Civilian Police Oversight Agency Board  
*Chantal M. Galloway, Chair  Jesse Crawford  Patricia J. French  
Dr. William J. Kass  Eric Nixon  
Diane McDermott, Interim Executive Director*

**Thursday, December 9, 2021 - 5:00 p.m.**

**Members Present:**  
Chantal M. Galloway, Chair  
Jesse Crawford (late)  
Patricia J. French  
Dr. William Kass  
Eric Nixon

**Members Absent:**  
Diane McDermott, CPOA  
Katrina Sigala, CPOA  
Valerie Barela, CPOA  
Tina Gooch, Atty  
Acting Cdr. Richard Evans, APD  
Acting Cdr. Jason Sanchez, APD  
Elizabeth Martinez, DOJ  
Jared Hager, DOJ  
Ian Stoker, Asst. City Atty.  
Carlos Pacheco, Sr. Managing City Atty  
Chris Sylvan, City Council  
Pastor David Walker, Mayor’s Office  
Kelly Mensah, CPC  
Marteesa Billy, CPC  
Roy Turpen, CPC  
Teresa Garcia, CPC  
Wanda Harrison, CPC  
Adreaon Williams, Perspective Board Appointee

**Others Present:**  
Princess Coleman  
Mike Kruchoski  
Renee Montoya  
Janice C.  
Steve Perea

Attendance: In response to the Public Health Emergency, the Civilian Police Oversight Agency (CPOA) Board meeting on Thursday, December 9, 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](https://www.cabq.gov/culturalservices/govtv), or on YouTube at: [https://www.cabq.gov/cpoa/events/cpoa-board-meeting-12-09-2021](https://www.cabq.gov/cpoa/events/cpoa-board-meeting-12-09-2021).  
(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 p.m., Monday, December 6, 2021 at 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, December 9, 2021. Submit your public comments to: POB@cabq.gov. These comments will be distributed to all CPOA Board members for review.

Minutes

I. Welcome and call to order. Chair Galloway called to order the regular meeting of the Civilian Police Oversight Agency Board at 5:01 p.m. Chair Galloway announced the resignations of Chair Eric Olivas, Member Armijo-Prewitt and Member Ralph and acknowledged them for their service and the time they dedicated to serve on the CPOA Board.

II. Mission Statement. Chair Galloway read aloud the Civilian Police Oversight Agency Board’s mission statement.

III. Approval of the Agenda
   a. Motion. Motion by Member Kass to approve the agenda as amended. Roll call vote taken. Motion passed.
   
   For: 4 - French, Galloway, Kass, Nixon

   b. Motion. A second motion by Member Kass to amend the agenda and that item XI.o. CPOA Board Subcommittee Assignments be heard as the first Discussion and Possible Action item XI.a. Roll call vote taken. Motion passed.
   
   For: 4 - French, Galloway, Kass, Nixon

   c. Motion. A third motion by Chair Galloway to remove discussion item Member Review Process – Member Ralph from XI.q. Roll call vote taken. Motion passed.
   
   For: 4 - French, Galloway, Kass, Nixon

IV. Public Comments
   a. Geraldine Amato (attached)

   b. Jim Larson (attached)
V. 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 November 4, 2021. Draft minutes from the Civilian Police Oversight Board November 4, 2021 regular 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 and that the minutes be modified to reflect that Member Armijo-Prewitt’s absence was excused and attended the Citizen Police Academy on the final. Roll call vote taken. Motion passed.

For: 4 - French, Galloway, Kass, Nixon

c. Motion. A motion by Chair Galloway to suspend CPOA Policies and Procedure rules for the purposes of modifying the December 9, 2021 Board agenda and omitting the standing items Reports from City Departments and Subcommittee Reports. Roll call vote taken. Motion passed.

For: 4 - French, Galloway, Kass, Nixon

VI. Requests for Reconsideration

a. 030-21


For: 2 – Galloway, Kass

Against: 2 – French, Nixon


For: 2 – French, Nixon

Against: 2 – Galloway, Kass
3. CPOA Legal Counsel Tina Gooch read aloud the criteria on requests for reconsideration set forth in the CPOA Policies and Procedures.

4. Motion. A third motion by Member Nixon to table CPC 030-21 to the next regularly scheduled CPOA Board meeting. Roll call vote taken. Motion passed.

For: 4 - French, Galloway, Kass, Nixon

b. 101-21


For: 4 - French, Galloway, Kass, Nixon

c. 122-21

1. Motion. A motion by Member Nixon to grant the request for reconsideration for CPC 122-21. Roll call vote taken. Motion failed.

For: 1 - Nixon

Against: 3 - French, Galloway, Kass


For: 4 - French, Galloway, Kass, Nixon

VII. Request to Re-open Administratively Closed Case

a. 115-21

1. Motion. A motion by Chair Galloway to deny the request to re-open Administratively Closed Case CPC 115-21 at this time and that the complainant be notified of the proper procedure to request re-opening of a case. Roll call vote taken. Motion passed.
For: 4 - French, Galloway, Kass, Nixon

VIII. Review of Cases:

a. **Administratively Closed**
   138-21  131-21  164-21
   1. Complainant for CPC 138-21 attended the meeting and provided a statement.

   ***Member Crawford joined the meeting at 5:56 p.m.***

   2. **Motion.** Motion by Member Nixon to accept the findings of Administratively Closed cases CPC 138-21, 131-21 and 164-21. Roll call vote taken. Motion passed.

For: 5 – Crawford, French, Galloway, Kass, Nixon

b. **Exonerated**
   153-21
   1. Complainant for CPC 153-21 attended the meeting and provided a statement.

   2. **Motion.** A motion by Member Kass to accept the findings of Exonerated case CPC 153-21. Roll call vote taken. Motion passed.

For: 5 – Crawford, French, Galloway, Kass, Nixon

c. **Sustained and Sustained Violation NBOOC**
   155-21
   1. **Motion.** A motion by Member Galloway to accept the findings of Sustained and Sustained Violation Not Based on Original Complaint case CPC 155-21. Roll call vote taken. Motion passed.

For: 5 – Crawford, French, Galloway, Kass, Nixon

d. **Sustained Violation NBOOC, Exonerated, Unfounded and Administratively Closed**
   148-21
   1. **Motion.** A motion by Member French to accept Sustained Violation Not Based on Original Complaint, Exonerated, Unfounded and

**For: 5 – Crawford, French, Galloway, Kass, Nixon**

d. **Sustained Violation NBOOC, Exonerated and Administratively Closed**

140-21

1. **Motion.** A motion by Member Nixon to accept the findings of Sustained Violation Not Based on Original Complaint, Exonerated and Administratively Closed case CPC 140-21. Roll call vote taken. Motion passed.

**For: 5 – Crawford, French, Galloway, Kass, Nixon**

fe. **Sustained, Not Sustained and Unfounded**

134-21 149-21

1. **Motion.** A motion by Member Nixon to accept the findings of Sustained, Not Sustained and Unfounded cases CPC 134-21 and 149-21. Roll call vote taken. Motion passed.

**For: 5 – Crawford, French, Galloway, Kass, Nixon**

g. **Unfounded**

145-21 146-21 154-21 158-21 215-21

1. Complainant for CPC 215-21 attended the meeting and provided a statement.

2. **Motion.** A motion by member Dr. Kass to accept the findings of Unfounded cases CPC 145-21, 146-21, 154-21, 158-21 and 215-21. Roll call vote taken. Motion passed.

