Attendance: In response to the Public Health Emergency, the Civilian Police Oversight Agency (CPOA) Board meeting on Monday, January 31, 2022 at 5:00 pm will be held via Zoom video conference.

Viewing: Members of the public will have the ability to view the meeting through GOVTV on Comcast Channel 16, or to stream live on the GOVTV website at: https://www.cabq.gov/culturalservices/govtv, or on YouTube at: https://www.cabq.gov/cpoa/events/cpoa-board-special-meeting-public-input-on-ordinance-changes-01-31-2022. (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 p.m., Friday, January 28, 2022 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 Monday, January 31, 2022. Submit your public comments to: POB@cabq.gov. These comments will be distributed to all CPOA Board members for review.

Virtual Public Comment: We welcome the public to join the CPOA Board to provide Public Input on Ordinance Changes. We will enable all those wishing to speak and participate.

Join Zoom Meeting
https://cabq.zoom.us/j/87930721903?pwd=a3pqU0ZHd2N1NXJWWk5UTm4yNGtLdz09

Meeting ID: 879 3072 1903
Passcode: 773577
One tap mobile
+16699006833,,87930721903# US (San Jose)
+12532158782,,87930721903# US (Tacoma)

Dial by your location
+1 669 900 6833 US (San Jose)
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 646 558 8656 US (New York)
+1 301 715 8592 US (Washington DC)
+1 312 626 6799 US (Chicago)
Meeting ID: 879 3072 1903
Find your local number: https://cabq.zoom.us/u/kcJmhbrOSa

Special Meeting Minutes

I. Welcome and call to order. Chair Galloway called to order the special meeting of the Civilian Police Oversight Agency Board at 5:03 p.m.

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

III. Approval of the Agenda

a. Motion. A motion by Member Dr. Kass to approve the agenda as amended. Roll call vote taken. Motion passed.

For: 4 - Crawford, French, Galloway, Kass

Civilian Police Oversight Agency Board
Special Meeting Minutes – January 31, 2022
Page 2
IV. Public Comments
a. Geraldine Amato. (see attached)

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 January 13, 2022. Draft minutes from the Civilian Police Oversight January 13, 2022 special meeting was distributed to each Board Member electronically via a weblink.

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

For: 4 - Crawford, French, Galloway, Kass

VI. Discussion and Possible Action:

1. Member French presented the draft CPOA Ordinance changes recommended by the Case Review Subcommittee and the CPOA Board had discussions and voted on the recommended changes. (see attached)
2. The CPOA Board discussed § 9-4-1-4.
3. Motion. A motion by Member Dr. Kass to accept the proposed language deletion in § 9-4-1-4 line item 10, 11, and 12 as drafted. Roll call vote taken. Motion passed.

For: 4 - Crawford, French, Galloway, Kass
4. The CPOA Board discussed § 9-4-1-4 (A) (2).
5. Motion. A motion by Chair Galloway that a minimum of 1% of APD’s budget be allocated to the Civilian Police Oversight Agency. Roll call vote taken. Motion passed.

For: 4 - Crawford, French, Galloway, Kass

***Member Nixon joined the meeting at 5:37 p.m.***
6. The CPOA Board discussed § 9-4-1-4 (C) (3).

7. **Motion.** A motion by Chair Galloway to change the language “independently investigate” to “shall direct and oversee” on line item 33 page 4. Roll call vote taken. Motion passed.

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

8. **Motion.** A motion by Chair Galloway to strike the word “officer” and replace with “APD personnel” on line item 33 page 4. Roll call vote taken. Motion passed.

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

9. **Motion.** A motion by Member French to leave current language as drafted in line item 33 page 4 and line item 1 page 5 as it relates to what is investigated. Roll call taken. Motion passed.

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

10. The CPOA Board discussed § 9-4-1-4 (C) (3) (g).

11. **Motion.** A motion by Member French to use language currently in CASA paragraph 285 throughout paragraph (g) to match CASA paragraph 285 and replace the words “Director” with “Board approval”. Roll call vote taken. Motion passed.

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

12. The CPOA Board discussed § 9-4-1-4 (C) (3) (h).

13. Ms. Martinez noted that consent decree does not permit mediation and the decree was modified twice temporarily with court approval to test drive a mediation program.

14. The CPOA Interim Director also noted that the Agency intends to make third request for mediation.

15. **Motion.** A motion by Member French to accept the additional language as drafted in paragraph (h). Roll call vote taken. Motion passed.

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

16. **Motion.** A motion by Member French to strike “and the status of board members having satisfied their training requirements.” from
line item 9 and 10 in § 9-4-1-4 (C) (4). Roll call vote taken. Motion passed.

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

17. The CPOA Board discussed § 9-4-1-5 (D)

18. Motion. A motion by Member French to strike the remaining language after the word “Director.” on line item 33 page 10. Roll call vote taken. Motion passed.

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

19. Motion. A motion by Chair Galloway that the proposed deletion of the last sentence from the first paragraph of § 9-4-1-5 (C) remain in the Ordinance. Roll call vote taken. Motion passed.

