

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY BOARD

Thursday, July 11, 2019 – 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
Joanne Fine, Vice-Chair
Dr. William Kass
Tara Armijo-Prewitt
Eric Olivas
Valerie St. John
Chelsea Van Deventer
Leonard Waites

Members Absent:

Others Present

Edward Harness, CPOA
Katrina Sigala, CPOA
Tina Gooch, Atty
Julian Moya, City Council
Cdr. Mark Velarde, APD
Lt. Anthony Fincher, APD
Samantha Hults, Deputy City Atty
Melissa Kountz, Asst. City Atty
Chris Sylvan, CPC
John Damato, APOA

Meeting Minutes

PO Box 1293

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.

Albuquerque

II. Pledge of Allegiance. Member St. John led the meeting in the Pledge of Allegiance.

NM 87103

III. Mission Statement. Chair Galloway read the Civilian Police Oversight Agency Board's mission statement.

www.cabq.gov

IV. Approval of the Agenda.

a) Motion. Motion was made by Member Waites to approve the agenda as written. Member St. John seconded the motion. The motion was carried by the following vote:

For: 8 – Galloway, Fine, Kass, Armijo-Prewitt, Olivas, St. John, Van Deventer, Waites

V. Public Comments. None

VI. Review and Approval of Minutes. For more information about minutes from prior CPOA Board meetings, please visit our website here:

<http://www.cabq.gov/cpoa/police-oversight-board/pob-agenda-meeting-minutes>

a) Approval of the Minutes from June 13, 2019

1. Copies of the draft minutes from the June 13, 2019 Civilian Police Oversight Agency Board meeting were distributed to each member in their packets.
2. **Motion.** A motion was made by Member Dr. Kass to approve the minutes as written. Member Van Deventer second the motion. The motion was carried by the following vote:

**For: 8 – Galloway, Fine, Kass, Olivas, Armijo-Prewitt, St. John,
Van Deventer, Waites**

VII. Reports from City Staff

- a) **APD – Commander Mark Velarde with Internal Affairs-Professional Standards and Lt. Anthony Fincher with Internal Affairs-Force Division gave the following reports for APD:**
 1. **Statistical Data.** Commander Velarde read the Statistical Data for the month of June 2019. A document titled *Police Oversight Board, APD Internal Affairs: Statistical Data for the Month of June 2019* was distributed to the CPOA Board members. (see attached)
 2. **Statistical Data –** Lt. Fincher read the Statistical Data for the month of June 2019. A document titled *Civilian Police Oversight Agency Board, Internal Affairs Force Division: Statistical Data for the month of June 2019.* (see attached)
- b) **City Council –**
 1. **City Council Representative –** Julian Moya presented his report.
- c) **Mayor’s Office-**
 1. **Mayor’s Office Representative -** Samantha Hults presented her report.
- d) **City Attorney-**
 1. **Deputy City Attorney –** Samantha Hults presented her report.
- e) **Community Policing Council**
 1. **CPC Representative –** Chris Sylvan presented her report.
- f) **Albuquerque Police Officer’s Association**
 1. **APOA Representative –** John Damato presented his report.
- g) **Civilian Police Oversight Agency**
 1. **Executive Director.** Edward Harness presented his report.

VIII. Reports from Subcommittees

a) Community Outreach Subcommittee – *Joanne Fine* –

1. Met June 25, 2019 at 1:00pm
2. Next meeting July 23, 2019 at 1:00pm

b) Policy and Procedure Review Subcommittee – *Chelsea Van Deventer*–

1. Met July 8, 2019 at 12:30pm.
2. **APOA Objection 2-57.**

i. Motion. Motion by Member Van Deventer to draft a response. Chair Galloway second the motion. The motion was carried by the following vote:

**For: 8 – Galloway, Fine, Kass, Olivas, Armijo-Prewitt, St. John,
Van Deventer, Waites**

ii. Motion. Motion by Chair Galloway to affirm the Board’s position on 2-57 as written. Member Van Deventer second the motion. The motion was carried by the following vote:

