



CIVILIAN POLICE OVERSIGHT AGENCY BOARD

Thursday, February 13, 2020 – 5:00 PM
Vincent E. Griego Chambers, Basement Level
City/County Government Center – One Civic Plaza NW
Albuquerque, New Mexico

Members Present:

Chantal M. Galloway, Chair
Dr. William Kass
Doug Mitchell
Eric Olivas
Tara Armijo-Prewitt
Cathryn Starr
Leonard Waites

Members Absent:

Others Present

Edward Harness, CPOA
Katrina Sigala, CPOA
Valerie Barela, CPOA
Tina Gooch, Atty
Julian Moya, City Council
Esteban Aguilar Jr, City Atty
Robyn Rose, Asst. City Atty
Acting Cdr. Zak Cottrell, APD
Commander Robert Middleton, APD
Lt. Nicholas Sanders, APD

Meeting Minutes

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

- I. Welcome and call to order.** Chair Galloway called to order the regular meeting of the Civilian Police Oversight Agency Board at 5:02 p.m.
- II. Pledge of Allegiance.** Member Olivas led the meeting in the Pledge of Allegiance.
- III. Mission Statement.** Chair Galloway read the Civilian Police Oversight Agency Board's mission statement.
- IV. Approval of the Agenda.**
 - a) Motion.** Motion by Member Dr. Kass to approve the agenda as drafted. Motion passed.
- V. Public Comments.**
 - a) Michael Parrish**
 - b) Geraldine Amato**

- VI. Review and Approval of Minutes.** For more information about minutes from prior CPOA Board meetings, please visit our website here:
<http://www.cabq.gov/cpoa/police-oversight-board/pob-agenda-meeting-minutes>
- a) **Approval of the Minutes from January 9, 2020**
1. Copies of the draft minutes from the January 9, 2020 Civilian Police Oversight Agency Board meeting were distributed to each member in their packets.
 2. **Motion.** A motion by Chair Galloway to approve the minutes as drafted.
Motion passed.
- VII. Reports from City Staff**
- a) **City Council –**
1. **City Council Representative –** Julian Moya presented his report.
- b) **Mayor’s Office-**
1. **City Attorney –** Esteban Aguilar Jr. presented his report.
- c) **City Attorney-**
1. **Assistant City Attorney –** Robyn Rose presented her report.
- d) **Community Policing Council**
1. There was no one from CPC present to give a report.
- e) **Albuquerque Police Officer’s Association**
1. There was no one from APOA present to give a report.
- f) **APD –** Acting Commander Zak Cottrell with Internal Affairs-Professional Standards, Commander Robert Middleton with Internal Affairs-Force Division and Lt. Sanders with Crimes Against Children Unit gave the following reports for APD:
1. **Statistical Data.** Acting Commander Cottrell read the Statistical Data for the month of January 2020. A document titled *Police Oversight Board, APD Internal Affairs: Statistical Data for the Month of January 2020* was distributed to the CPOA Board members. (see attached)
 2. **Statistical Data.** Commander Middleton read the Statistical Data for the month of January 2020. A document titled *Civilian Police Oversight Agency Board, Internal Affairs Force Division: Statistical Data for the month of January 2020* was distributed to the CPOA Board members. (see attached)
 3. **Presentation by the Crimes Against Children Unit.** Lieutenant Sanders gave a presentation on CACU investigation procedures.
- g) **Civilian Police Oversight Agency**
1. **Executive Director.** Edward Harness presented his report.

VIII. Meeting with Counsel re: Pending Litigation or Personnel issues:

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

a) **Matters subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant pursuant to NMSA 1978, Section 10-15-1(H)(7);**

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

i. Executive Director

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

Motion passed.

Roll call vote by board members.

--- Meeting on Personnel issues began at 6:51 p.m. and
the meeting reconvened at 7:28 p.m. ---

Motion. Chair Galloway motioned that no issues other than personnel matters related to the Executive Director and to reconvene into open session. Motion passed.

