASE REVIEW COMMITTEE (CRC):** Meetings are held quarterly on the 4<sup>th</sup> Tuesday during the months of January, April, July and October. Board Members: E. Nixon, Chair, W. Kass, C. Galloway, R. Johnson

**OUTREACH:** Meetings are held on the 4<sup>th</sup> Tuesday of every month.  
Board Members: C. Galloway, Chair, D. Mitchell, E. Nixon, G. Ralph

**PERSONNEL:** Meetings are held on the last Monday of every month as needed.  
Board Members: E. Olivas, T. Armijo-Prewitt, D. Mitchell, G. Ralph

**Motion:**

The Board Agenda shall no longer include a reserved section for the APOA in the Department Reports section of the agenda. The APOA shall remain free to address the Board during the public comment section of the meeting and the APOA may request additional time to present to the Board at any time through the Board Chair. The Outreach committee of the CPOAB shall draft a letter explaining this change and expressing the Board's willingness to work with the APOA and maintain an open channel of communication with the APOA. This letter shall be presented to the Board at its regular June meeting.



Advancing Constitutional Policing &  
Accountability for APD and the  
Albuquerque Community

1<sup>st</sup> Quarter  
2021 Case  
Review Audit

Board for the Civilian Police Oversight Agency,  
Albuquerque, NM

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## **Introduction 170-20**

**Date Complaint Was Received: 4/10/2020**

**Date Complaint Was Assigned to an Investigator: Unknown**

**Date of Draft Findings Letter: 01/28/2021**

**Date Approved by Board: 3/11/2021**

**Date of Final Findings Letter: 3/12/2021**

### **Synopsis of Complaint:**

Mr. C complained that the APD Twitter account states things as facts and not accusations. He said his brother J. is a homeless paranoid schizophrenic who has had multiple arrests and run-ins with APD. He is certain APD knows who his brother is and his diagnosis. He complained that on August 12, 2019 an APD tweet states as fact, no accusations, the reasons for his brother's arrest. It appears the case was dismissed. APD should not be trying to convict citizens on the public sphere. That is not their job. He is sure that his brother is difficult to deal with due to his diagnosis; however, this does not make him guilty. He wants APD Twitter to remember they are not the judge, nor the jury, nor the executioner.

### **Original Findings:**

The CPOA Investigator reviewed the complaint and reached out to the APD Director of Communications regarding the Twitter account, and learned that they were unable to locate the tweet from August 12, 2019 about which you have complained. Additionally, I learned that the Director of Communications has attempted to reach you twice to obtain more information but you have not responded to those attempts.

Overview 170-20

Date of Case Selection for Audit: 1-26-2021

Date Audit Was Completed: 4-27-2021

<b>Components of Investigative File Reviewed</b>	<b>Y</b>	<b>N</b>	<b>Not Applicable</b>
Table of Contents			X
CPOA Director's Final Recommendation Form			X
APD Recommendation Form		X	X
Investigative Report		X	X
Conclusions and Recommended Investigator Findings w/SOP		X	X
Original Citizen Complaint	X		X
Computer Aided Dispatch			X
Police Report(s)			X
Lapel Video(s)			X
Citizen(s) Interview Recording--Complainant(s) and Witness(es)			X
APD Employee(s) Interview Recording			X
Finding Letter	X		
Communication to Citizen(s) and APD Employee(s) (Aside from Findings Letter)	X		
Other Materials-Not Typical (Photos, Medical Reports, OMI Property Sheets, etc.)			X
Other Materials – Inter/Intra Department Communication			X
911/Non-Emergency/Dispatch Recordings			X
Recordings and Materials from Other Sources-Not Typical			X
(Citizen Provided Materials, Surveillance Videos, Social Media Posts, etc.)			X

## **Other Materials Reviewed Not Included in the Agency File**

1. Audit Notes captured

### **Audit Participants**

1. Dr. William Kass
2. Chantal M. Galloway
3. Eric Nixon
4. Ed Harness
5. Diane McDermott

### **Attachments List 170-20**

CPC 170-20 C ; A - Draft letter.doc  
CPC 170-20 citizen complaint.pdf  
FW 108-Y20.msg  
CPC 170-20 C: ; A -.textClipping  
CPC 170-20 Complainant notice of Board Meeting.docx

**Discussion 170-20**

**Concerns Raised with Findings**

**None**

**Concerns Raised with Policy**

**None**

**Concerns Raised with Administrative Process or Product**

The length of time between the complainants file date for the case and the time the finding letter was sent was too long.