**For: 5 – Crawford, French, Galloway, Kass, Nixon**

h. **Unfounded and Exonerated**

135-21 137-21 147-21

1. **Motion.** A motion by Chair Galloway to accept to findings of Unfounded and Exonerated Cases CPC 135-21, 137-21 and 147-21. Roll call vote taken. Motion passed.
IX. Non-Concurrence Cases
   a. CPC 067-21
   b. CPC 095-21
      1. Chair Galloway noted receipt of Non-Concurrences Cases CPC 067-21 and 095-21.

X. Serious Use of Force Cases/Officer Involved Shooting
   a. 20-0015405 HC
      1. Member Dr. Kass provided a summary of Serious Use of Force Case 20-0015405.
      2. Motion. A motion by Member Dr. Kass to accept the findings of the APD Force Review Board. Roll call vote taken. Motion passed.
         For: 5 – Crawford, French, Galloway, Kass, Nixon
   b. 20-0017623
      1. Member Dr. Kass provided a summary of Serious Use of Force Case 20-0017623.
      2. Motion. A motion by Member Dr. Kass to accept the findings of the APD Force Review Board. Roll call vote taken. Motion passed.
         For: 5 – Crawford, French, Galloway, Kass, Nixon
   c. 20-0037586
      1. Member Dr. Kass provided a summary of Serious Use of Force Case 20-0037586.
      2. Motion. A motion by Member Dr. Kass to accept the findings of the APD Force Review Board. Roll call vote taken. Motion passed.
         For: 5 – Crawford, French, Galloway, Kass, Nixon
   d. 20-0043667
      1. Member Dr. Kass provided a summary of Serious Use of Force Case 20-0043667.
      2. Motion. A motion by Member Dr. Kass to accept the findings of the APD Force Review Board. Roll call vote taken. Motion passed.
         For: 5 – Crawford, French, Galloway, Kass, Nixon
e. 20-0044826 OIS
   1. Member Dr. Kass provided a summary of Officer Involved Shooting Case 20-0044826.
   2. Motion. A motion by Member Dr. Kass to accept the findings of the APD Force Review Board. Roll call vote taken. Motion passed.

For: 5 – Crawford, French, Galloway, Kass, Nixon

f. 19-0077270 OIS
   1. Motion. A motion by Member Dr. Kass to table until more information becomes available. Roll call vote taken. Motion passed.

For: 5 – Crawford, French, Galloway, Kass, Nixon
   2. Chair Galloway will follow up with Member Dr. Kass before the next CPOA Board meeting on the status.

g. File Requests:
   1. 18-0058242 OIS Investigation File
   2. 21-0013737 OIS Investigation File
   ii. Motion. A motion by Member Dr. Kass to request the Officer Involved Shooting Investigation Files for 18-0058242 and 21-0013737 from IAFD. Roll call vote taken. Motion passed.

For: 5 – Crawford, French, Galloway, Kass, Nixon

h. Proposed Case(s) for January 2022 Review:
   1. 16-0003286
   2. 19-0051831
   3. 20-0007132
   4. 20-0009417
   5. 20-0031830
   6. 20-0042176
   7. 20-0055810

*** A Twenty-minute break began at 8:00 p.m. and the meeting reconvened at 8:21 p.m.***
XI. Discussion and Possible Action:

a. CPOA Board Subcommittee Assignments – Chantal Galloway
   1. Chair Galloway recommends to postpone all subcommittees scheduled for the remainder of December 2022.

b. Consideration of PPRB Policies with No Recommendation:
   Dr. William Kass
   1. Motion. A motion by Member Dr. Kass to accept the list of PPRB Policies with No Recommendation (see attached). Roll call vote taken. Motion passed.

For: 5 – Crawford, French, Galloway, Kass, Nixon

c. Traffic Stops Data Request – Dr. William Kass
   1. Motion. A motion by Member Dr. Kass in a letter to the Chief Harold Medina dated June 7, 2021, the CPOA Board requested data regarding traffic stops. To date, these data have not been provided. The CPOA Board authorizes the Policy and Procedures Review Subcommittee to pursue following up on the request. Roll call vote taken. Motion passed.

For: 5 – Crawford, French, Galloway, Kass, Nixon

d. Consideration of Proposed Changes to SOP 3-41 Complaints Involving Department Personnel – Patricia French
   1. Motion. A motion by Member Nixon to approve the letter as drafted (see attached). Roll call vote taken. Motion passed.

***Member French lost internet connection at 8:49 p.m. and reconnected at 8:50 p.m.***

For: 5 – Crawford, French, Galloway, Kass, Nixon
e. Consideration of Proposed MOU between the City of Albuquerque, CPOA/CPOAB and APOA on OIS/SUOF Materials – Tina Gooch, CPOA Counsel

1. Motion. A motion by Chair Galloway to approve the MOU as drafted and that the draft be sent to APOA. (see attached) Roll call vote taken. Motion passed.

For: 5 – Crawford, French, Galloway, Kass, Nixon


1. Member Nixon provided an update on the Non-Concurrence Letter to APD.

2. Diane McDermott Interim Director also provided an update on the response from IA and that they are working on correcting the Non-Concurrence cases and she will provide an update at the next regularly scheduled CPOA Board meeting.

g. IMR-14 and Letter to the Court – Eric Olivas and Tina Gooch, CPOA Counsel

1. Motion. A motion by Chair Galloway to accept the edited draft of the IMR-14 Letter to the Court and to delegate CPOA Legal Counsel and herself to submit the letter to the Court. (see attached) Roll call vote taken. Motion passed.

For: 5 – Crawford, French, Galloway, Kass, Nixon

2. The CPOA Board modified the Letter in real time to comply with the submission deadline.

h. CPOA Ordinance Changes and CRC Ordinance Recommendations – Patricia French

1. Member French provided an update on the status of the CPOA Ordinance Changes and that they are being reviewed by the Case Review Subcommittee.

2. Motion. A motion by Chair Galloway that a letter be drafted by Member French and CPOA Legal Counsel to send to the Public Safety Committee Chair and City Council asking for a deferment on
any action regarding the CPOA Ordinance for a period of 60 days.
Roll call vote taken. Motion passed.

For: 5 – Crawford, French, Galloway, Kass, Nixon

i. Consideration of Executive Director Resignation Acceptance Letter -
   Chair Galloway

1. Motion. A motion by Chair Galloway to issue the letter to the former
   Executive Director. (see attached) Roll call vote taken. Motion
   passed.

For: 4 – Crawford, French, Galloway, Kass
Against: 1 - Nixon

j. Consideration of Supplemental Questions for CPOA Executive
   Director Applicants

1. Motion. A motion by Member Dr. Kass to table Consideration of
   Supplemental Questions for CPOA Executive Director Applicants.
   Roll call vote taken. Motion passed.

For: 5 – Crawford, French, Galloway, Kass, Nixon

k. Consideration of Changes to Proposed Timeline and Process for
   CPOA Director Appointment

1. Motion. A motion by Member Dr. Kass to table Proposed Timeline
   and Process for CPOA Director Appointment. Roll call vote taken.
   Motion passed.

For: 5 – Crawford, French, Galloway, Kass, Nixon

l. Consideration of Communications to Stakeholder Groups on CPOA
   Executive Director Appointment

1. Motion. A motion by Member Dr. Kass to table Consideration of
   Communications to Stakeholder Groups on CPOA Executive Director
   Appointment. Roll call vote taken. Motion passed.

For: 5 – Crawford, French, Galloway, Kass, Nixon
m. Budget Process and Requests – *Diane McDermott, Interim Executive Director*

1. Diane McDermott Interim Director provided information/deadlines on the upcoming budget process. Ms. McDermott also asked the CPOA Board for support on the potential expansion of CPOA office space.