Roll call vote by board members.

IX. Reports from Subcommittees

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

1. Met January 25, 2020 at 4:30pm

2. **Motion.** Motion by Member Olivas to allow the Community Outreach Subcommittee to organize and facilitate an event with the leadership of the CPC's. Member Olivas withdrew his motion.

3. Community Outreach Subcommittee will contact CPC's to organize and facilitate with the leadership.

4. Next meeting February 25, 2020 at 4:30pm

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

1. Met February 6, 2020 at 4:30pm.

2. Next meeting March 5, 2020 at 4:30pm.

c) **Case Review Subcommittee – Chantal Galloway –**

1. Met January 27, 2020 at 4:30pm

2. Next meeting February 27, 2020 at 4:30pm

- d) Personnel Subcommittee –Eric Olivas-**
 - 1. Met January 30, 2020 at 9:00am
 - 2. Next meeting February 27, 2020 at 9:00am

X. Discussion and possible action

- a) 2018 Semi-Annual Report January - June**
 - 1. **Motion.** Motion by Member Dr. Kass to approve and forward the 2018 Semi-Annual Reports January – June in accordance with the ordinance. Motion passed.
- b) 2018 Semi-Annual Report July – December**
 - 1. **Motion.** Motion by Member Dr. Kass to approve and forward the 2018 Semi-Annual Reports July – December in accordance with the ordinance. Motion passed.
- c) Board’s Use of Legal Counsel**
 - 1. **Motion.** Motion by Member Olivas to table the agenda item Board’s Use of Legal Counsel and place on March’s agenda. Motion passed.
- d) FY 2021 CPOA Budget.**
- e) Update of Policy and Procedures: Deadlines for Agenda Submissions/Attachments and Draft Agenda from Chair**
 - 1. Chair Galloway advised the Board that they set a timeline for agenda’s and attachments. Member Olivas suggested to place on the March agenda.
- f) Jan 30, 2020 OMA Complaint**
 - 1. **Motion.** Motion by Member Dr. Kass to authorize the Board’s Attorney to send out the response on the OMA complaint. Motion passed.
- g) IMR Drafts Update & possible solutions**
 - 1. **Motion.** Motion by Member Olivas to direct legal counsel to continue to pursue a path of asking for the CPOA and the Board to be granted participant status by the Court and the Parties in the lawsuit. Motion passed.
- h) SOP’s in Findings Letters**
 - 1. **Motion.** Motion by Member Waites to remove item from the Agenda. Motion passed.
- i) City’s Motion for Suspension of CASA Paragraphs**
 - 1. **Motion.** Motion by Member Dr. Kass to direct Counsel and Director Harness to prepare a statement that the board will need more time to consider before deciding on how to proceed when a self-assessment plan was adopted. Motion passed.

XI. Consent Agenda Cases: The CPOA’s findings in each case listed on the consent agenda are reviewed and approved by the CPOA Board. The findings become part of the officer’s file, if applicable. Copies of the full findings letters to the citizens are located at <http://www.cabq.gov/cpoa/findings-letters/civilian-complaints-pob-findings>.

a) Administratively Closed Cases

001-20	006-20	012-20	015-20	021-20
023-20	032-20	038-20	136-19	251-19

b) Unfounded

005-20	011-20	013-20	014-20	019-20
020-20	025-20	031-20	175-19	243-19

c) Unfounded and Sustained

159-19

1. Motion. Member Mitchell motioned to approve all consent agenda cases as presented. Motion passed.

XII. Non-Consent Agenda:

a) Administratively Closed Cases

010-20

b) Exonerated

220-19

1. Motion. Motion by Member Waites to approve all Non-Consent Agenda cases as presented. Motion failed.

2. Motion. A second motion by Member Armijo-Prewitt to approve the findings of CPC 010-20. Motion passed.

3. Motion. A third motion by Member Dr. Kass to table CPC 220-19 for next month’s agenda. Motion passed.

XIII. Appeal

164-19

1. Motion. Motion by Member Armijo-Prewitt to not grant appeal of CPC 164-19. Motion passed.

XIV. Serious Use of Force Cases/Officer Involved Shootings

a) 19-0029519

b) 18-0110490

1. **Motion.** Motion by Member Waites to review Serious Use of Force Cases/Officer Involved Shootings 19-0029519 and 18-0110490. Motion passed.