**Conclusion 170-20**

**Findings of the Audit Committee**

**None**

**Recommendations**

The Audit Committee unanimously agreed on the above findings and recommendations at the 4-27-2021 Case Review Subcommittee meeting.

DocuSigned by:  
*Eric Nixon*  
Eric Nixon 155400  
Acting Chair, Case Review Subcommittee

05/20/2021  
Date:



**Board Actions 170-20**

The Board hereby APPROVES/REJECTS the findings of the Audit Committee regarding CPC 025-21.

Vote For:

Vote Against:

The Board hereby APPROVES/REJECTS the findings of the Audit Committee regarding CPC 170-20.

Vote For:

Vote Against:

The Board hereby APPROVES/REJECTS the findings of the Audit Committee regarding CPC 169-20.

Vote For:

Vote Against:

The Board hereby APPROVES/REJECTS the findings of the Audit Committee regarding CPC 169-20.

Vote For:

Vote Against:

DocuSigned by:  
  
Eric Edina 50037483

Chair, Civilian Police Oversight Agency Board

05/20/2021

Date:

**ATTACHMENTS 170-20**

**CIVILIAN POLICE OVERSIGHT AGENCY**

**Civilian Police Oversight Agency Board**

*Dr. William J. Kass, Chair    Eric Olivas, Vice Chair    Tara Armijo-Prewitt*  
*Chantal M. Galloway    Doug Mitchell    Eric Nixon*  
Edward Harness, Executive Director

January 28, 2021  
Via Certified Mail

A    C  
1114 Jefferson St. NE  
Albuquerque, NM 87110

**Re: CPC #170-20**

Dear Ms. Romero:

Our office received the complaint you filed on April 10, 2020 about the Albuquerque Police Department (APD) Twitter account that allegedly took place on August 12, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

**I. THE COMPLAINT**

Mr. C        complained that the APD Twitter account states things as facts and not accusations. He said his brother J. is a homeless paranoid schizophrenic who has had multiple arrests and run-ins with APD. He is certain APD knows who his brother is and his diagnosis. He complained that on August 12, 2019 an APD tweet states as fact, no accusations, the reasons for his brother's arrest. It appears the case was dismissed. APD should not be trying to convict citizens on the public sphere. That is not their job. He is sure that his brother is difficult to deal with due to his diagnosis; however, this does not make him guilty. He wants APD Twitter to remember they are not the judge, nor the jury, nor the executioner.

**II. THE INVESTIGATION**

The CPOA Investigator reviewed your complaint and reached out to the APD Director of Communications regarding the Twitter account, and learned that they were unable to locate the tweet from August 12, 2019 about which you have complained. Additionally, I learned that the Director of Communications has attempted to reach you twice to obtain more information but you have not responded to those attempts.

**III. CONCLUSION**

Intake # 108-720-  
Intake Due Date:

**Bustos, Amanda**

**From:** webmaster@cabq.gov@mailgun.org on behalf of webmaster@cabq.gov  
**Sent:** Friday, April 10, 2020 10:53 AM  
**To:** Civilian Police Oversight Agency  
**Cc:**  
**Subject:** ABQ Police Complaint or Commendation Form Submission

**I Want to File A:**  
Complaint  
**Interested in Mediation?**  
No  
**First Name**  
Aaron  
**Last Name**  
Carlisle  
**Middle Name**  
H  
**Home Telephone**

**Cell or Work Telephone**  
**Best Time to Call**  
**Your E-Mail Address**

**Preferred Language**  
**Date of Birth**  
**Street Address**

**City**  
Albuquerque  
**State**  
New Mexico  
**ZIP Code**  
87110

**Gender**  
Male

**Race**  
**Ethnicity**  
**Sexual Orientation**

**Do You Have a Mental Illness?**  
**Do You Struggle with Homelessness?**  
**Were you homeless at the time of this incident?**

**Date & Time of the Incident**  
Aug 12, 2019 12:00 AM

**Address or Location of the Incident**

This complaint is about APD Twitter account stating things as facts instead of accusations. My brother, J C , is a homeless paranoid schizophrenic. He has had multiple arrests/run-ins with APD. I'm sure they know who he is and his diagnosis. He is 6' 7" and has frequented the same area of town for years. Tweet from APD of 8-12-19 states as fact, not accusations, the reasons for his arrest. It appears that the case was dismissed. APD