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

20. The CPOA Board discussed § 9-4-1-5 (E) (1).

21. Motion. A motion by Dr. Kass to restore the Ordinance’s original language in paragraph (E) (1). Roll call vote taken. Motion passed.

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

22. The CPOA Board discussed § 9-4-1-5 (F) (2).

23. Motion. A motion by Chair Galloway that items (F) (2) (e) (g) (j) and (l) if not part of the Citizens Police Academy, remain in the Ordinance as required training for the CPOA Board. Roll call vote taken. Motion passed.

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

24. The CPOA Board discussed § 9-4-1-5 (F) (3) and (4).

25. Motion. A motion by Member French to add a provision to this section and that on-going training may be satisfied by attending NACOLE and that any training not listed as required, be left in recommended training. Roll call vote taken. Motion passed.

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

26. The CPOA Board discussed § 9-4-1-5 (H).

27. Motion. A motion by Member French to eliminate the provision “and no Board member shall serve on any more than two committees
at any given time.” from paragraph (H). Roll call vote taken. Motion passed.

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

28. The CPOA Board discussed § 9-4-1-5 (I) (1).

29. **Motion.** A motion by Member French to strike the last sentence from paragraph (I) (1). Roll call vote taken. Motion passed.

**For: 4 – French, Galloway, Kass, Nixon**

**Against: 1 – Crawford**

30. The CPOA Board discussed § 9-4-1-6 (C).

31. **Motion.** A motion by Member French to reinstate the language “review by the Board for” in paragraph (C). Roll call vote taken. Motion failed.

**Against: 5 - Crawford, French, Galloway, Kass, Nixon**

32. The CPOA Board discussed § 9-4-1-6 (C) (3).

33. **Motion.** A motion by Member French to replace the language in the first sentence of paragraph (1) to “If mediation is appropriate, it may be an option for resolution of Civilian Police complaints.” Roll call vote taken. Motion passed.

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

34. **Motion.** A motion by Member French to replace the language “independently investigate and make findings” to “Shall direct and oversee” in paragraph (C). Roll call vote taken. Motion passed.

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

35. The CPOA Board discussed § 9-4-1-7 (A).

36. **Motion.** A motion by Member Dr. Kass to leave a Law Degree as a requirement for the Director position and add the language “or a Master’s Degree in a related field”. Roll call vote taken. Motion passed.

**For: 4 - Crawford, Galloway, Kass, Nixon**

**Against: 1- French**
37. The CPOA Board discussed § 9-4-1-6 (C) (3).

38. **Motion.** A motion by Member Crawford to strike the language “the mediation is considered successful and” from line item 2 page 18.

Roll call vote taken. Motion passed.

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

*** A fifteen-minute break began at 7:45 p.m. and the meeting reconvened at 8:00 p.m.***

39. CPOA Counsel noted that the current language in § 9-4-1-8 (D) (3) of Ordinance states the following “Nothing in this paragraph shall be interpreted as preventing a subcommittee form reviewing and making recommendations on the resolution of a case” as is missing from the draft.

40. The CPOA Board discussed § 9-4-1-9 (A)

41. **Motion.** A motion by Member French to replace the language “investigation report” with “Findings letter” on line item 29. Roll call vote taken. Motion passed.

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

42. **Motion.** A motion by Member French to strike the language after the words “investigation report.” on line item 29 page 23 and 24 up to the word “evidence.” Roll call vote taken. Motion passed.

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

43. The CPOA Board discussed § 9-4-1-8 (F)

44. **Motion.** A motion by Chair Galloway to update the provision in paragraph (F) to only require approval of formal discipline.

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

45. **Motion.** A motion by Chair Galloway to allow CPOA Counsel to finalize the document and draft a letter and will work the Chair on a recommendation for City Council. Roll call vote taken. Motion passed.

**For: 5 - Crawford, French, Galloway, Kass, Nixon**
46. CPOA Counsel screen shared the City Council’s floor amendment § 9-4-1-5 THE CPOA POLICE OVERSIGHT BOARD (A) and (G) related to the CPOA Ordinance that was heard at the January 19, 2022 City Council meeting and the Board discussed the amendment. (see attached)

47. City Council Liaison noted that the floor amendment to reduce CPOA Board membership may be revisited at City Council.

48. **Motion.** A motion by Chair Galloway for non-voting Chairperson to be selected by the Board. Roll call vote taken. Motion failed.
   
   **Against:** 5 - Crawford, French, Galloway, Kass, Nixon

49. **Motion.** A motion by Chair Galloway to support reduction of the CPOA Board from 9 to 7 voting members. Roll call vote taken. Motion passed.
   
   **For:** 3 - Crawford, Kass, Galloway
   **Against:** 2 - French, Nixon

50. **Motion.** A motion by Member Crawford to support the provision of 2-3 members addition of Community Policing Council experience be considered as part of consideration for CPOA Board appointment. Roll call vote taken. Motion failed.
   
   **Against:** 5 - Crawford, French, Galloway, Kass, Nixon

51. The CPOA Board discussed the City Council’s floor amendment § 9-4-1-5 THE CPOA POLICE OVERSIGHT BOARD (F) and (K) Stipend, related to the CPOA Ordinance that was heard at the January 19, 2022 City Council meeting. (see attached)

52. **Motion.** A motion by Member French that the CPOA Board not receive any compensation or stipends of any sort and that the Board remain as volunteers. Roll call vote taken. Motion failed.
   