2. **Motion.** Member Waites amended the motion to include the review of investigative files and Garrity materials in Serious Use of Force Cases 19-0029519 and 18-0110490 to test Member Dr. Kass draft review tool and report back with findings at the March Board meeting. Motion passed.

XV. Other Business.

a) **Field Officer Academy Training on CACU**

1. Member Dr. Kass will contact Commander Byrd and invite APD to the April Board meeting.

XVI. Adjournment – A motion was made by Member Dr. Kass to adjourn the meeting. The meeting adjourned at 9:24 pm

*Next Regularly scheduled CPOA Board meeting will be on
March 12, 2020 at 5:00 p.m. in the Vincent E. Griego Chambers.*

APPROVED:

Chantal M. Galloway

4/20/2020

Chantal M. Galloway, Chair
Civilian Police Oversight Agency

Date

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

Minutes drafted and submitted by:
Valerie Barela, Administrative Assistant

Attachments

POLICE OVERSIGHT BOARD

PUBLIC COMMENT SIGN IN

DATE: 2/13/20

NAME (PLEASE PRINT)

1. MICHAEL PARREST

13. _____

2. Geraldine Amato

14. _____

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POLICE OVERSIGHT BOARD

**INTERNAL AFFAIRS PROFESSIONAL STANDARDS DIVISION
STATISTICAL DATA FOR THE MONTH OF JANUARY 2020**

APD 911 Communications Center

Dispatched calls for Service for JANUARY 2020:
42,004 (INCREASE from DECEMBER (2,905))

INTERNAL CASES FOR THE MONTH OF JANUARY 2020

Total Internal Cases Completed in the month of JANUARY;
Comprised of:

5 completed cases (sent out to the area command)

1. IA Cases opened in the month of JANUARY: 14
 2. Pending IA Cases for the month of JANUARY 2019: 12
 3. Internal Cases Mediated: 0
-

DISCIPLINE IMPOSED FOR INTERNAL CLOSED CASES IN JANUARY 2020

2: Terminations-On-duty conduct-computer use-supervisory leadership-UOF-Personal code of conduct

4: Letter of Reprimand-follow-up investigation-OBRD—Use of seat belt-on-duty conduct

1: 16 hour suspension-Conduct

1: 32 hour suspension-Initiating Primary Pursuit Unit

1: 10 hour suspension-On-duty conduct

1: 40 hour suspension- Reporting for duty-On-duty conduct

EIRS FOR JANUARY 2020: 108 alerts distributed (Overall and Incident type alerts)

Civilian Police Oversight Agency Board
INTERNAL AFFAIRS FORCE DIVISION
STATISTICAL DATA FOR THE MONTH OF JANUARY 2020