## Introduction 248-20

**Date Complaint Was Received: 10/8/2020**

**Date Complaint Was Assigned to an Investigator: 11/10/2020**

**Date of Draft Findings Letter: 2/11/2021**

**Date Approved by Board: 3/11/2021**

**Date of Final Findings Letter: 3/12/2021**

### **Synopsis of Complaint:**

Ms. K V i reported Officer P detained her and handcuffed her which caused her pain. Ms. V i reported several officers heard her yell that Officer P had hurt her. Ms. V reported that she later discovered that the officer she complained about was the same officer that arrested her son and husband. Ms. V reported that several officers left her alone and unattended with Officer P after she complained. Ms. V reported she had a large lump on her wrist from the handcuffs being placed too tight. Ms. V reported there were about a dozen cops and she was not given one card or one badge number, only first names.

### **Original Findings:**

A) The CPOA reviewed Procedural Order 2-68-4A.8.c, regarding Officer P's conduct, which states:

*Physical Detention of Witnesses: Officers may prevent witnesses or others from entering a crime scene that is secured or may remove witnesses from within a secure crime scene perimeter, as this does not constitute a detention in and of itself.*

The CPOA finds Officer P's conduct to be **EXONERATED** where the investigation determined that the alleged conduct did occur, but did not violate APD policies, procedures, or training.

B) The CPOA reviewed Standard Operating General Order 1-1-4D.14, regarding Officer P's conduct, which states:

*Personnel must not act officiously, abuse their lawful authority, or permit their personal feelings, animosities, or friendships to influence the official decisions.*

The CPOA finds Officer P's conduct to be **UNFOUNDED** where the investigation determined that the alleged misconduct did not occur.

C) The CPOA reviewed Procedural Order 2-52-4F1a, regarding Officer P's conduct, which states:

*Officers shall only use force to achieve a lawful objective. Officers are authorized to use force: a. To effect a lawful arrest or detention of a person*

The CPOA finds Officer P's conduct to be **UNFOUNDED** where the investigation determined that the alleged misconduct did not occur.

D) The CPOA reviewed General Order 3-13-3C.1, regarding Officer P's conduct, which states:

*Officers shall politely furnish their name and employee number to any person requesting such information while they are on duty or while they are acting in an official capacity.*

The CPOA finds Officer P's conduct to be **UNFOUNDED** where the investigation determined that the alleged misconduct did not occur.

E) The CPOA reviewed Standard Operating General Order 1-1-4D.15, regarding Officer P's conduct, which states:

*Personnel will treat the public with respect, courtesy and professionalism at all times.*

The CPOA finds Officer P's conduct to be **EXONERATED** where the investigation determined that the alleged conduct did occur, but did not violate APD policies, procedures, or training.

Overview 248-20

Date of Case Selection for Audit: 1-26-2021

Date Audit Was Completed: 4-27-2021

<b>Components of Investigative Files Reviewed</b>	<b>Y</b>	<b>N</b>	<b>Not Applicable</b>
Table of Contents		X	
CPOA Director's Final Recommendation Form		X	
APD Recommendation Form		X	
Investigative Report	X		
Conclusions and Recommended Investigator Findings w/SOP	X		
Original Citizen Complaint	X		
Computer Aided Dispatch	X		
Police Report(s)	X		
Lapel Video(s)	X		
Citizen(s) Interview Recording--Complainant(s) and Witness(es)	X		
APD Employee(s) Interview Recording (Garrity conditional on board vote)		X	
Finding Letter	X		
Communication to Citizen(s) and APD Employee(s) (Aside from Findings Letter)	X		
Other Materials-Not Typical (Photos, Medical Reports, OMI Property Sheets, etc.)		X	
Other Materials -- Inter/Intra Department Communication	X		
911/Non-Emergency/Dispatch Recordings			X
Recordings and Materials from Other Sources-Not Typical			X
(Citizen Provided Materials, Surveillance Videos, Social Media Posts, etc.)			X

**Other Materials Reviewed Not Included in the Agency File**

1.