**For: 8 – Galloway, Fine, Kass, Olivas, Armijo-Prewitt, St. John,
Van Deventer, Waites**

3. Next meeting August 1, 2019 at 12:30pm.

c)Case Review Subcommittee – *Valerie St. John* –

1. Met June 25, 2019 at 11:30am
2. Next meeting August 27, 2019 at 11:30am

d)Personnel Subcommittee – *Chantal Galloway* -

3. June 28, 2019 meeting was cancelled due to lack of quorum.

Motion. Motion by Member Waites to withdraw further discussion about the Board’s own internal Policy and Procedures with regards to the Executive Directors position and follow the City’s Policy and procedures. Chair Galloway second the motion. The motion was carried by the following vote:

**For: 8 – Galloway, Fine, Kass, Olivas, Armijo-Prewitt, St. John,
Van Deventer, Waites**

e) **Motion.** Motion by Chair Galloway to reorder the agenda and placing item XIV. and place as agenda item IX. Member Waites second the motion. The motion was carried by the following vote:

**For: 8 – Galloway, Fine, Kass, Olivas, Armijo-Prewitt, St. John,
Van Deventer, Waites**

IX. 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);**

i. **Arasim v. CPOA et al., D-202-CV-2018-05758**

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

ii. **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 litigation matter. Member Waites seconded the motion. The motion was carried by the following vote:

Roll call vote by board members.

**For: 8 – Galloway, Fine, Kass, Olivas, Armijo-Prewitt, St. John,
Van Deventer, Waites**

**--- Meeting on Personnel issues began at 6:22 p.m. and
the meeting reconvened at 7:12 p.m. ---**

2. **Motion.** Chair Galloway motioned to reconvene the POB meeting into regular session and stated that the only discussion in closed session were the listed agenda items. Member Van Deventer seconded the motion. The motion was carried by the following vote:

Roll call vote by board members.

**For: 8 – Galloway, Fine, Kass, Olivas, Armijo-Prewitt, St. John,
Van Deventer, Waites**

X. Discussion

a) Personnel Matters

1. Chair Galloway advised that this discussion item has already been discussed with the City Attorneys under the Personnel Subcommittee report.

b) Status Conference w/ Judge Browning

1. **Motion.** Motion by Member Dr. Kass to delegate to Director Harness to present the board's position at the Status Conference. Second by Vice-Chair Fine. The motion was carried by the following vote:

**For: 8 – Galloway, Fine, Kass, Olivas, Armijo-Prewitt, St. John,
Van Deventer, Waites**

2. **Motion.** Motion by Chair Galloway to draft a letter informing the court of the Boards issues: 2-57, budgeting, investigative staff, mediation, investigative timeline, and the bargaining agreement with the APOA be included in the letter. To also include that the authority be delegated to Chair Galloway and finalize with Director Harness and Mrs. Gooch. Member Waites second the motion. The motion was carried by the following vote:

**For: 8 – Galloway, Fine, Kass, Olivas, Armijo-Prewitt, St. John,
Van Deventer, Waites**

c) Board Members' use of social media

1. Board discussed if the use of social media should be added to the policy and procedures. CPOA Board is in agreement that they don't want to develop anything officially governing the use of social media.

d) Board Members' impartiality

1. Mrs. Gooch provided background and legal research regarding bias.

e) Subcommittee Appointments

1. Chair Galloway appointed all Board Members to a subcommittee. See attached document titled *Proposed Subcommittee Appointments*.

XI. Consent Agenda Cases: The CPOA's findings in each case listed on the consent agenda are reviewed and approved by the POB. 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

009-19	028-19	032-19	034-19	043-19
047-19	049-19	056-19	060-19	061-19
065-19	066-19	075-19	078-19	089-19
098-19	099-19	100-19	107-19	108-19
109-19	111-19	112-19	113-19	117-19
118-19	119-19	124-19	127-19	141-19
145-19	148-19	149-19	150-19	247-18

b) Exonerated

074-17

c) Sustained

048-19 072-19 132-18

1. Motion. Motion by Member St. John to accept the finding and recommendations on CPC 048-19. Member Armijo-Prewitt second the motion. The motion was carried by the following vote:

