

CIVILIAN POLICE OVERSIGHT AGENCY BOARD

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

Thursday, August 27, 2020 – 5:00 PM
By Video Conference

Members Present:

Dr. William Kass, Chair
Eric Olivas, Vice Chair
Tara Armijo-Prewitt
Chantal M. Galloway
Eric Nixon

Members Absent:

Doug Mitchell
Cathryn Starr

Others Present:

Edward Harness, CPOA
Katrina Sigala, CPOA
Valerie Barela, CPOA
Lindsay Van Meter, Asst. City Atty
Robyn Rose, Asst. City Atty
Chris Sylvan, City Council
Cmdr. Cecily Barker, APD
Cmdr. Cori Lowe, APD
Lt. Matthew McElroy, APD
Lt. Michael Meisinger, APD

Attendance: In response to the Governor's declaration of a Public Health Emergency and ban on large public gatherings, the Civilian Police Oversight (CPOA) Board special meeting on Thursday, August 27, 2020 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/special-cpoa-board-meeting-august-27-2020>

(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 for assistance.

Public Comment: The agenda for the meeting will be posted on the CPOA website by 5:00 pm, Monday, August 24, 2020 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,

August 27, 2020. Submit your public comments to: POB@cabq.gov. These comments will be distributed to all CPOA Board members for review.

Meeting Minutes

- I. **Welcome and call to order.** Chair Dr. Kass called to order the Special meeting of the Civilian Police Oversight Agency Board at 5:02 p.m.
- II. **Mission Statement – Dr. William Kass, Chair**

“Advancing Constitutional policing and accountability for APD and the Albuquerque Community.”
- III. **Approval of the Agenda**
 - a. **Motion.** Motion by Member Armijo-Prewitt to approve the Agenda.
Roll call vote taken. Motion passed.
For: 5 - Kass, Olivas, Armijo-Prewitt, Galloway, Nixon
- IV. **Public Comments**
 - a. None
- V. **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. **Review and Approval of Minutes from August 13, 2020**
 1. Copies of the draft minutes from the August 13, 2020 Civilian Police Oversight Agency Board meeting were electronically distributed to each Member in their packets.
 2. **Motion.** Motion by Vice Chair Olivas to approve the minutes as drafted. Roll call vote taken. Motion passed
For: 5 – Kass, Olivas, Armijo-Prewitt, Galloway, Nixon

VI. Discussion and Possible Action

a. Review and Approval of Policies and Procedures Sub-committee Recommendations for APD SOP 2-8 Use of On-Body Recording Device

1. Motion. Motion by Member Galloway to approve the amended Recommendation APD SOP 2-8 Use of On-Body Recording Devices letter. Motion passed.

For: 5 – Kass, Olivas, Armijo-Prewitt, Galloway, Nixon

2. Motion. A second motion by Member Galloway to amend the Recommendation APD SOP 2-8 Use of On-Body Recording Devices letter to move the opening paragraph to the end of the document and change the paragraph to read as follows: *Upon receipt we look forward to hearing your response in accordance with the Civilian Police Oversight Agency Ordinance.* Roll call vote taken. Motion passed.
(See attached)

For: 5 – Kass, Olivas, Armijo-Prewitt, Galloway, Nixon

VII. Other Business

- a. Vice Chair Olivas inquired about the recent officer involved shooting that occurred in the University area involving a bartender.
- b. Member Galloway announced that the CPOA Board Members have been invited to participate in the CPC Counsel of Chairs scheduled on Saturday, August 29, 2020 at 10:00 a.m. via zoom.

VIII. Adjournment

- a. A motion was made by Member Galloway to adjourn the meeting. Roll call vote taken. Motion passed.

For: 5 – Kass, Olivas, Armijo-Prewitt, Galloway, Nixon

- b. The meeting adjourned at 5:19 p.m.

APPROVED:

DocuSigned by:
Dr. William J. Kass
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Dr. William Kass, Chair
Civilian Police Oversight Agency Board

September 10, 2020
Date

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

Minutes drafted and submitted by:
Valerie Barela, Administrative Assistant

Attachments

CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

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August 27, 2020

Michael Geier, Chief of Police
Albuquerque Police Department
400 Roma NW
Albuquerque, NM 87102

Re: Recommendation SOP 2-8 *Use of On-Body Recording Devices*

Dear Chief Geier:

Upon receipt we are expecting that we will hear your response in accordance with the Civilian Police Oversight Ordinance.

The Civilian Police Oversight Agency Board (CPOAB) is in receipt of SOP 2-8 Use of On-Body Recording Devices which was advanced for further recommendations by the department's Policy and Procedure Review Board on August 17, 2020 and sent to the CPOA Board on August 18, 2020.

SOP 3-52 Policy Development Process describes the policy development process that APD follows. This SOP provides for a CPOA representative and a designated representative from the Board. For CASA policies, of which this is one, a period of 45 days is allowed for stakeholder recommendations after the PPRB has met and advanced the policy. For this policy, the CPOA Board recognizes the need to make a timely response so the policy can be brought into compliance with a recently passed New Mexico statute requiring on body recording device implementation throughout state law enforcement agencies.

Currently the SOP section 2-8-9 Retention and Release, Paragraph B requires that OBRD video be retained for a period of 120 days. The CPOA has found that more than 75% of citizen complaints against APD officers are resolved in favor of officer exoneration when OBRD video is available. Complainants are not time-limited filing complaints and this often leads to mismatch between department timelines for video retention and investigative timelines. Lack of OBRD video undermines trust in the investigation of citizen complaints and the overall perception of accountability for officers. We therefore recommend that the non-evidentiary OBRD video be retained for a period of at least one year.

There are other minor language editing recommendations that we believe would clarify the policy. In Section 2-8-7 Discretionary Recording paragraph B. the text, "Discretionary recording is allowed:" at the beginning of the section.

Under section 2-8-8 A.7 add a sub section with the language:

Supervisors shall prohibit officers from reviewing OBRD video before writing the incident report if they were involved in a critical incident or if the supervisor suspects the officer of policy violations

The Board supports protection of privacy rights of individuals by informing them when recording is occurring.

There are mentions of OBRD in multiple paragraphs of the CASA, many of which have found APD to be non-compliant. Given the importance of maintaining OBRD records and assessing their value, we recommend that a department unit be tasked with the responsibility to collect, maintain access and analyze OBRD program data. We suggest that the analysis consist of:

- Frequency of identified policy violations and exonerations in cases involving citizen complaints;
- APD imposed discipline as a result of violations of this policy;
- Additional training resulting from deficiency of use, review or analysis;
- Need for additional resources such as hardware, software, data storage;
- Estimate of the number of hours of evidentiary video that are reviewed;
- Any other data analyses that would enhance the ability of APD to evaluate and improve the policy;

We further recommend that the data and analyses be made available to members and stakeholders of the OPA policy development process described in SOP 3-52 Policy Development Process. A summary of any relevant data should be presented at the appropriate OPA Policy Development meetings.

Sincerely,
The Civilian Police Oversight Agency Board by

Dr. William Kass, Chair
(505) 924-3770

cc: Civilian Police Oversight Agency