   **For:** 2 – Crawford, French
   **Against:** 3 - Galloway, Kass, Nixon
53. The CPOA Board reviewed the City Council’s floor amendment § 9-4-1-5 THE CPOA POLICE OVERSIGHT BOARD (K) Job Description, related to the CPOA Ordinance that was heard at the January 19, 2022 City Council meeting. (see attached)

54. **Motion.** A motion by Chair Dr. Kass to support the floor amendment as drafted. Roll call vote taken. Motion failed.

   **For:** 2 - Crawford, Kass

   **Against:** 3 - French, Galloway, Nixon

55. Chair Galloway read aloud the floor Amendments sponsored by City Counselor Sanchez § 9-4-1-5 THE CPOA POLICE OVERSIGHT BOARD (F) (3) Orientation and Training. (see attached)

56. **Motion.** A motion by Member Crawford to recommend against the provision “with at least one ride-along to be completed each quarter.” Roll call vote taken. Motion passed.

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

b. **IMR-14 and Letter to the Court – Chantal Galloway and Tina Gooch, CPOA Counsel**

   1. The CPOA Board did not discuss the IMR-14 and Letter to the Court.

c. **Appointment of February 10, 2022 CPOA Board Meeting Chairperson – Chantal Galloway**

   1. Chair Galloway announced that Member Dr. Kass will Chair the February 10, 2022 CPOA Board regular scheduled meeting.

VII. **Other Business**

   a. None.

VIII. **Adjournment.**

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

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

   b. The meeting was adjourned at 9:36 p.m.
APPROVED:

[Signature]

William J. Kass, Chair
Civilian Police Oversight Agency Board

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

Minutes drafted and submitted by:
Valerie Barela, Administrative Assistant

February 10, 2022
Date
ATTACHMENTS
Albuquerque Police Department Complaint or Commendation Form

This form must be delivered to the CPOA office via the following ways:
Hand-Delivered: Plaza Del Sol Building, 600 2nd St. NW Room 813, Albuquerque, NM 87102
Office: 505-924-3770
Fax: 505-924-3775
Email: cpoa@cabq.gov
Mail: CPOA, P.O. Box 1293
Albuquerque, NM 87103
TTY (800) 659-8331

Please complete as much information as possible below. The CPOA only accepts compliments and
commendations for the Albuquerque Police Department (APD). You may file this form anonymously;
however, keep in mind that an anonymous complaint is extremely difficult to investigate.

In order to make sure your accessibility needs are being met, such as sign language interpretation or help completing this form;
please contact the CPOA at 505-924-3770.

What outcome are you seeking? (Please describe what happened on the back of this page)
THAT ALL THE REPORTS I HAVE GIVEN TO VARIOUS
APD AGENTS WILL BE TRUTHFULLY RECORDED
AND LOGGED IN "LIVE" ACTIVE FILES.

Information about you:
First: Roan
Last: Amato
Middle: Mary (Gloria)
Home: (505) 844-1987. Best time to call:
Email: WIA
Preferred Language: Date of Birth: 1/8/42
Street:
City: Zip Code: $415-
Information about the Incident:
Date: Time: AM/PM

Address/Location:

Information about the Albuquerque Police Department employee(s) involved:
Name: NONE OF MY STOLEN PROPERTY REPORTS HAVE BEEN ACTIVIZED!

Are you submitting this form for someone else? Yes No
Did you witness this incident? Yes No
Name of the person you are submitting this form for:

Additional Witness:
Name: HAPPY NEW YEAR TO
Address: ALL OF GOOD WILL!

Phone:

From: 01/14/22 01:53 PM p. 1 of 1
Cuyahoga County
Public Library

PUBLIC FAX COVER SHEET

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is not responsible for the content or the privacy of the information transmitted.
This fax number does not receive faxes.

Date: Jan 2022  Time: PM

Send to: BOARDS, COUNCILS, COMMISSIONS, GOV OFFICIALS
Attention: Please

Fax Number:

From: GERALDINE AMATO

Total Pages (including cover sheet): 1

NOTES / COMMENTS FOR RECIPIENT:

SEEK FEEDBACK AND/or ACKNOWLEDGEMENT OF RECEIPT

AM AVAILABLE FOR CONFIRMATION AND THE FURTHER SHARING
OF WHAT I'VE LEARNED

DESpite the controlled curriculums AND "INFO" "MEDIUMS"
Treachery runs rampant today in "America" and there is no serious opposition being deployed to oppose treachery. The very same repugnates that assert treachery control all "mediums" of publicity, reportorialism, religious and political and educational leadership. The helm of the state, Masonic.

No so-called "founding father" is perfect, but there were those who had integrity and honor. One whose words are still "there" to review is Patrick Henry (3 speeches). His famous phrase—"Give me liberty or give me death."—was the closing phrase to Henry's call to arms in the first Continental Congress in 1776.