For: 8 – Galloway, Fine, Armijo-Prewitt, Kass, Olivas, St. John, Van Deventer, Waites

2. Motion. Motion by Vice-Chair Fine to accept CPC 072-19. Member St. John second the motion. The motion was carried by the following vote:

For: 8 – Galloway, Fine, Armijo-Prewitt, Kass, Olivas, St. John, Van Deventer, Waites

a) Unfounded

131-19

1. **Motion.** Motion by Chair Galloway to leave the remaining cases on agenda item XI. that have not been discussed and move to the agenda for a special meeting. Member Van Deventer second the motion. The motion was carried by the following vote:

For: 5 – Galloway, Fine, Armijo-Prewitt, St. John, Van Deventer
Against: 3 – Kass, Olivas, Waites

XII. Review of Appeal
095-19

1. **Motion.** Motion by Member Van Deventer to suspend for the special meeting. Vice-Chair Fine second the motion. The motion was carried by the following vote:

For: 5 – Galloway, Fine, Armijo-Prewitt, St. John, Van Deventer
Against: 3 – Kass, Olivas, Waites

XIII. Serious Use of Force/Officer Involved Shooting Cases.

- a) There was no Serious Use of Force/Officer Involved Shooting Cases to present.

XIV. POB's Review of *Garrity* Materials.

- a) There was no Garrity Materials to present.

XV. Other Business.

1. Member St. John asked CPOA to notify the complainant for CPC 132-18 and inform him his case will be on the agenda at the special meeting. Director Harness advised that it will be on the agenda and it will be public notice.
2. Member Olivas questioned the time spent at the meeting in reference to the board's obligation to spend 51% of time on policy.

- XVI. Adjournment –** A motion was made by Chair Galloway to adjourn the meeting. Member Van Deventer second the motion. The motion was carried by the following vote:

For: 8 – Galloway, Fine, Armijo-Prewitt, Kass, Olivas, St. John,
Van Deventer, Waites

The meeting adjourned at 8:21pm

Next Regularly scheduled POB meeting will be on August 8, 2019 at 5:00 p.m. in the Vincent E. Griego Chambers.

Attachments

DRAFT

POLICE OVERSIGHT BOARD
INTERNAL AFFAIRS
STATISTICAL DATA FOR THE MONTH OF JUNE 2019

APD 911 Communications Center

Dispatched calls for Service for JUNE 2019:

40,871 (decrease from May (1400)^x

INTERNAL CASES FOR THE MONTH OF JUNE 2019

Total Internal Cases Completed the Month of JUNE:

Comprised of:

- 12-Internal Affairs Investigations
- 0-Area Command Investigated case

Internal Cases Administratively Closed: 0

Internal Cases Mediated: 0.

Discipline imposed for Internal Cases JUNE 2019

Reporting Requirements -8 hour suspension

Conduct -4 Letters of Reprimand

On-Duty Conduct-Verbal Reprimand/8 hour suspension/16 hour suspension/48 hour suspension

Language and Gestures- Letter of Reprimand

Crash Investigation- Letter of Reprimand

EIRS FOR JUNE 2019: 19 alerts distributed

Pending IA Cases for the Month of JUNE 2019: 15

IA/IAC Cases opened in the month of JUNE 2019: 14

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

INCIDENT AREA COMMAND

Area Command	Serious UOF	UOF	SOF	Grand Total	Change from previous month
Foothills	1	12	1	14	+7
Northeast	2	8	2	12	-2
Northwest	0	1	2	3	-7
Southeast	4	9	4	17	-2
Southwest	1	8	0	9	+2
Valley	0	10	2	12	-2

Proposed Subcommittee Appointments

Outreach

Joanne

Valerie

*Leonard

Tara

Case Review

Valerie

Joanne

Chelsea

*Tara

Policy and Procedure

Chelsea

Bill

Chantal

ERIC

Personnel

Chantal

Leonard

*Bill

*Eric

Temporary Ad Hoc - Social Media Policy

Eric

Tara

Bill

Leonard