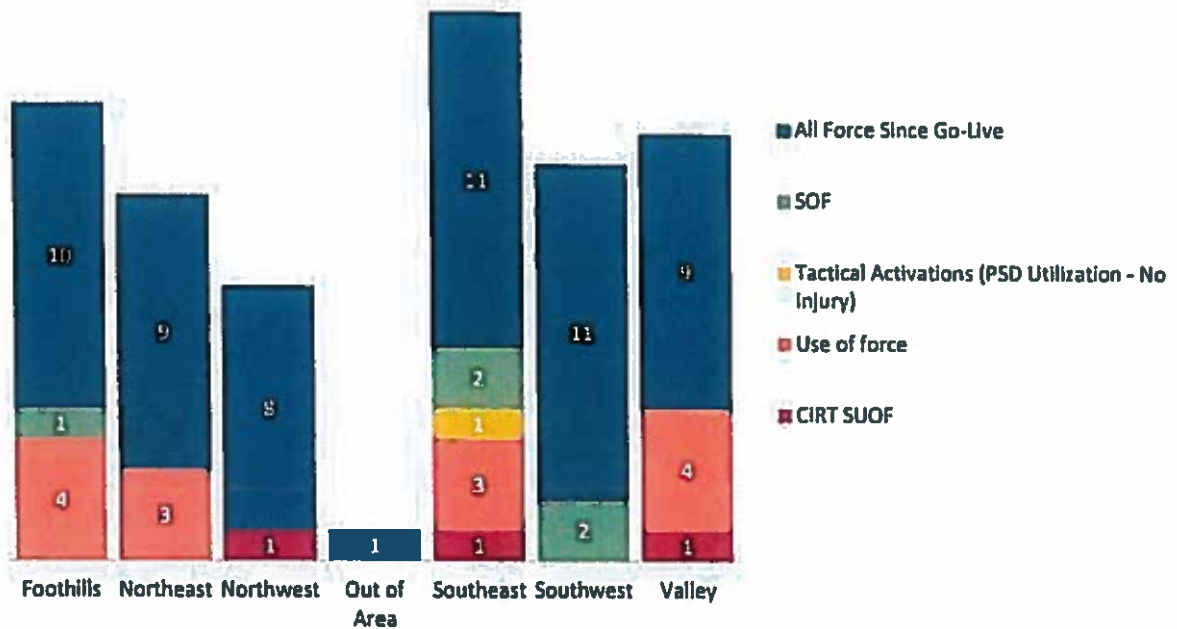
INCIDENT AREA COMMAND

	CIRT SUOF	Use of force	Tactical Activations (PSD Utilization - No Injury)	SOF	All Force Since Go-Live	Grand Total
Foothills		4		1	10	15
Northeast		3			9	12
Northwest	1				8	9
Out of Area					1	1
Southeast	1	3	1	2	11	18
Southwest				2	11	13
Valley	1	4			9	14
Grand Total	3	14	1	5	59	82

For force cases received before 01/11/2020: If one case number is associated with more than one force type it is classified according to the most serious type where CIRT SUOF > UOF > SOF.

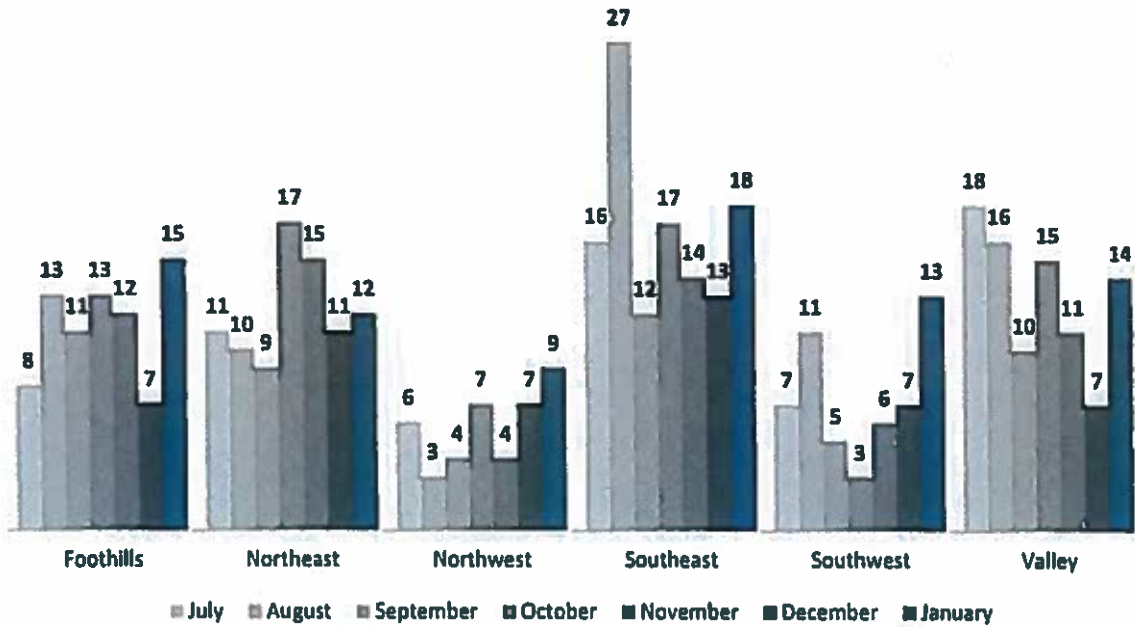
For force cases received after 01/11/2020: Force cases are now categorized by three levels. During the transition we do not yet have level data available. These cases are represented in "all force since go-live." We anticipate presenting level data in the next month's report.