Two other speeches June 5 & 6, 1787 in the surreptitiously convened Virginia Constitutional Convention wherein the Federal Gov't's establishment was created, upending the Articles of Confederation. One can find most of the words of Patrick Henry vehemently protesting the adoption of the Gov't we now have in "Washington, D.C." George Washington, the namesake, signed into "law" for one salient example: The First Judicial Act setting up the British Legal-Judicial "system."

Keep your mind in gear, in order to correctly translate the English of the 1700's to "modern," "American," and you will "see" the prophecies of a true militant unfolding before your eyes.
*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:** JAN 2022 MONDAY

**To:** POLICE REPORTS

**Attention:** PERTINENT OFFICERS OF GOU.

By the way: If anyone has my only relatively expensive stolen jewelry, a 14 karat gold full bodied horseshoe, easily used as pendants, R.S.P. Earings and my favorite "Cowboy" hat displayed here: should go to Cardross.

**From:** Geraldine Amato

**REQUESTING MY STOLEN PROPERTY REPORTS PUT IN A "LOOKING FOR IT" ACTIVE FILE AND IN 2020 I WAS INFORMED BY I.P.R.A./CITY STAFF THAT THERE WERE "18" CRIMINAL REPORTS FILED AGAINST ME. AMATO, WHEN I INQUIRED, I REQUESTED COPY, NEVER RECEIVED COPY AFTER REPEATED ASSURANCES THAT THEY WERE FORTHCOMING. IT IS MY BELIEF THAT THE CITY CLERK WAS "LEANED ON" NOT TO RELEASE THEM.
JANUARY 2022

FROM: GERALDINE AMATO

TO: OFFICIALS "IN CHARGE"

TWO AND ONE HALF YEARS HAVE ELAPSED AND NO RECORD HAS BEEN DUTY ENTERED INTO APD RECORDS FOR MY STOLEN PROPERTY/A MOTOR VEHICLE AND TWO PERSONAL PROTECTION GUNS PARTICULARLY (ALTHOUGH OTHER PROPERTY LIKE I.D., PAPERS, JEWELRY, ETC WAS ALSO)

YEAR 2000 RX 300 V6 LEXUS VIN #

STURM RUGER 38 CALIBER SPEED SIX REVOLVER SERIAL #

POCKET SIZE 22 CALIBER REVOLVER SERIAL #
JAN 2022

WHEN REQUESTING RECORDS ON
POLICE REPORTS I DETERMINED
FALSE REPORTS UNDER JOHNNE
YARA'S SE COMMAND WERE
HIDDEN BY SUBSEQUENT INSTRUCTIONS
TO COPS CALLED ON FOLLOW UP
REPORTS. ONE EXAMPLE, A MOLINA
# 6380 "... CLR 15 MANAGER STATES
FEMALE SUBJECT WHO CT'D FROM
20 FOR 37ING ITEMS IS BACK AND
REFUSING TO LEAVE. SUBJ IS TELLING
AT EMPLOYEES - REQING 345 REMO
SUBJ-NO I NOO." DESPITE THE CODE USED
WHICH IS NOT EXPLAINED I KNEW
NOT I KNOW IT EXISTED. A COP # 5550 JOHNSON
WHEN I SUMMONED TO MAKE A REPORT ABOUT
THE ASSAULT ON MY PERSON BY COOP EMPLOYEES
TOLD ME THERE WAS NO REPORT IN APD RECORDS
AND WHEN I SAID I AM NOT WANT TO MAKE MY
REPORT JOHNSON # 5550 REFUSED TO TAKE IT.
AFTER WAITING HOURS FOR 5550 TO SHOW UP
AND THERE WAS A FALSE COVER-UP
REPORT FROM MY 911 CALL WHEN
A WOMAN DRESSED AS A PROSTITUTE
ASSAULTED ME ON CENTRAL AVENUE
IN CLOSE PROXIMITY TO THE FOOD
COOP (AMHERST SE) ON SEPTEMBER 5, 2019. 3102
AND # 3102 SHELEY WAS NAMED IN
THAT APPARENT "COVER UP" THAT AN
UNDERCOVER COP WAS THE ASSAILANT
A PAID ACCOMPlice'S PHONE AT THE TIME
A JEREMIAH CRISPIN; A WITNESS WAS ELIMINATED
FROM THE RECORD WHOSE PHONE WAS USED TO MAKE THE CALL/911 ETC. ETC.
October 29, 2020

Dear Ms. A,

I am writing to let you know that yes, we have received all of your written correspondence here in the Internal Affairs Professional Standards Division of APD. Because your correspondence is considered a Citizen Police Complaint (CPC), all of your correspondence has been forwarded to the Civilian Police Oversight Agency as they are the Agency charged with investigating Citizen Police Complaints. I'm sure if you contact Director Harness or CPOA Assistant Lead Investigator Diane McDermott at the CPOA, they will be able to tell you the status of your complaint(s). I hope they are able to provide you with some answers. Thank you for reaching out.

Godspeed,
Paul

400 Roma NW
Albuquerque
New Mexico 87102

Paul Skotchdopole
Manager
Albuquerque Police Department
Internal Affairs Professional Standards
400 Roma Ave. NW | Albuquerque, New Mexico 87102
Office: 505-768-2820 | Cell: 505-313-4662
pskotchdopole@cabq.gov

Don't know if "Scotch" mode and kept copies, more likely not.