2. **Motion.** A motion by Dr. Kass that Chair Galloway draft a letter to City Council with a copy to CAO that the CPOA Board supports expansion of CPOA office space. Roll call vote taken. Motion passed.

   **For:** 5 – Crawford, French, Galloway, Kass, Nixon

n. Update on Board Requested Training – *Diane McDermott, Interim Executive Director*

- Robert Rules of Order Training
- City Legal Board Training
- CPOA Investigative Training

1. Diane McDermott Interim Director provided an update on the requested trainings and will provide the CPOA Board with an CPOA Investigation Training plan next month.

o. Changes to Initial Training

1. **Motion.** A motion by Chair Galloway to table Changes to Initial Training to the next regularly scheduled CPOA Board meeting. Roll call vote taken. Motion passed.

   **For:** 5 – Crawford, French, Galloway, Kass, Nixon


1. Diane McDermott Interim Director noted that the Draft January – June 2021 is uploaded for Board review and the item will be on the January 2022 Board agenda for approval.
q. Board Member Responsibilities – *Eric Olivas*

-New Member Training Requirements

-8 Hour Annual Training Requirement

-Annual Board Member Review Meetings

1. Chair Galloway provided an update on New Member trainings and noted that Member Crawford and French are up to date on their trainings where they are expected to be at this point.

2. Chair Galloway requested that Board members forward her and CPOA Legal Counsel any training documentation.

3. Diane McDermott Interim Director noted that the virtual NACOLE trainings viewing availability will end on December 31, 2021 and requested input from Board members on any changes to the initial trainings proposal that was provided to Board Members.

XII. Meeting with Counsel re: Pending Litigation or Personnel Issues:

Closed Discussion and Possible Action re: Pending Litigation or Personnel Issues

a. Limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2)

   1. None.

XIII. Other Business

a. Member French expressed concern related to different platforms utilized to access materials.

b. Member Nixon would like the Board to reconsider Member Ralphs resignation and he will reach out to her to discuss the circumstances surrounding her resignation.
XIV. **Adjournment.**

a. **Motion.** A motion by member Kass to adjourn the meeting. Roll call vote taken. Motion passed.

**For:** 5 – Crawford, French, Galloway, Kass, Nixon

b. The meeting was adjourned on Friday, December 10 at 12:10 a.m.
ATTACHMENTS
Cuyahoga County
Public Library

PUBLIC FAX COVER SHEET

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Date: Nov 6 2021 Time: Sat 10am

Send to: Valerie Basile and

Attention: Cleveland Office got “pased” a proposition file
Fax Number: 709-103-9654

From: M. Public Safety

Total Pages (including cover sheet): 2

NOTES / COMMENTS FOR RECIPIENT:
If this case is not clear and
to sidestep relay another. All the
I'm sure you can give it up
"online"

From Geraldine A
message alone
Proposed Charter Amendment
(By Ballot
City of Cleveland
A majority affirmative vote is required for passage.

Shall the Charter of the City of Cleveland be amended by enacting and replacing existing Sections 115-1, 115-2, 115-3 and 115-4, and enacting new Sections 115-5 and 119-1 of the Charter to reorganize the Office of Professional Standards as subordinate to the Civilian Police Review Board rather than the Executive head of the police force; to require that the Civilian Police Review Board receive funding in an amount equal to at least 1% of the budget of the police force; to expand the duties of the Civilian Police Review Board to include investigating complaints alleging any misconduct by Cleveland police officers or Division of Police employees; to require a full and complete investigation of all complaints against Division of Police employees and any additional allegations discovered in the investigation; to require the imposition of no less than the minimum discipline that the Civilian Police Review Board recommends against the police officer or employees unless the executive head of the police force imposes lesser discipline based on clear and convincing evidence that the Civilian Police Review Board erred and the Civilian Police Review Board does not overrule such lesser discipline; to prescribe termination as presumed discipline for certain conduct absent mitigating factors; to establish the Community Police Commission and provide for the appointment, composition and qualifications of its members and their minimum compensation; to provide a minimum funding obligation of $1 million for the budget of the Community Police Commission with annual increases plus an amount equal to 0.5% of the annual police budget for grants to community-based groups; to provide for the duties of the Community Police Commission, which include serving as the final authority over the sufficiency of discipline of Division of Police officers, serving as the final authority over Cleveland Division of Police policies and procedures, and the Division’s recruitment and examinations of police recruits and the Division’s training of police officers, compiling and maintaining employee records, conducting advocacy and outreach efforts, and hiring its own legal counsel when it deems necessary; to provide for an Executive Director and minimum staffing levels for the Community Police Commission; to provide for the duties of the Executive Director of the Community Police Commission, including contracting authority; and to provide that this amendment supersedes and controls over previously adopted Charter provisions, ordinances, and collective bargaining agreements?

To reorganize the Office of Professional Standards as subordinate to the Civilian Police Review Board.

 rules to boggle the rational mind into confusion, rebellion, and submission.
Cuyahoga County Public Library

PUBLIC FAX COVER SHEET

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Date: Sunday Nov 7 2021

Send to: All City Officials
Attention: City Council, County Commission, POA
Fax Number: (216) 621-5555
From: Mayor's Office

Total Pages (including cover sheet): 3

NOTES / COMMENTS FOR RECIPIENT:

Please be aware that the attached information is crucial to understanding the "JANUS" "our" Economy is on the BRINK of OVERCOMING RESISTANCE.
FACT SHEET: OFFSHORE CORPORATE LOOPHOLES

Key Facts

- Tax avoidance through offshore tax loopholes is a significant reason why corporations which paid one-third of federal revenues 60 years ago, now pay one-tenth of federal revenues.

- U.S. corporations dodge $90 billion a year in income taxes by shifting profits to subsidiaries — often no more than a post office box — in tax havens.

- U.S. corporations hold $2.1 trillion in profits offshore — much in tax havens — that have not been taxed in the U.S.

- General Electric, which uses a loophole for offshore financial profits, earned $27.5 billion in profits from 2008 to 2012 but claimed tax refunds of $3.1 billion.

- Apple made $74 billion from 2009-2012 on worldwide sales (excluding the Americas) and paid almost nothing in taxes.
ee-to-examine-offshore-profit-shifting-and-tax-avoidance-by-apple-.inc/-?section=alltypes) to any country.

- 26 profitable Fortune 500 firms paid no federal income taxes (http://ctj.org/ctjreports/2014/02/the_sorry_state_of_corporate_taxes.php#.U82Ly_IdWM) from 2008-2012. 111 large, profitable corporations paid zero federal income taxes in at least one of those five years.

**Talking points**

**Fake solutions.**

- Some may not know they're fake. You can be sure they're managed by those who know.

- We should end tax breaks for corporations that ship jobs and profits offshore. It's time to invest in America and create jobs here.

- When big corporations use tax havens to dodge paying their fair share of taxes, the rest of us have to pick up the tab. Families pay higher taxes, get fewer services or we all get a bigger deficit.

- Tax dodging by large corporations puts small businesses that play by the rules at a disadvantage. We need to level the playing field.

- Corporations say our 35% corporate income tax rate is the highest in the world, which makes them uncompetitive and kills jobs. But corporations aren't paying too much in taxes; many pay too little. The typical American family paid more income taxes in one year than General Electric and dozens of other companies paid in five years. Many large, profitable corporations pay a tax rate of less than 20%, and some pay absolutely nothing for years. If corporations pay less, you will have to pay more. Corporations need to pay their fair share too.