**Members Participating in Audit**

- 6. Tara Armijo-Prewitt
- 7. Chantal M. Galloway
- 8. Eric Nixon
- 9. Ed Harness
- 10. Diane McDermott

**Attachments List 248-20**

- 248-20 Complaint - Copy.pdf
- 248-20 Conclusions and Recommended Investigator Findings(Officer F - Copy.doc
- 248-20 Draft Letter to Citizen - Copy.doc
- 248-20 Investigative Report - Copy.doc
- CAD - Copy.pdf
- Case 248-20 notes.docx
- Detective L S Supplemental Report - Copy.pdf
- FET K S Supplemental Report - Copy.pdf
- FET T R Supplemental Report - Copy.pdf
- Interview with Ms. V - Copy.MP3
- NM Courts (P ) - Copy.pdf
- NM Courts 2( - Copy.pdf
- NM Courts(V , - Copy.pdf
- Officer A G AXON\_A\_G video\_1\_200081238.mp4
- Officer A y G Axon\_Body\_3\_Video\_2020-10-07\_2300.mp4
- Officer A y G Axon\_Body\_3\_Video\_2020-10-07\_2324.mp4
- Officer A G Axon\_Body\_3\_Video\_2020-10-07\_2354.mp4
- Officer A y G Axon\_Body\_3\_Video\_2020-10-08\_0008.mp4
- Officer A G Axon\_Body\_3\_Video\_2020-10-08\_0008.mp4
- Officer A G Axon\_Body\_3\_Video\_2020-10-08\_0024 - Copy.mp4

**Discussion 248-20**

**Concerns Raised with Findings**

**None**

**Concerns Raised with Policy**

**None**

**Concerns Raised with Administrative Process or Product**

Did not review certain files as shown in the table above due to the files not being made available



**Conclusion 248-20**

**Findings of the Audit Committee**

**None**

**Recommendations**

The Audit Committee agreed on the above findings (vote tally) and recommendations at the {DATE} Case Review Subcommittee meeting.

DocuSigned by:  
*Eric Nixon*  
Eric Nixon 1955400  
Acting Chair, Case Review Subcommittee

05/20/2021  
Date:

**Board Actions 248-20**

The Board hereby APPROVES/REJECTS the findings of the Audit Committee regarding CPC ###-##.

Vote For:

Vote Against:

The Board hereby APPROVES/REJECTS the findings of the Audit Committee regarding CPC ###-##.


Vote For:

Vote Against:

The Board hereby APPROVES/REJECTS the findings of the Audit Committee regarding CPC ###-##.

Vote For:

Vote Against:

DocuSigned by:  
  
Eric Olivas 37483

Chair, Civilian Police Oversight Agency Board

05/20/2021  
Date:

ATTACHMENTS 248-20

Intake 416-y 20  
CPC # 248-20

From: [webmaster@cedpa.org](mailto:webmaster@cedpa.org)  
Sent: Thursday, October 8, 2020 1:03 PM  
To: Civilian Police Oversight Agency <[cpo@cedpa.org](mailto:cpo@cedpa.org)>  
Cc: Harnes, Edward <[eharnes@cedpa.org](mailto:eharnes@cedpa.org)>  
Subject: ABQ Police Complaint or Commendation Form Submission

I Want to File A:  
Complaint  
Interested in Mediation?  
I need more information,  
First Name  
Last Name  
Middle Name  
Home Telephone  
Cell or Home Phone  
Best Time to Call  
Your Email Address  
Preferred Language  
Date of Birth  
Street Address  
City  
State  
ZIP Code  
Gender  
Race  
Ethnicity  
Sexual Orientation  
Do You Have a Mental Illness?  
Do You Struggle with Homelessness?  
Were you homeless at the time of this incident?

Abbuquerque  
New Mexico  
87121  
Female  
English  
NO  
NO  
NO

**CONCLUSIONS AND RECOMMENDED FINDINGS OF THE  
CIVILIAN POLICE OVERSIGHT AGENCY INVESTIGATOR**  
Officer M P

1. Did Officer M P comply Albuquerque Police Department Procedural Order 2-68-4A.8.c, which states: *Physical Detention of Witnesses: Officers may prevent witnesses or others from entering a crime scene that is secured or may remove witnesses from within a secure crime scene perimeter, as this does not constitute a detention in and of itself.*

Ms. V reported Officer P : detained her and walked her to a police car.

Ms. V was not interviewed as she did not want to participate in an interview.