Paul

25 Jan 2022

Wether Harness

Don't think it's my conclusion that they colluded in destroying my complaint origina as they never even acknowledged receipt.

Albuquerque - Making History 1706-2006
<table>
<thead>
<tr>
<th>CERT./STATUS</th>
<th>NARRATIVE</th>
<th>SYNOPSIS</th>
<th>PROPERTY</th>
</tr>
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On this date Geraldine Amato called to report her vehicle was not returned by Steve Archuleta. She advised that she let Mr. Archuleta use her vehicle while she was in the hospital. She had been advised that she also had memory issues since that time, and did not remember all the details about the incident. Ms. Amato had paperwork from a law shop that had the license plate of MDK33, and when I checked the plate number it came back to the vehicle under the name of MDK33 and when I checked the license plate of MDK33, and when I checked the vehicle, it was not returned. Ms. Amato advised that she was in the hospital with a serious health issue for about one month. Ms. Amato advised that she also was memory impaired since that time, and did not remember all the details about the incident. Ms. Amato was advised to contact the police if she can get any more information between her and Mr. Archuleta. Ms. Amato was advised to contact the police if she can get any more information between her and Mr. Archuleta. Ms. Amato was advised to contact the police if she can get any more information between her and Mr. Archuleta.
For reporting a loss, call: (866) 426-8842

THIS CARD MUST BE CARRIED IN THE INSURED MOTOR VEHICLE AT ALL TIMES AND PRESENTED UPON DEMAND

What to do in the event of an auto accident loss:

1. Immediately report accidents to the proper authorities.
2. Obey laws and cooperate with the police, but do not discuss the accident with anyone else.
3. Write down information from the people involved in the accident. Identify names, addresses, phone numbers, drivers license numbers and witnesses' names and contact information.
4. Photos from the scene of the accident can be emailed to NMP3018623@claims.uniqueinsuranceco.com.
5. Call for medical attention if necessary.

(Note: In some areas, police officers may restrict contact between parties.)

New Mexico law requires this card to be kept in the insured motor vehicle for presentation upon demand.

Examine policy exclusions carefully. This form does not constitute any part of your insurance policy.

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3. Write down information from the people involved in the accident. Identify names, addresses, phone numbers, drivers license numbers and witnesses' names and contact information.
4. Photos from the scene of the accident can be emailed to NMP3018623@claims.uniqueinsuranceco.com.
5. Call for medical attention if necessary.

(Note: In some areas, police officers may restrict contact between parties.)

New Mexico law requires this card to be kept in the insured motor vehicle for presentation upon demand.

Examine policy exclusions carefully. This form does not constitute any part of your insurance policy.

For reporting a loss, call: (866) 426-8842

THIS CARD MUST BE CARRIED IN THE INSURED MOTOR VEHICLE AT ALL TIMES AND PRESENTED UPON DEMAND

What to do in the event of an auto accident loss:

1. Immediately report accidents to the proper authorities.
2. Obey laws and cooperate with the police, but do not discuss the accident with anyone else.
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COPY TO CITY COUNCILORS

Official Use ONLY: Date/Time Received: ___________ Received by: __________ CPC #: __________ Assigned to: __________

Albuquerque Police Department Complaint or Commendation Form

AMATO

SUMMARY OF OVERSIGHT

JOHNNY YARRA'S COMMAND

DECEMBER 2020

2019 & 2020 MEETINGS WITH APOC

SOUTH EAST COMMUNITY

JULY 18 2019

OCT 2 2019

OCT 27 2019

NOV 19 2019

SEP 16 2020

SEP 15 2020

I was involved in "COVER UP" report of Sept 5

I want to file a: Complaint Commendation

What outcome are you seeking? A Just Outcome

UPDATE STOLEN CAR AND STOLEN REVOLVERS IDENTIFIED, PAPERS, VULNABLES NOT

Submitted by

GERARDINO AMATO

Recorded a complaint against Amato by assailants and did not accept Amato's rebuttal or lies.

Refused to accept Amato's criminal complaint as food coop assailants of Amato collaborated to the more mentioned and refused to amend 6330's report and lied to Amato and said there was no report. (Only a cadre)

Refused to accept stolen car report and maligned Amato as mentally deficient.

(C)2019
AMATO STATEMENT OCTOBER 2020

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CITY of ALBUQUERQUE
TWENTY FOURTH COUNCIL