- A'int going to happen as long as this [2010] nation remains under a private banking.
Corporations say a repatriation tax holiday will enable them to bring profits home, invest and create jobs. When this was tried in 2004 it was an utter failure. Companies actually cut jobs, but they lined the pockets of big shareholders and corporate executives. A tax holiday gives tax breaks to corporations that have done the most to dodge paying their fair share of taxes.

A BOGUS MISLEADING PHRASE WHICH CONTROLING OPERATIVES PERMIT "DISENTERRERS" TO USE.

Overview

AINT GOIN TO CHANGE W/O A FIGHT

Many U.S. corporations use offshore tax havens and other accounting gimmicks to avoid paying as much as $90 billion a year (http://ctj.org/pdf/offshelfshell2014.pdf) in federal income taxes. A large loophole at the heart of U.S. tax law enables corporations to avoid paying taxes on foreign profits until they are brought home. Known as "deferral," it provides a huge incentive to keep profits offshore as long as possible. Many corporations choose never to bring the profits home and never pay U.S. taxes on them. Deferral gives corporations enormous incentives to use accounting tricks to make it appear that profits earned here were generated in a tax haven. Profits are funneled through subsidiaries, often shell companies with few employees and little real business activity. Effectively, firms launder U.S. profits to avoid paying U.S. taxes.

Loopholes used to shift U.S. profits to tax havens

U.S. firms can set up a subsidiary offshore, channel billions of dollars of profit through it and make the subsidiary "disappear" for U.S. tax purposes simply by "checking a box."
Corporations can sell the right to patents and licenses at a low price to an offshore subsidiary, which then "licenses" back to the U.S. parent at a steep price the right to sell its products in America. The goal of this "transfer pricing" is to make it appear that the company earns profits in tax havens but not in the U.S.

Wall Street banks, credit card companies and other corporations with large financial units can easily move U.S. profits offshore using a loophole known as the "active financing exception."

A U.S. corporation can do an "inversion"

How to solve the problem


on an IRS form.


http://ctj.org/ctjreports/2012/08/dont_renew_the_offshore_tax_loopholes.php#.U8LiZbEYdOg


The process takes place on paper — the company doesn't move its headquarters offshore and its ownership is mostly unchanged — but it continues to enjoy the privileges of operating here while paying low tax rates in the foreign country.
The simplest solution is to end “deferral,” as proposed by Sen. Bernie Sanders (http://www.sanders.senate.gov/newsroom/recent-business/end-offshore-tax-havens) and Rep. Jan Schakowsky (http://schakowsky.house.gov/press-releases/statement-on-the-introduction-of-the-corporate-tax-fairness-act/) Corporations would pay taxes on offshore income the year it is earned, rather than indefinitely avoid paying U.S. income taxes. This would also remove incentives to shift U.S. profits to tax havens, and it would raise $600 billion (http://ctj.org/ctjreports/2014/07/addressing_the_need_for_more_federal_revenue.php#U7x4VbFUEq0) over 10 years. Short of ending deferral, Congress should close the most egregious loopholes, such as “check the box,” “transfer pricing,” the “active financing exception” and corporate “inversions.” It should also end the loophole that lets firms deduct the cost of expenses from moving jobs and operations offshore if the profits earned from those activities remain offshore and untaxed by the U.S. — saving $60 billion (http://americansfortaxfairness.org/files/ATF-Biggest-Revenue-Raisers-in-Stop-Tax-Haven-Abuse-Act.pdf) over 10 years.

Sen. Carl Levin (D-MI) has introduced legislation, the Stop Tax Haven Abuse Act (S. 1533 (https://beta.congress.gov/bill/113th-congress/senate-bill/1533)), that will close some of these loopholes. It will raise $220 billion over 10 years. Corporations really want a “territorial” tax system. They are owned by the internationalists. The nation is under a private commercial jurisdiction. The federal flag does not stand for the “Republic.”
Corporations don't just want to "defer" paying U.S. taxes on foreign profits. They want a "territorial" tax system that eliminates all U.S. taxation of offshore profits. This would provide even more incentives for corporations to shift profits to offshore tax havens. A system in which U.S. corporations pay no U.S. income taxes on offshore profits would encourage U.S. firms to create 800,000 jobs overseas rather than in the U.S. A "forecast of what's to come?" Why not let companies "bring the money home?"

Because U.S. firms are officially holding $2.1 trillion in untaxed profits offshore, they are proposing a "repatriation tax holiday," which would allow them to bring that money home at a special low tax rate. Supporters say this would increase domestic investment, creating jobs.

A tax holiday was tried in 2004, when $300 billion was brought home at a 5.25% tax rate, but it was a big failure. It did not increase domestic investment or create jobs, and the money was used largely for stock buybacks, dividends and executive bonuses. Also, a tax holiday costs more than it raises — it will lose $100 billion
The Islands Treasured by Offshore Tax Avoiders,
BEAR IN MIND THAT ALL

For U.S. Companies, Money 'Offshore' Means Manhattan,
FEDERAL GOVERNMENT

Switching Names to Save on Taxes,
PRESIDENTS ARE NOW

G.E.'s Tax Strategies Let it Avoid Taxes Altogether,
TOTALLY OWNED BY THE

Cash Abroad Rises $206 Billion as Apple to IBM Avoid Tax,
INTERNATIONAL BANKSTERS!

Britain Becomes Haven for U.S. Companies Keen to Cut Tax Bills,
(http://www.reuters.com/article/2014/06/09/us-britain-usa-tax-insight-idUSKBN0E0BF20140609) Reuters  
WHETHER YOU LIKE IT OR NOT, THE TRUMP AND BIDEN ARE ON THE SAME TEAM AND WELL MANAGED.

Opinion

"A is for Avoidance," (http://www.nytimes.com/2013/05/26/opinion/sunday/a-is-for-avoidance.html?module=Search&ref=bias%3Aw&refq=0) The New York Times. JONATHAN SIMON'S THESIS IN "CODE RED" FURTHER DOCUMENTS THE TOTAL CONTROL OF THE.


VOTE COUNT (2011)

Resources


http://citizens.ctj.org/ctpcontent/c7jdocuments/brief/resultssheet/offshore_corporate_tax_havens.html
The Sorry State of Corporate Taxes,
(http://www.ctj.org/corporatetaxdodgers/sorrystateofcorptaxes.php)
Citizens for Tax Justice THE CONGRESS MAN SENATOR'S LINDBERG THE

Don't Renew the Offshore Tax Loopholes,
(http://ctj.org/ctjreports/2012/08/dont_renew_the_offshore_tax_loo
pholes.php#.U8LFpbGTF8H) Citizens for Tax Justice
GATHER THE AVIATOR

General Electric's Special Tax Loophole Lets Company Dodge
Billions in Taxes, (http://americansfortaxfairness.org/files/ATF-
General-Electrics-Special-Tax-Loophole-Lets-Company-Dodge-
Billions-In-Taxes-FINAL-4.docx) Americans for Tax Fairness
CHARLES LINDBERG REPORTEDLY AS I READ SPOKE OUT AND WAS
THE FISCAL AND ECONOMIC RISKS OF TERRITORIAL TAXATION,
(http://www.cbpp.org/cms/?fa=view&id=3895) Center on Budget
and Policy Priorities PUNISHED BY THE KIDNAPPING
OF HIS BABY GRANDSON.