During the interview with Officer P he stated they had made announcements towards the residents to get the occupants out of the house. Officer P stated Ms. V exited the house first. Officer I z stated he was still talking to Mr. V down the way but he saw Ms. V exit and she was screaming and yelling at officers. Officer P . stated the officers had to remove her from the scene because the male inside (her son) had refused to exit as dispatch had called and tried to get him out of the house. Officer P stated they continued to set up the perimeter around the residence as Ms. V 's son was possibly armed and barricaded. Officer Perez stated they continued to make announcements towards the residence and Ms. V continued to go inside the house and had given the officers a hard time. Officer Perez stated a short while later, they were able to get Ms. V s son out of the residence and he was taken into custody. While been read his Miranda warning, Ms. V ; son refused to make a statement and also stated that he did not give them permission to go inside his residence to retrieve anything from inside.

Officer P stated due to the state that they had a crime commissioned with a firearm and the evidence being inside the residence, they set up the perimeter around the house to set up for a search warrant for the residence. Officer P stated they advised Mr. and Ms. V that they were not allowed to go inside the residence. Officer P stated Ms. V became extremely upset, began to yell about her dogs and Officer P informed her unfortunately she could not go in right now and they would try to accommodate. Officer P : stated Ms. V continued to yell, he tried to speak with her but she continued to escalate. Officer P stated Ms. V was trying to go inside the residence and interfere with their investigation. Officer P stated he warned Ms. V several times that if she continued to interfere with the investigation and go inside the residence which was a crime scene right now, she would be placed in handcuffs and put in back of a car until they were able to clear the scene. Ms. V continued to yell, scream and he hoped that giving her warnings would calm her down, however she was so elevated and upset. Officer P z stated finally he placed Ms. V into handcuffs and into the back seat of his car. Officer P stated he did that so that they did not have to worry about dealing with her while they set up a perimeter, start paperwork and get a hold of a Detective as they had a lot of stuff going on.

**CIVILIAN POLICE OVERSIGHT AGENCY**

**Civilian Police Oversight Agency Board**

*Dr. William J. Kass, Chair Eric Olivas, Vice-Chair*

*Tara Armijo-Prewitt*

*Chantal M. Galloway*

*Doug Mitchell*

*Eric Nixon*

*Edward Harness, Executive Director*

February 11, 2021

Via Certified Mail

**Re: CPC# 248-20**

Dear Ms. V

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint against Officers of the Albuquerque Police Department (APD) on November 10, 2020, regarding an incident that occurred on October 07, 2020. The CPOA thoroughly and impartially investigated the complaint.

Upon completion of the investigation, the CPOA determined, based on a preponderance of the evidence, whether or not the APD Officer(s) involved violated Standard Operating Procedures (SOPs). A preponderance of the evidence means that one side has demonstrated a greater weight of evidence (more than 50%) that is more credible and convincing than the other side. If the credible evidence is 50-50, the proper finding is Not Sustained.

Please be aware, the contract between the Albuquerque Police Officers' Association (APOA) and the City of Albuquerque requires that officers cooperate in the investigation; therefore, the officer's statements may not be made public. Below is a summary of the complaint, the CPOA's investigation, and findings.

**I. THE COMPLAINT AND INVESTIGATION**

Ms. K V reported Officer P detained her and handcuffed her which caused her pain. Ms. V reported several officers heard her yell that Officer P had hurt her. Ms. V reported that she later discovered that the officer she complained about was the same officer that arrested her son and husband. Ms. V reported that several officers left her alone and unattended with Officer P after she complained. Ms. V reported she had a large lump on her wrist from the handcuffs being placed too tight. Ms. V reported there were about a dozen cops and she was not given one card or one badge number, only first names.

## INVESTIGATIVE REPORT

### COMPLAINT SUMMATION-

On 10/08/2020, CPOA received a complaint from Ms. Kati Veltri, who reported Officer P detained her and handcuffed her which caused her pain. Ms. Veltri reported several officers heard her yell that Officer P had hurt her. Ms. Veltri reported that she later discovered that the officer she complained about was the same officer that arrested her son and husband. Ms. Veltri reported that several officers left her alone and unattended with Officer P after she complained. Ms. Veltri reported she had a large lump on her wrist from the handcuffs being placed too tight. Ms. Veltri reported there were about a dozen cops and she was not given one card or one badge number, only first names.

### ATTEMPTED INTERVIEW SUMMATION-KATI VELTRI

On 10/02/2020, Ms. Veltri called the CPOA Office and requested to withdraw the complaint. On 12/02/2020, CPOA Investigator emailed Ms. Veltri and informed her that although we were aware that she wanted to withdraw her complaint, due to the nature of the allegation we would like to speak with her. Ms. Veltri agreed to complete a phone interview later that day.