COUNCIL BILL NO. O-21-78 ENACTMENT NO. ____________________

SPONSORED BY: Bassan, Benton, Davis, Sena

1 ORDINANCE
2 AMENDING CHAPTER 9, ARTICLE 4, PART 1 ROA 1994, THE POLICE
3 OVERSIGHT ORDINANCE
4 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY
5 OF ALBUQUERQUE:
6 SECTION 1. SECTION 9-4-1-1 THROUGH 9-4-1-14 ARE HEREBY AMENDED
7 AS FOLLOWS:
8 “§ 9-4-1-1 SHORT TITLE.
9 Sections 9-4-1-1 through 9-4-1-14 may be cited as the Police
10 Oversight Ordinance.
11 § 9-4-1-2 PURPOSE.
12 The purpose of §§ 9-4-1-1 through 9-4-1-14 is to:
13 (A) Foster and perpetuate policing policies and practices that
14 effectively maintain social order and which at the same time foster mutual
15 trust and cooperation between police and civilians;
16 (B) Ensure that the civilian police oversight body functions as
17 independently as possible from the executive and legislative branches of
18 government of the City of Albuquerque;
19 (C) Provide civilians and police officers a fair and impartial system
20 for the investigations and determinations on civilian police complaints;
21 (D) Gather and analyze information, reports, and data on trends
22 and potential issues concerning police conduct and practices and the related
23 impacts on the community and individuals; and
24 (E) Provide input, guidance and recommendations to the City
25 Council, the Mayor and the Chief of Police for the development of policy for
26 the Albuquerque Police Department.
27 § 9-4-1-3 LEGISLATIVE FINDINGS.
1
(A) The City of Albuquerque deserves a highly professional well
trained Police Department; however, an effective oversight function has not
yet evolved to the satisfaction of the community’s needs.

(B) In 1996 the City Council initiated a process to independently
review the city’s mechanisms of police oversight since the system had not
been independently evaluated since 1988. As a result of that process, the City
Council abolished the then existing Public Safety Advisory Board, and in lieu
thereof established the current Police Oversight Commission (POC).

(C) In 2013 the City Council initiated a new process aimed at
evaluating potential improvements to the POC and its processes by
establishing an Ad Hoc Police Oversight Task Force (POTF). The POTF
evaluated the city’s current system, studied oversight options, held three
Town Hall Meetings to receive input from the public, and presented their final
recommendations.

(D) On April 10, 2014, the city also received findings from the
United States Department of Justice that in part concluded that the city’s
external oversight system contributed to overall systemic problems with the
Police Department’s use of force in encounters with civilians.

(E) The Council understands that a properly conceived and
functioning police oversight system is necessary to promote accountability of
the police officers and protect the rights of civilians, and finds that adopting
the recommendations of the POTF will advance these goals and will help
respond to the shortcomings identified by the Department of Justice.

(F) The Council hereby abolishes the POC and replaces it with a
Civilian Police Oversight Agency as prescribed by this Article.

§ 9-4-1-4 CIVILIAN POLICE OVERSIGHT AGENCY.

There is hereby created a Civilian Police Oversight Agency (the
"CPOA") as an independent agency of city government, not part of either the
city administration or City Council consists of the Civilian Police Oversight
Agency Board (the "Board") and an Administrative Office led by the CPOA
Executive Director [(the "Director" or the "Executive Director"). The CPOA is
a critical component of police reform and oversight in Albuquerque. This
Ordinance is intended to comprehensively establish and set forth the CPOA.
but the CPOA is also contemplated within and bears significant duties and obligations within the 2014 DOJ Settlement Agreement with the City of Albuquerque (or any subsequent agreements), and Findings Letter of April 10, 2014 (or any subsequent findings letters). In addition to any other duties, the Administrative Office, through the Executive Director [and staff.] shall investigate direct and oversee the investigation of all civilian complaints relating to police misconduct, monitor and report on police internal affairs matters, provide staffing to the Board, and manage the day to day operations of the CPOA. The Board shall provide policy guidance for, and civilian oversight of the Albuquerque Police Department [and review and approve or amend the findings and conclusions of all investigations completed by the Administrative Office]. Board members shall rely on the CPOA professional investigative staff to perform the investigations called for under this article, and shall not independently investigate any matters before the Board.

(A) Independence. The CPOA is accountable to, but independent of the Mayor’s Office, the City Council, and the Albuquerque Police Department with respect to the performance of its oversight role and duties under §§ 9-4-1-1 through 9-4-1-14.

(1) Facility Location. The CPOA shall be housed in a facility that is separate from any police presence and is located outside of the Albuquerque[Bernalillo Government Center City Hall], the Police Department and/or all of the police substations.

(2) Budget. The CPOA shall have a dedicated and independent source of funding, administer its own budget in compliance with state and local laws, and supervise its own staff in compliance with the city’s Merit Ordinance and contractual services policies and procedures. The CPOA shall recommend and propose its budget to the Mayor and City Council during the city’s budget process to carry out the powers and duties under §§9-4-1-1 through 9-4-1-14, including itemized listings for the funding for staff and all necessary operating expenses.

(3) Professional Legal Services. The CPOA may retain or employ independent legal counsel on a contractual basis to advise and
represent the CPOA. If so retained, the CPOA’s legal counsel shall represent
the CPOA in the courts, and shall advise the CPOA as to any legal matters
relating to §§ 9-4-1-1 through 9-4-1-14 and the CPOA’s duties, responsibilities,
and procedures except for CPOA personnel matters which shall remain under
the authority of the City Attorney’s Office.

(4) Applicability of City Policies and Ordinances. The CPOA
shall comply with all city ordinances and policies dealing with administrative
functions including but not limited to those dealing with personnel, the merit
system, and procurements.