Repatriation Tax Holiday Would Lose Revenue and Is a Proven
Policy Failure, (http://www.cbpp.org/cms/?fa=view&id=4154)
Center on Budget and Policy Priorities THE FAMILY
PAID THE RANDS ON THE

Corporate Tax Rates And Economic Growth Since 1947,
(http://www.epi.org/files/2013/ib364-corporate-tax-rates-and-
growth.pdf) Economic Policy Institute KIDNAPPERS
ABANDONED THE BABY WHO

Corporate Income Tax: Effective Tax Rates Can Differ Significantly
from the Statutory Rate' (http://www.gao.gov/products/GAO-13-
520) U.S. Government Accountability Office
DIED BEFORE HE COULD BE FOUND THAT SHUT UP CONGRESSMAN
LINDBERG, AND ANY OTHERS WHO MIGHT SPEAK OUT IN THE U.S.
Download this document in PDF format.

Drawn from Americans for Tax Fairness' 2014 Tax Fairness Briefing Booklet. (http://americansfortaxfairness.org/tax-fairness-briefing-booklet/reports/2014/08/12/tax-fairness-briefing-booklet/)

Who wasn't a very good friend?

If we don't hang together, we surely will hang separately.

Written separately

Scratched comments

By Geraldine Amato

Available for lectures to share what has been learned in the last 20 years of my life.

What we all of us should have been taught in the first 20 years of our lives and are not now being taught in any institution of learning.

https://americansfortaxfairness.org/tax-fairness-briefing-booklet/reports/2014/08/12/tax-fairness-briefing-booklet/
Cuyahoga County Public Library

PUBLIC FAX COVER SHEET

*Please note this is a public fax machine. The Cuyahoga County Public Library is not responsible for the content or the privacy of the information transmitted. This fax number does not receive faxes.

Date: Nov 16 2020  Time: 
Send to: Canton Police O M A T A
Attention: VALENE BANZ
Fax Number: 503 924 3775
From: N  ARALDINE AMAL
Total Pages (including cover sheet): 

NOTES / COMMENTS FOR RECIPIENT:

For Public Comment Please Next Meeting
"INTERPOL" = "INTERNATIONAL POLICE."

The U.S. Dept. of Justice at the helm with their convoluted decrees for the ultimate control of all local police powers. One consent of securing for the ultimate command of all local police powers. One cannot have a totalitarian command of police, and still live in this country. The substituted policemen would be backed by all men of age under 35, full of ideas and capable of replace the elected sheriffs and, if necessary, the law. With the passage of the constitution, came the death blow to what was to be the Republic's first federal government. All vestiges of a republic's system of justice were stripped of a republic's political authority. The constitution, for the first time, assigned the authority of the federal government to the Department of Justice. The First Federal Court was established, and the Department of Justice was assigned to the Department of Justice. The First Federal Court was established, and the Department of Justice was assigned to the Department of Justice. The First Federal Court was established, and the Department of Justice was assigned to the Department of Justice.
Submitted by Geraldine Amato 2021
Author's I came across in the 1990's
RE: Police Work USA

Retired Minneapolis Police Chief Tony Bouza
In his pocket puff, Crime: "The Police Mystique"
He came real close to the truth when he said
A backdrop of corporate and government morality that raisers troubling
Questions for the fate of the republic

Better to face this: Criminality is the

One retired FBI Special Agent in Charge of L.A. Office Ted Gunderson determined
Criminal activity as a "private investigator" he testified he never noticed as an FBI agent. Like in the McMartin Day Care L.A. case that was,
"Defrocked" Phoenix Police Department.

Officer Jack McLamb published with his personal "Operation Vampire 2000".
Interestingly, the A.I.T. courts reinstated McLamb's retirement was that P.P.D. canceled.

D.E.A. undercover cop Mike Levine's
Book "Deep Cover" which got low/no
(Minimal) coverage in the mainstream press, described how his work in trying
to "Nab" Kingpins in S.A. Drug cartels
Was undone (The risk of life and
Limb to folks supporting Levine) by DEA
"Suits" (Advisory) - Ralph Borysewski's first
The Constitution that never was cop
How the American people have been conned
By lawyers. Had no publishing house willing
to print it. Author paid to have it put out in book form. This was before availability of "Web" publish.
(Note by Amato) Better said "Bar Assoc Controlled Operatives"
Borysewski's final book, may have only been
published international "net" easy to edit.
Easier to disappear. No book burning required
"The American Bench and Bar: A History of Organized Crime"

ARMISTICE DAY AT THE 11TH HOUR 11TH DAY 11TH MONTH VETERANS DAY

SO WHAT? TELLING WHO HAS BEEN BEHIND THE PENTAGON'S WAR MACHINE AND WHO RUNS THE KKK THAT'S WHAT AND IT AIN'T INSIGNIFICANT. YOU "LA LA LAND"ERS!

THE SCOTTISH RITE COUERT BROTHERHOOD ALONG WITH THE LESS SHOWY YORK RITE - HAS TAKEN OVER THE HELM OF EVERY FORMALLY ORGANIZED ANYTHING IN THE U.S. A. WITHOUT THE MAJORITY OF FOLKS WITHIN THE CONTROLLED - FROM THE TOP ORGANIZATIONS "KNOWING" "IT" CLUBS, CHURCHES, SYNAGOGUES, MOSQUES, PARTIES, CAMPAIGNS, POLITICAL MOVEMENTS, ETC, ETC. WERE YOU EVER TOLD IN ANY SCHOOL THAT THE FIRST 3RD POLITICAL PARTY WAS THE ANTI-MASONIC PARTY OR THAT MANY ASSASSINATIONS OF PROMINANT FIGURES HAVE BEEN MASONIC RITUAL MURDERS?

Public Comment Nov 2021

AMATO
Public Comment

It can be reasonably concluded that these "war" engagements are human sacrifice rituals. Were these wars, armed fighting between declared enemies, there would be a contest with warriors doing "battle" with each other, determining who would prevail in making terms for truce and negotiation. The wanton slaughter of "civilians," not engaged in battle, is what? But blood sacrifice of humans! How to stop this treachery would require an armistice.

"The murderous perpetrators..."
"Public" comments for government office holders and "general" public please. Submitted for your consideration by
1530-644-1532 (Geraline Amato, house at 3016 Mockingbird) "Public" court "hearings" "Public" court proceedings in this nation are essentially secret. With the plethora of wireless and other communications "networks," "court" sessions are not "put out anywhere. Lately we are, however, deluged with particularly chosen by those who control the publicity machine. "Court trials." Why? You should be asking to stir up controversy that is useful to those reprobates at the helm. "Divide and conquer."

The constant refrain about "people of color" getting the shaft has absolutely nothing to do with advancing status in a corrupt society. But to keep division and conflict going. "My family in the early 1990s endured victimization by an organized criminal syndicate in the family "court" of the "second" judicial district of Bernalillo County Albuquerque New Mexico. Corrupt judges questioned my presence in the court proceedings because I had a "public access" TV program on "CableTV" and was "publicizing" my family's ordeal in court. At that time Albuquerque's "court" audio tapes to "prose" litigants of criminal players like G. A. L. M. "in 1995, 8. Bartolo so criminal players like G. A. L. M. Shenanigans one who was "up for N. J. A. P. players," Gary Johnson, governor not a top player was contacted by me, TV, and viewers not to appoint Fowlke for judge."
DEC 3 2021

Heraldine Amato

It is my true testimony that I will never initiate nor cooperate with any legal suit in any court of this nation against anyone for any cause nor "reason."