January 2020 Force Events



Civilian Police Oversight Agency Board
INTERNAL AFFAIRS FORCE DIVISION
STATISTICAL DATA FOR THE MONTH OF JANUARY 2020

Seven Months of Force Data



- Since 01/11/2020 (IAFD's "go live"), IAFD has responded to 51 level-2 force cases and 14 level-3 force cases.
- The 51 level-2 force cases represent an estimated 1,574 hours saved for the field.

Approximate Total Hours Saved



PPRB January 15, 2020

SOP 2-8 OBRD –

City Atty Robyn Rose offered to look into extending retention to 1 year. CPOA has made this request in the past yet 90 day requirement for non-evidentiary retention remains. CPOA has reported that approximately 80% of citizen complaints against officers can be resolved after viewing the video recording.

Passed-30 day recommendation period started after the 15 January meeting.

SOP 2-67 Photo Array and Field Identifications (see attached article 'Eyewitness Identification Reform')

It is the policy of the APD for Sworn Personnel to follow procedures and rules derived from the Accurate Eyewitness Identification Act when conducting Field Identifications and the presentation of a Photographic Array during the course of investigations.

This policy is a cut and paste of the NM State Statute.

Passed for 30 day comment

SOP 1-65 Metropolitan Court Protection Unit

It is the policy of the Department to provide necessary law enforcement personnel outlined in the Intergovernmental Agreement between the City of Albuquerque, APD and the Bernalillo County Metropolitan Court.

Passed for 30 day comment

SOP 3-30 Line Inspection Process (CASA)

It is the policy of the Department to provide an inspection process for department personnel and their subordinates. The inspection process ensures that department personnel are following rules, responsibilities, procedures and regulations set forth in the related standard operating procedures.

Added requirements for all division to do line inspections

Forms:

Request for Forensic Service (SOP 3-50 ...)

OPA Forms Packet

Employee Admonishment Concerning Use-of-force – Commander Robert Middleton

Passed

20200129 OPA

Offer to CPOA to review 2-60 SOP response to citizens in impact team investigations

SOP 1-59 Impact Teams

The purpose of the Impact Team is to assist Field Service Bureau (FSB) officers in conducting follow-up felony investigations for violent crimes, property crimes, and white-collar crimes under \$10,000 as needed.

The Impact Team helps alleviate follow-up felony case investigation responsibilities for FSB officers in order to allow them to respond to calls for service and begin all preliminary investigations. The Impact Team also acts as an advocate in the community for individuals who've been victims of violent crimes, property crimes, and white-collar crimes under \$10,000

Sgt. Chermaine Carter offer to engage the CPOA in suggesting improvements to SOP 2-60 Preliminary and follow-up criminal investigations. The CPOA has observed a frequent basis of citizen complaints is the lack of follow-up or notification of activity on an individual citizen case (robbery, violent crimes, etc.)

SOP 1-22 automated license plate reader – not presented

SOP 2-31 Emergency medical services Presented by Frank Galantis

SOP 2-32 Exposure to blood or body fluids Presented by Frank Galantis

SOP 2-38 Daily staff briefings Presented by Lt. Brent Crawford, Oversight and Accountability

Policies presented are now in 15 day commentary period. Available on PowerDMS.