(B) Staff. The CPOA shall employ such staff as necessary to carry
out its functions as prescribed by this Article, including but not limited to an
executive director, professional investigative staff and other staff as may be
necessary, subject to budget sufficiency and city personnel policies and
procedures.

(C) Responsibilities. The Civilian Police Oversight Agency is
responsible for civilian police oversight and has the following powers and
duties:

(1) Community Outreach. The CPOA shall develop,
implement, and, from time to time amend as necessary, a program of
community outreach aimed at soliciting public input from the broadest
segment of the community in terms of geography, culture, ethnicity, and
socio-economics. The CPOA shall employ or designate a full time staff
member within the Administrative Office dedicated to community outreach
efforts. The CPOA shall report its community outreach efforts to the City
Council as part of its reporting under § 9-4-1-10.

(2) Promotion of Accountability and Impartiality. The CPOA
shall promote a spirit of accountability and communication between the
civilians and the Albuquerque Police Department while improving community
relations and enhancing public confidence. The CPOA shall also promote a
spirit of impartiality in its review of police conduct, and shall ensure that
officer conduct is judged fairly and objectively.

(3) Investigations. The Administrative Office shall
independently investigate all civilian complaints [alleging officer misconduct];
shall audit and monitor a representative sampling of all incidences of use of force by police and all matters under investigation by APD's Internal Affairs (IA) or other APD personnel tasked with conducting administrative investigations related to a use of force incident; and shall prepare proposed findings and recommendations on all officer involved shootings and serious uses of force as defined by Article III, Paragraph 12, Subsection (qq) (or as subsequently amended) of the court-approved DOJ Settlement Agreement with the City of Albuquerque ("Serious Uses of Force").

(a) Where an officer has engaged in conduct that may reasonably lead to a criminal charge against the officer, IA and the CPOA have a shared interest in exercising care to avoid interfering with the criminal process while simultaneously maintaining the integrity of the disciplinary process for officers. Consistent with this shared interest, IA and the CPOA will regularly confer and take reasonable steps to coordinate the handling of investigations into matters that reasonably may lead to a criminal charge against an officer. Before taking action related to a serious use of force or officer involved shooting, the Director shall confer with the relevant prosecuting agency and/or federal law enforcement agency to assess the likelihood of an officer being criminally prosecuted based on the incident. The Director may delay or decline to proceed with any action related to a serious use of force or officer involved shooting until completion of the criminal investigation unless, after consultation with the prosecuting agency, the Director determines that proceeding is appropriate and will not compromise a criminal investigation. If the Director seeks to proceed with investigating or presenting to the Board a serious use of force or officer involved shooting despite a prosecuting agency or federal law enforcement agency indicating that doing so would interfere with a criminal investigation, the Director may proceed only after obtaining approval to do so through a 2/3 vote of the Board. The Board shall provide notice of any such vote permitting the Director to proceed in such circumstances to APD and the police officer involved.

(b) 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

Commented [TMG9]: Need a definition of what this term “representative sampling” means
Commented [TMG10]: Suggest defined as 10% sampling of all cases, or cases not administratively closed, and allowing for more frequent than annual audits that are limited to UOF cases. What about CASA paragraph 271
Commented [TMG11]: Board motion to leave current language, as is in line 33 and 1 re: changes to what is investigated. Vote passed 5-0.
perform thorough, independent investigations of civilian complaints and
tests of serious uses of force and officer-involved shootings. However, any
material protected from disclosure by law shall remain within the custody and
control of APD at all times and will be handled in accordance with the
applicable legal restrictions.

(c) All complaints filed by police officers will be
investigated by Internal Affairs. Internal Affairs shall provide a weekly update
to the Director on all open internal investigations. The Director’s investigation
report and findings shall indicate whether within the past year there were any
IA investigations or supervisor generated complaints against the officer(s)
involved in the incident being investigated or that are otherwise relevant to the
subject matter of the investigation, the general nature of the prior
investigations or complaints, and whether they resulted in any discipline.
Redacted personnel records including those of the Internal Affairs Unit shall
be made available to the Board on demand.

(d) Information that is covered by Garrity will be
treated as confidential to the extent permitted by law and may only be
reviewed by members of the Board by application in writing, and by majority
vote of the Board. If the Board votes to review Garrity material, members of
the Board may only do so on APD property. The Board may not remove or
make copies of such statements. If the Board desires to discuss the specific
content of statements protected by Garrity, such discussion will occur only in
closed session as permitted under the New Mexico Open Meetings Act, NMSA
1978, § 10-15-1 (H)(2). The Board shall only summarize conclusions reached
after a review of a Garrity statement, but shall not disclose the statement. The
Board shall maintain the confidentiality of any Garrity material or records that
are made confidential to the extent permitted by law and is subject to the same
penalties as the custodian of those records for violating confidentiality
requirements. In addition to any other penalty, any Board member or other
person who violates the confidentiality provisions of this section shall be
removed from the Board, and shall be subject to prosecution for a
misdemeanor subject to the penalty provisions set forth in § 1-1-99. This
 provision shall apply to all aspects of the Board’s work.
(e) Mediation First. Whenever possible, and as further described in § 9-4-1-6(C)(3), mediation should be the first option for resolution of civilian police complaints.