My contempt for the American Bar Association prevents me from any such consideration. I do know that individuals who graduate from "law" schools may have in mind the upholding of "law" with honor and integrity, but the A.B.A. prohibits that. In fact it rides its ranks of any "attorney" who persistently "rocks the boat" by all methods of treachery, the "First Judiciart Act" passed by the first Federal Congress, signed by the first S.D.R.L. prez. Geo. Washington set up the British Aristocracy in the "courts." The Republic does not exist. Heraldine Amato
THE REPUBLIC DOES NOT EXIST.


("HEARING" ABOUT 10% OF THE "APPEALS" SENT TO THEIR DESK.) COURT PROCEEDINGS KEPT SECRET EXCEPT BY THE WILL OF THE "OVERLORDS" WOULD NOT. "BAR" CONTROLLED ATTORNEYS WOULD NOT. THE "PRESIDENT" OF THE "UNITED STATES" WOULD NOT.

(AND ON AND ON THERE.)

WOULD EXIST FREE AGENT GOVERNORS, FREE AGENT LAWYERS, GENUINE FREE AGENT JURIES IN LAWFULLY PERFORMING COURTS, AT EVERY "LEVEL", "HEARING" ALL APPEALS, LAWFULLY ELECTED SHERIFFS WITH LAWFULLY PERFORMING FREE AGENT DEPUTIES, A LAWFUL POSSE COMITATIS EXECUTING JUSTICE WITH HONOR AND FAITH.
From: Jim Larson  
Sent: Wednesday, December 8, 2021 2:00 AM  
To: POB  
Subject: Public Comment regarding CPC#115-21 Request to Reopen the Complaint

The Agenda for the CPOA Board meeting on December 9, 2021 provides the following instructions for making general public comment and comment on the meeting’s specific agenda items in written form via email through 4:00 pm on Thursday, December 9, 2021. Submit your public comments to: POB@cabq.gov. These comments will be distributed to all CPOA Board members for review.

I am submitting these comments early in hopes they will be distributed to the Board with sufficient time for them to receive them prior to considering their position on the reopen request for CPC #115-21 that is on the agenda. I am also requesting that the comments be included as part of the published minutes. This comment was written to comply with the 5 minute presentation were I to have verbally presented it.

Chairman Olivas and Honorable Board Members,

Thank you for the opportunity to submit this public comment summarizing my concerns supporting the request to reopen CPC #115-21.

The Board response to my original request to reopen this complaint referred instead to a request for reconsideration for a hearing. I submitted a second email restating the request to re-open the complaint, not for a hearing. Both emails contain detailed support for the reopening and further investigation.

Administratively Closing the Complaint

- The Monitor’s admonition in IMR-14 captures the essence of the CASA, requirements reflected in the city ordinance and Board policy and procedures for administratively closing a case when he said, “once again stressed that the administrative closing practice should only be utilized where the preliminary investigation shows, by clear and convincing evidence, that the allegations of misconduct did not occur and shows no indication of misconduct not related to the original complaint that would require further investigation.”

- The city ordinance, and Board’s policies also consistently cite similarly established requirements for administrative closure from the CASA that require in addition to determining if personnel the alleged misconduct, administrative investigations shall assess and document [...] whether the incident suggests the need for a change in policy, procedure, or training.”

- A single incident was an 80-word paragraph selected and used by the CPOA to summarize the entire complaint from among other issues and incidents in the complaint. And in that incident the officer no longer worked for APD, and that fact was used to justify administratively closing the entire complaint. The CPOA report also states “Mr. Larson provided several other dates in reference to APD Officers having interaction with Ms. Cruz and James” and closed with “In reference to the other concerns, they were reviewed, and additional information is located in the investigative file.”
This closure does not fall within clearly defined circumstances of when its use is allowed. Its use also circumvents the additional requirements to evaluate a need for a change in policy, procedure, or training.

The Board's use of admin closure in this case misapplied policies in the evaluation of the complaint. The Board's failure to ensure conduct of further investigation consistent with clearly defined requirements in admin closure complaints was arbitrary, capricious, and constituted an abuse of discretion. I am not requesting a reconsideration for a hearing.

The CPOA Investigative Letter

The City Ordinance requires that "In addition to the findings and recommendation, each investigation report shall at a minimum also include: a section outlining any relevant background and facts relating to the matter, a listing of any relevant policies, procedures, or practices that are at issue, and an analysis of the issues in the case.

The CASA and Board Policy and Procedures adds to the ordinance the additional investigative requirement to assess and document whether the action(s) under review were in compliance with training and legal standards, and whether the incident suggests the need for a change in policy, procedure, or training.

The CPOA report also states "Mr. Larson provided several other dates in reference to APD Officers having interaction with Ms. Cruz and James" and closed with "In reference to the other concerns, they were reviewed, and additional information is located in the investigative file."

The Board can gain access to the full investigative file when it deems it necessary. I found no request for access to review the CPOA investigative file in the past Board minutes. I assume the investigative file was not reviewed.

This complaint along with three others were a single agenda item, Administratively Closed Cases. Without any discussion, the Board approved the administrative closure of all four, in 52 seconds. 52 seconds to consider the APD responses to numerous calls involving abuse and neglect ultimately resulting in the beating death of a 4-year-old boy.

It is my view the Board decision to approve the CPOA report in this case did not have the meaningful information needed to make a reasoned judgment for approval.

The IMR-14 monitoring team expressed that "the Board can offer valuable insight and community perspective to policy, training, and data and trend analysis that would be a very positive development in enhancing civilian oversight of police matters. We (the monitoring team) urge the Board to find the time to increase its efforts in this regard."

I urge the Board to re-open this complaint and request the CPOA provide a new report, consistent with CASA, city ordinance, and Board policies, including new information from the RTCC CADS I provided as well as addressing the reference to the other concerns, that were reviewed but not reported.

I also urge the Board to review the investigative file before considering any further report from the CPOA regarding this complaint.
What you allow, you condone.

Thank you.
Jim Larson
<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Disposition</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-5</td>
<td>Harassment/Sexual Harassment in the Workplace</td>
<td>Advanced</td>
<td>No Rec</td>
</tr>
<tr>
<td>1-67</td>
<td>MATF</td>
<td>Advanced</td>
<td>No Rec</td>
</tr>
<tr>
<td>1-82</td>
<td>(Currently 4-8) Property Crimes Reporting Technician</td>
<td>Archived, duties transferred</td>
<td>No rec</td>
</tr>
<tr>
<td>1-85</td>
<td>(Currently 6-2) Recruiting Unit</td>
<td>Advanced</td>
<td>No Rec</td>
</tr>
<tr>
<td>1-93</td>
<td>Telephone Reporting Unit</td>
<td>Advanced</td>
<td>No Rec</td>
</tr>
<tr>
<td>2-87</td>
<td>Graffiti</td>
<td>Archived, not used</td>
<td>No Rec</td>
</tr>
<tr>
<td>2-90</td>
<td>(Currently 6-2) Background Investigations</td>
<td>Advanced</td>
<td>No Rec</td>
</tr>
</tbody>
</table>
December 9, 2021

Harold Medina, Chief of Police
Albuquerque Police Department
400 Roma NW
Albuquerque, NM 87102

Recommendation: SOP 3-41 Complaints Involving Department Personnel

Dear Chief Medina:

The Civilian Police Oversight Agency Board (CPOAB) is recommending several changes to SOP 3-41 which will allow the Civilian Police Oversight Agency (CPOA) to refer minor civilian police complaints (class sanction 6 or 7), at the discretion of the Executive Director, to the respective Area Command for investigation. This would only include first and second offense violations of class 6 and 7 that involves minimum, presumptive and maximum discipline to not include suspension. Minor policy violations involve conduct, that if sustained, would result in discipline or corrective action less severe than a suspension based on the Chart of Sanctions identified in SOP 3-46 Discipline System.