On 12/02/2020, CPOA Investigator called Ms. Veltri and she stated she spoke with her sons' lawyer and she could not cooperate with us as she did not feel she was safe to do this in Albuquerque New Mexico. Ms. Veltri stated she was still dropping it and to leave it alone. CPOA Investigator informed Ms. Veltri that if anything changed, she could give CPOA Investigator a call.

## **Introduction 025-21**

**Date Complaint Was Received:** 2/1/2021

**Date Complaint Was Assigned to an Investigator:** 2/2/2021

**Date of Draft Findings Letter:** 2/2/2021

**Date Approved by Board:**

**Date of Final Findings Letter:**

### **Synopsis of Complaint:**

Ms. W complained that an officer knocked on her door around 7:45 a.m., knocked a second time and announced he was police. When she answered the door, he said he was looking for E . She said she told him he had the wrong address. She alleged he asked her multiple times in different ways if E was there because he received a call and listed the apartment number. She told him again no one by that name lived there. She said this went back and forth a couple of times until the officer finally left. Ms. W wrote she was concerned for her safety given the time of day, the questioning the officer did as if she was lying because he continued to ask the same question, and the fact that she was a black female. She wanted accountability, training, or something so this never happened again.

### **Original Findings:**

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as there was no violation of standard operating procedures nor an identified policy that the alleged conduct would fall under.



## Overview 025-21

Date of Case Selection for Audit:

Date Audit Was Completed:

<b>Components of Investigative File Reviewed</b>	<b>Y</b>	<b>N</b>	<b>Not Applicable</b>
Table of Contents			X
CPOA Director's Final Recommendation Form			X
APD Recommendation Form			X
Investigative Report	X		
Conclusions and Recommended Investigator Findings w/SOP	X		
Original Citizen Complaint	X		
Computer Aided Dispatch	X		
Police Report(s)			X
Lapel Video(s)	X		
Citizen(s) Interview Recording--Complainant(s) and Witness(es)			X
APD Employee(s) Interview Recording			X
Finding Letter	X		
Communication to Citizen(s) and APD Employee(s) (Aside from Findings Letter)			X
Other Materials-Not Typical (Photos, Medical Reports, OMI Property Sheets, etc.)			X
Other Materials – Inter/Intra Department Communication			X
911/Non-Emergency/Dispatch Recordings			X
Recordings and Materials from Other Sources-Not Typical			X
(Citizen Provided Materials, Surveillance Videos, Social Media Posts, etc.)			X



## **Other Materials Reviewed Not Included in the Agency File**

I. Audit Notes captured

### **Audit Participants**

11. Dr. William Kass
12. Chantal M. Galloway
13. Eric Nixon
14. Ed Harness
15. Diane McDermott

### **Attachments List 025-21**

025-21 citizen complaint.pdf

025-21 draft letter of admin close to citizen.doc

025-21 Investigative Report.doc

cad.pdf

g: Axon\_Body\_3\_Video\_2021-01-31\_0742.mp4

g: Axon\_Body\_3\_Video\_2021-01-31\_0754.mp4

**Discussion 025-21**

**Concerns Raised with Findings None**

None

**Concerns Raised with Policy**

None

**Concerns Raised with Administrative Process or Product**

None

**Conclusion 025-21**

**Findings of the Audit Committee**

**None**

**Recommendations**

The Audit Committee unanimously agreed on the above findings and recommendations at the 1-26, 2020 Case Review Subcommittee meeting.

DocuSigned by:  
*Eric Nixon*  
Eric Nixon 855400  
Acting Chair, Case Review Subcommittee

05/20/2021  
Date:

**Board Actions 025-21**

The Board hereby APPROVES/REJECTS the findings of the Audit Committee regarding CPC 147-20.

Vote For:

Vote Against:

The Board hereby APPROVES/REJECTS the findings of the Audit Committee regarding CPC 155-20.

Vote For:

Vote Against:

The Board hereby APPROVES/REJECTS the findings of the Audit Committee regarding CPC 169-20.