SOP 2-82 Restraints and Transportation of Individuals

It is the policy of the Department to ensure the safety, protection and security of all individuals and Department personnel during transportation and when restraints and /or other protective devices are applied. Officers are responsible for using the appropriate device. A restraint will be used during a transport unless the situation meets an exception found in this policy. Officers are responsible for the safe transportation of an individual.

Presented by Lt. Jennifer Garcia.

Use-of-force case reviews found some injuries occurred when individuals were handcuffed behind their backs. SOP changed to allow handcuffing in front of their body in certain situations. There was significant discussion of use of the Passive Restraint System (PRS), protective headgear, combative prisoners and attention to training.

Discussion of handoff of prisoners at MDC who are in wheelchairs. This is part of a broader medical issue that arises on occasion. BC refuses to accept prisoners with some medical issues. There is a joint working group that meets to address these issues with the County. There is also an MOU with the County that covers the relationship at MDC. APD believes that the County has some unmet responsibilities.

City Legal will make some technical changes before the final version.

The policy was advanced for 30 day comment.

SOP 2-33 Rights of Onlookers

Not presented

SOP 2-34 Notification of Significant Incidents

It is the policy of the Department to provide direction on the notification process for significant incidents. The policy outlines examples of significant incidents that require immediate notification to Area Commanders, as well as significant incidents that require timely notification. This policy will aid in ensuring that the members of the Albuquerque Police Department Command Staff receive awareness of noteworthy significant incidents.

Presented by Leonard Nerbetski Real Time Crime Center

Sgt. Paul Haugh raised the issue that there needs to be a clear statement of who is responsible for notifications in each situation. He was concerned that RTCC may not have personnel available and that the responsibility should remain at the call center which is staffed all the time and has communication with all the area commands at all times.

This policy was tabled at the request of the presenter who welcomed the suggestions that improved the policy.

SOP 2-45 Pursuit by Motor Vehicle

It is the policy of the Department to initiate a motor vehicle pursuit only when an officer has reasonable grounds to believe the individual presents a clear and immediate threat of death or serious injury to others or who the officer has probable cause to believe poses a clear and

Immediate threat to the safety of other motorists or the public, that is ongoing and existed before the pursuit began, or the individual has committed or is committing a violent felony.

Presented by SE Area Commander Johnny Yara

Discussion of necessity to have a clear understanding of who is responsible for managing the vehicle pursuit. Lt. Mike Meisinger raised the issue of current requirement to authorize PIT after a pursuit has already been authorized. (Note: PIT is only authorized for vehicle speeds below 35 mph.)

The policy was advanced for 30 day comment.

Forms presented:

PD 3116 APD Assembly or Gathering Post Form for Non-ERT Callout

Presented by Lt. Joseph Viers

This form is generated by SOP 4-21 Response to first amendment assemblies and demonstrations and to unplanned incidents.

Modification to this form were to replace 'protest' with assembly and 'protestors' with individuals.

This form was approved with the above mentioned changes.

PD1500 APD LEAD Client Screening Form.

Associated SOP 2-79 Law Enforcement Assisted Diversion

Presenter: Did not get her name.

Passed subject to changing one field in the form.

IAFD Use-of-Force Review Forms

Presented by Commander Rob Middleton

Commander Middleton presented the suite of use-of-force review forms that have been created by the Internal Affairs Force Division to create a review model using approximately 300 old use-of-force cases. These forms have now been applied to approximately the same number of cases from 2018 forward. The forms are all based on questions from specific paragraphs in the CASA. Every form has a scorecard that is used to evaluate compliance with the CASA. An anecdotal report from the APOA representative indicated that the use of these forms has resulted in reducing the interview times of officers associated with use-of-force from 35-40 minutes to 5 minutes. These forms have allowed detectives to ask direct clarifying questions based on answers already recorded in the forms.

Passed