The CPOA receives significant number of complaints that ever, if investigated, will lead to minor discipline (verbal or written reprimand). The current CPOA investigative team is short staffed that does not allow a timely investigation for all complaints received. This practice will allow the CPOA to focus on more severe allegations and will help alleviate the concerns regarding investigative timelines. The timeliness for completing complaint investigations has been criticized by the Independent Monitoring Team in the recent monitoring reports. Also, this will benefit APD since the monitor criticized several investigations conducted by the area command as ‘deficient’ in the most recent report. The final review of the civilian complaint investigations by area command will be done by the CPOA, which in turn will allow for another set of eyes to review the final work product of the area command investigation. The CPOA Board hereby recommend changes in SOP 3-41 that will allow the CPOA to have the same criteria for assignment of civilian complaints as done by the Internal Affairs Professional Standards. Recommended language and placement of the language in SOP 3-41 will include the following:

In section 3-41-5 (Civilian Police Complaints), to add C. “Assignment of Civilian Police Complaints (CPC)” to include;
1. All civilian complaints shall be investigated by a CPOA Investigator, an IA Investigator, a designated supervisor, or an external contract investigator approved by the City of Albuquerque purchasing guidelines.

2. The CPOA has the discretion to refer complaints involving minor policy violations to a commander/division head for investigation and recommended findings.

   a- A complaint requiring the interviews of multiple witnesses and Department personnel from various assignments or extensive documentation retrieval shall be investigated by the CPOA.

   b- If the subject employee’s record demonstrates that a sustained violation could result in suspension, the CPOA shall investigate the complaint.

   c- Rules regarding supervisory investigations of minor policy violations include:

      i. A supervisor shall not investigate the complaint if the supervisor:
         1- was involved in the incident, including use of force incidents;
         2- was involved in the actions that are the subject of the complaint;
         3- authorized the actions that are the subject of the complaint; or
         4- is a witness to the incident that is the subject of the complaint.

      ii. If a supervisor has been assigned an investigation and falls under one of these rules, the supervisor shall notify the CPOA in order to have the investigation reassigned.

   d- Review and final approval of the investigative findings and recommendations of the appropriate discipline shall be completed by the CPOA Director and approved by the CPOAB.

Thank you for your consideration. We look forward to your response to our recommendations above, in compliance with your obligations under §9-4-1-4(C) (5) (c) of the Civilian Police Oversight Agency Ordinance.

Sincerely,
The Civilian Police Oversight Agency Board by

[Signature]
Chantal M. Galloway, Chair

cc: Civilian Police Oversight Agency
MEMORANDUM OF UNDERSTANDING BETWEEN ALBUQUERQUE POLICE OFFICERS ASSOCIATION AND THE CITY OF ALBUQUERQUE REGARDING CIVILIAN POLICE OVERSIGHT BOARD ACCESS TO OFFICER IDENTIFYING INFORMATION

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is entered into by and between the City of Albuquerque ("City"), the Albuquerque Police Officers’ Association ("APOA"), the Civilian Police Oversight Agency ("CPOA"), and the Civilian Police Oversight Agency Board ("Board") (collectively referred to as the "Parties").

WHEREAS, the City and APOA have entered into a Collective Bargaining Agreement ("CBA");

WHEREAS, pursuant to the Police Oversight Ordinance, Revised Ordinances of Albuquerque, New Mexico, 1994, §§ 9-4-1-1 to 9-4-1-14 ("Ordinance"), the CPOA was established "as an independent agency of city government, not part of either the city administration or City Council [which] consists of the Civilian Police Oversight Agency Board (the ‘Board’) and an Administrative Office led by the CPOA Executive Director";

WHEREAS, the CBA allows the City and APOA to enter into written MOUs to change or amend policies that would be in conflict with the CBA (CBA, Section 32.3);

WHEREAS, the Parties desire to enter into an agreement that: protects officer identifying information from disclosure to the public; enables the City, CPOA, and Board to comply with the Ordinance; enables the City, CPOA and Board to comply with the requirements of the Court-Approved Settlement Agreement ("CASA") entered in United States v. City of Albuquerque, 14-cv-1025 (Doc. 465-1); and does not jeopardize any criminal investigation due to public disclosure of information obtained by administrative investigators but precluded from use in criminal proceedings pursuant to Garrity v. New Jersey, 385 U.S. 493 (1967);

WHEREAS, a compelled statement is a statement provided by an officer to an officer’s employer if the statement is compelled under threat of dismissal from employment or any other employment sanction (State v. Chavarria, 2001-NMCA-095); compelled statements cannot be used in subsequent criminal prosecutions (Garrity v. New Jersey, 385 U.S. 493 (1967)); and the CBA states that information from a compelled statement shall not be made public by the City (CBA, Section 20.1.10);

WHEREAS, the CBA further states that any information released to the Board shall not contain information that identifies sworn department personnel (CBA, Section 20.1.10);

WHEREAS, pursuant to Ordinance, the “Board shall . . . review and approve or amend the findings and conclusions of all investigations completed by the Administrative Office” (Ordinance, § 9-4-1-4);

WHEREAS, pursuant to the Ordinance, the Albuquerque Police Department ("APD") "shall provide Board members, the Director, and CPOA staff reasonable access to APD premises, files,
documents, reports and other materials that are reasonably necessary for the agency to perform thorough, independent...reviews of serious uses of force and officer-involved shootings" (Ordinance, § 9-4-1-4(C)(3)(b));

WHEREAS, the CASA requires the CPOA to conduct thorough and independent reviews of APD’s serious uses of force and officer-involved shootings, and further requires all of the findings made by the Executive Director in conjunction with such reviews to be forwarded to, and reviewed by, the Board (CASA, ¶¶279 –282);

WHEREAS, the CASA requires that the "City shall provide the agency, its investigative staff, and the Executive Director access to...the identities of officers involved in incidents under review" (CASA, ¶ 282(b));

WHEREAS, so that the Board may conduct its reviews, the CASA requires the City to "provide reasonable access to APD premises, files, documents, reports, and other materials for inspection by those appointed to the agency, its investigative staff, and the Executive Director upon reasonable notice" (CASA, ¶ 283);

WHEREAS, the CASA further requires the following: "The City, APD, and the agency shall develop protocols to ensure the confidentiality of internal investigative files and to ensure that materials protected from disclosure remain within the custody and control of APD at all times" (CASA, ¶ 284);

WHEREAS, the attempts by APD to redact officers’ faces, name tags, and oral references to officers’ names from on-body recording device recordings has been excessively burdensome and time consuming; and

WHEREAS, the City and the APOA have agreed to supplement the CBA currently in effect, and the Parties have agreed to enter into this inter-departmental agreement to further the goals of compliance with the CBA, Ordinance, and CASA, and to ensure protection of officer identities while also ensuring the prompt required sharing of records and materials between APD and the CPOA and Board;

NOW, THEREFORE, the parties agree to the following:

I. TERM OF MOU.

The Parties agree that, so long as all Parties sign this MOU, the “effective date” is the date that the last party executes this MOU and shall remain in full force until February 1, 2023, but may be extended or incorporated into a successor CBA.

II. RELEASE OF INFORMATION BY THE CITY TO THE CPOA AND BOARD.

A. Prior to the Force Review Board ("FRB"), APD will provide to the CPOA Executive Director all documents provided to the FRB, including investigative recordings that contain compelled statements. The Executive Director shall not submit any documents
or evidence containing compelled statements to the Board; instead, the Board shall comply with the provisions of § 9-4-1-4(C)(3)(d) to review these recordings.