Vote For:

Vote Against:

DocuSigned by:  
  
Eric Oliva 37483  
Chair, Civilian Police Oversight Agency Board

05/20/2021

Date:

## ATTACHMENTS 025-21

*Intake 31-421*

*CPC 25-21*

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**From:** webmaster=cabq.gov@mailgun.org on behalf of webmaster@cabq.gov  
**Sent:** Monday, February 1, 2021 3:11 PM  
**To:** Civilian Police Oversight Agency  
**Cc:** Harness, Edward  
**Subject:** ABQ Police Complaint or Commendation Form Submission

I Want to File A:

Complaint

Interested in Mediation?

No

First Name

E

Last Name

W

Middle Name

Home Telephone

Cell or Work Telephone

Best Time to Call

9 AM

Your E-Mail Address

Preferred Language

English

Date of Birth

No Input

Street Address

City

Albuquerque

State

NM

ZIP Code

87111

Gender

Female

Race

Black

Ethnicity

Non-Hispanic

Sexual Orientation

Do You Have a Mental Illness?

No

Do You Struggle with Homelessness?

No

Were you homeless at the time of this incident?

No

Date & Time of the Incident

**CIVILIAN POLICE OVERSIGHT AGENCY**

**Civilian Police Oversight Agency Board**

*Dr. William J. Kass, Chair      Eric Olivas, Vice-Chair*

*Tara Armijo-Prewitt*

*Chantal M. Galloway*

*Doug Mitchell*

*Eric Nixon*

*Edward Harness, Executive Director*

February 2, 2021

Via Certified Mail

Re: CPC # 025-21

Dear Ms. W :

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on February 2, 2021, regarding an incident that occurred on January 31, 2021.

**I. THE COMPLAINT**

Ms. W complained that an officer knocked on her door around 7:45 a.m., knocked a second time and announced he was police. When she answered the door, he said he was looking for F . She said she told him he had the wrong address. She alleged he asked her multiple times in different ways if F was there because he received a call and listed the apartment number. She told him again no one by that name lived there. She said this went back and forth a couple of times until the officer finally left. Ms. W wrote she was concerned for her safety given the time of day, the questioning the officer did as if she was lying because he continued to ask the same question, and the fact that she was a black female. She wanted accountability, training, or something so this never happened again.

**II. INVESTIGATION**

The CPOA Investigator reviewed the CAD and lapel video from the officer. The review of the CAD showed that a man named Elijah called police concerning another man walking around yelling. The call came in at 5:14 a.m. Dispatch attempted to contact the caller regarding the delay, but received no response. Officer G was dispatched at 7:30 a.m. and attempted contact. He notated on the CAD at 7:55a.m. that he contacted a woman who said the caller did not live there. He attempted three callbacks with the caller, but there was no response. The CAD did have apartment 2411. When he contacted Ms. W , he was at apartment 1124, making a mistake and inverting the numbers. After the officer's departure, the CAD had the comments Ms.

W called police twice about the situation because she was very upset and frightened that police came to the wrong apartment since she was a black female.

## INVESTIGATIVE REPORT

### WRITTEN SUMMATION—BRITTNEY WILLIAMS

Ms. W complained that an officer knocked on her door around 7:45 a.m., knocked a second time and announced he was police. When she answered the door, he said he was looking for E . She said she told him he had the wrong address. He asked her multiple times in different ways if E was there because he received a call and listed the apartment number. She told him again no one by that name lived there. She said this went back and forth a couple of times until the officer finally left.

Ms. W wrote she was concerned for her safety given the time of day, the questioning the officer did as if she was lying because he continued to ask the same question, and the fact that she was a black female. She wanted accountability, training, or something so this never happened again.

Ms. W is was not interviewed because the lapel video showed the entire interaction, which was a total of eighteen seconds after she answered the door. Her perception of the encounter did not match the actual situation.

### INVESTIGATIVE REPORT

#### WRITTEN SUMMATION—BRITTNEY WILLIAMS

Ms. W complained that an officer knocked on her door around 7:45 a.m., knocked a second time and announced he was police. When she answered the door, he said he was looking for E. She said she told him he had the wrong address. He asked her multiple times in different ways if E. was there because he received a call and listed the apartment number. She told him again no one by that name lived there. She said this went back and forth a couple of times until the officer finally left.

Ms. W wrote she was concerned for her safety given the time of day, the questioning the officer did as if she was lying because he continued to ask the same question, and the fact that she was a black female. She wanted accountability, training, or something so this never happened again.

Ms. W was not interviewed because the lapel video showed the entire interaction, which was a total of eighteen seconds after she answered the door. Her perception of the encounter did not match the actual situation.