B. After the FRB completes its review of any serious use of force or officer-involved shooting, APD shall provide the following information to the CPOA Executive Director, who shall release such information to the Board:

1. All written documents and evidence provided to the FRB, excluding administrative interview(s) of the officer(s) under investigation.
   a. All documents will be redacted by APD in accordance with Garrity and the Ordinance, § 9-4-1-4(C)(3)(b) and (d), prior to being provided to the Executive Director for production to the Board; and
2. On-Body Recording Device ("OBRD") recordings, security recordings, other audio-visual recordings, and audio recordings that do not contain compelled statements.
   a. Officer names, nametags, and faces will not be redacted from these videos unless the officers are working under cover.

III. CONFIDENTIALITY OF INFORMATION.

A. The Parties agree that Section 20.1.10 of the CBA, which states that information from a compelled statement shall not be made public by the City, applies to the CPOA and Board, as agencies of the City.

B. The Parties agree each of them shall maintain the confidentiality of the identities of all officers as required by the CBA, Ordinance, and CASA, to the extent allowed by law. Accordingly, the CPOA and Board shall not:

1. Release any records containing officer identities;
   i. Any access to information provided to the CPOA and Board as set forth in this MOU must be obtained through a public records request. If the CPOA or Board receives a request, they will forward said request to the City Clerk’s Office.
   ii. Nothing in this paragraph shall inhibit the City Clerk’s office from complying with the provisions of the Inspection of Public Records Act, N.M.S.A. 1978, §§ 14-2-1 to 14-2-12;
2. Intentionally identify any officer during a public meeting;
3. Play, display, quote from, cite from, or otherwise discuss any recording, document or evidence in a public meeting if doing so would show any officer’s face or disclose any officer’s identity; or
4. Download, record, copy, or retain access to OBRD videos used to conduct reviews of serious uses of force or officer-involved shootings.

IV. NO FURTHER AGREEMENT.

This MOU incorporates all the agreements, covenants, and understandings between the Parties hereto concerning the matters addressed in this agreement, and all such agreements, covenants and understandings have been merged into this MOU. This MOU expresses the entire MOU and understanding between the parties on the matters described above. No prior agreement or understanding, verbal or otherwise, of the Parties or their agents shall be valid or enforceable unless embodied in this MOU.
V. SEVERABILITY.

In case any one or more of the provisions contained in this MOU or any application thereof shall be invalid, illegal, or unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions contained herein and any other application thereof shall not in any way be affected or impaired thereby.

VI. Review, Revision, or Termination of MOU

This MOU shall remain in effect unless and until it is terminated by the Parties. Any request to modify or revise this agreement must be submitted in writing and any modification or revision must be agreed to in writing by the Parties’ representatives. Any Party may terminate this agreement by written notification submitted to all participating Parties.

WITNESS WHEREOF, the Parties have executed this agreement which becomes effective as of the date of approval of the final signatory.

________________________________________  DATE
Esteban A. Aguilar, Jr.
City Attorney

________________________________________  DATE
John J. D’Amato
Counsel for APOA

________________________________________  DATE
Fred Mowrer
Counsel for APOA

________________________________________  DATE
Dianne McDermott
Acting Director, CPCAG

________________________________________  DATE
Eric Olivas
President, CPOA Board Chair
December 9, 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 December 16, 2021
Public Hearing

Dear Judge Browning:

We are writing on behalf of the Civilian Police Oversight Agency (CPOA) Board. Thank you for this opportunity to address some significant issues that continue to pose long-term concerns (i.e. unfilled CPOA Board positions and deteriorating Board morale), 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 Board composition issues, have been ongoing concerns for years.

CPOA BOARD MORALE

The CPOA Board’s morale is at a recent low. Particularly concerning are the statements and efforts of the City. The City has made inaccurate public statements, including statements by both the City Attorney and City Councilors, to the effect that the CPOA Board holds the lives and livelihoods of officers in their hands. These claims are ill-informed and undermine an already weak oversight process. Further, the CPOA Board has no power to affect officer discipline or APD policy beyond advisory recommendations.

The CPOA Board’s perception is that the CASA parties’ actions have undermined its independence by offering criticism of the Board, its members, and its operations. For example, despite providing evidence to the contrary, the City Attorney produced and presented a report on CPOA Board member training to the City Council that was inconsistent with records provided by the CPOA Board. In IMR-14, the Monitor has questioned the authenticity of CPOA Board Members’ verification of having completed required training when approximate dates were provided. Given that in some cases it had been over 2 years since Board members completed the initial training and the records maintained by CPOA of these trainings were incomplete, this seems to be a form over substance position.
The CPOA Board recognizes and embraces its role in the reform process. It acknowledges its shortcomings and has implemented meaningful solutions to address real issues with its performance and compliance. The CPOA Board recognizes that it must be in a position to function as the monitor when the CASA is complete and it is committed to achieving this goal. It implores those involved in the process to work with it to ensure that the CPOA Board can assume this role when the time comes.

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.”).

The CPOA Board is pleased to report that the technology issues that originally arose with CPOA Board review of FRB presentations and SUOF investigations have largely been remedied. Still, the APOA has demanded that the City redact the OBRD videos—which takes a tremendous amount of APD time and resources. As they were during IMR-13, the City, APOA, and CPOA Board are still in the process of working towards acceptable solutions for SUOF cases. If these discussions are not successful, this is an issue that will warrant increased focus moving forward.

CPOA/CPOA BOARD STAFFING

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)). It is the City Council’s responsibility to appoint Board members (Albuquerque Ordinance, § 9-4-1-5(C)). For the better parts of 2018, 2019, 2020, and through March 2021, the Board had been operating with only six (6) members. While the CPOA Board was fully staffed for a short period of time during IMR-14, there are currently four unfilled positions and the selection process is not transparent. The appointment process for CPOA Board members needs to be clearly defined for the benefit of the public and for prospective CPOA Board members. Transparency should be of paramount importance. This Board requires a full complement to operate as effectively and efficiently as possible.

The CPOA also has significant staffing needs that need to be timely addressed—i.e. investigator positions, policy analyst, community engagement specialist. While it is the CPOA Board’s understanding that the CPOA has diligently worked to fill these positions, it is facing delay and other procedural issues with City HR processes. Thus,
while the Monitor has expressed the need to fill these positions during IMR-15, it is unlikely that this will occur. The CPOA Board is hopeful that the City will take steps to remedy these delays so that the positions are filled during the IMR-16 period.

CPOA BOARD TRAINING

It is clear from IMR-14 that the CPOA Board training reporting process was lacking, and that training deficiencies cannot continue to occur. To ensure this is not an issue moving forward, the Board has implemented new training processes and procedures, along with a renewed focus on trying to streamline required trainings through ongoing Ordinance amendments. The CPOA Board is hopeful that these changes ensure this issue is remedied.

Again, the CPOA Board appreciates the opportunity to address the Court and will be available to address any questions or concerns at the upcoming status conference.

Sincerely,

Chantal Calloway, Chair
Civilian Police Oversight Agency

cc via email:

AUSA Elizabeth M. Martinez
DOJ Trial Attorney Corey M. Sanders
Steve Aguilar, City Attorney
Frederick Mowrer, Counsel for APOA
James Ginger, Ph.D, Independent Monitor
To Edward Harness,

This letter shall serve as acknowledgement indicating that the CPOA Board has accepted your resignation and any request to rescind or modify your resignation must be done according to City Personnel Rules and Regulations Section 801.

Thank you,

-Eric Olivas
CPOAB Chair

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