(f) Board Audits; Access to Files. The Board may, by majority vote, perform an annual audit, or direct that an audit be performed, on a random sample of up to 10% of individual civilian police complaint investigations involving allegations of use of force, or in exceptional circumstances, for the purpose of promoting an enhanced measure of quality assurance in the most challenging cases the Board may, by a vote of two-thirds (2/3) of the members of the Board, perform an audit, or direct that an audit be performed, on any individual Citizen Police Complaint Investigation completed by the Administrative Office. For purposes of its audit function, the Board shall have full access to investigation files and may subpoena such documents and witnesses as relevant to its audit function.

(g) Disciplinary Recommendations. The Board may, in its discretion, recommend officer discipline from the Chart of Sanctions for investigations that result in sustained civilian police complaints; and may also recommend discipline based on any findings that result from review of internal affairs investigations of officer-involved shootings and serious uses of force. Imposition of the recommended discipline is at the discretion of the Chief of Police. However, if the Chief of Police does not follow the disciplinary recommendation of the Board, the Chief of Police shall respond in writing, within 30 days of the department's final disciplinary decision, with a detailed explanation of the reason as to why the recommended discipline was not imposed. The Chief shall identify the specific findings of the Board with which the Chief disagrees, or any other basis upon which the Chief declined the Board’s disciplinary recommendation.

(h) Summary/Disposition of Complaints. The Director shall develop and implement a policy that specifies those complaints other than misconduct that may be resolved informally or through mediation. Administrative closing or inactivation of a complaint investigation shall be used for the most minor policy violations that do not constitute a pattern of
misconduct, duplicate allegations, or allegations that even if true would not constitute misconduct.

(4) Reports to Mayor & Council. The CPOA shall submit a semi-annual written report to the Mayor and City Council according to § 9-4-1-10 herein. The CPOA Executive Director shall provide a quarterly oral report to the City Council at a regular or special meeting. The oral report shall at a minimum address community outreach efforts, agency progress and initiatives, [any outstanding Board vacancies and the most forthcoming term expiration(s) of any Board member(s), and the status of board members having satisfied their training requirements,] together with any of the agency's issues or concerns.

(5) CPOA Policy Recommendations. The CPOA shall engage in a long-term planning process through which it identifies major problems or trends, evaluates the efficacy of existing law enforcement practices in dealing with the same, analyzes and evaluates data (including APD raw data), innovative practices, national trends, and police best practices, and establishes a program of resulting policy suggestions, recommendations, and studies each year. APD shall provide Board members, the Director, and CPOA staff with reasonable access to APD premises, files, documents, reports, data (including APD raw data), and any other materials that are reasonably necessary for this purpose. For purposes of this article, "APD raw data" includes but is not limited to any facts and statistics or other data gathered, obtained, or that are otherwise within the possession of APD before being processed or analyzed; "police best practices" refers to law enforcement methods or techniques based upon the experiences and outcomes in other police departments or law enforcement agencies that have documented superior results compared to other practices, and to recommendations by recognized research and policy development groups, forums, consortiums, or similar. The CPOA shall redact any personal identification information from any APD raw data within its possession as permitted by law prior to its release to the public. The CPOA's policy recommendation process shall be as follows:

(a) Policy Recommendations Originating from the
CPOA. The Board shall review and analyze policy suggestions, analysis, studies, and trend data collected or developed by the Administrative Office, and shall by majority vote recommend policies relating to training, programs and procedures or other matters relating to APD. Any such policy recommendations shall be supported by specific, written findings of the Board in support of the proposed policies. The Board’s policy recommendations shall be submitted to APD and to the City Council. The Board shall dedicate a majority (more than 50%) of its time to the functions described in this subsection.

(b) Policy Proposals by APD. APD shall provide all policy proposals passed by the APD Policy and Procedures Review Board to the Board for its review, comment, and recommendations prior to final adoption.

(c) The Chief of Police or designee shall respond to policy recommendations made by the CPOA pursuant to paragraphs ‘a’ or ‘b’ above in writing within 45 days of final action on a policy by APD. As part of this response, APD shall indicate whether the Board’s policy recommendation will be followed through standard operating procedures or should be adopted as policy by the City Council, or specifically explain any reasons why such policy recommendations will not be followed or were not adopted.

(d) Within six months of its appointment, the Board shall draft and approve policies, rules and procedures that ensure that the Board is effectively accomplishing its duties under this Article.

(e) The chair of the Board shall designate one Board member to serve on each APD policy development committee. The Director and the Board member designated by the Chair shall each serve as voting members and representatives of the Board on such committees, and shall report back to the Board about the outcomes and votes cast at the next regularly scheduled meeting of the Board.

§ 9-4-1-5 THE CPOA POLICE OVERSIGHT BOARD.

(A) Composition. The Board shall be composed of nine at-large members who broadly represent the diversity and demographics of the city by way of, including but not limited to, cultural, gender and geographic diversity;
and who are representative of the stakeholders of the police oversight process, and who reside within the City of Albuquerque.

(B) Qualifications. In addition to the composition standards set forth above, the following are the minimum qualifications for members of the Board:

(1) Have not been employed by law enforcement for one year prior to appointment; and

(2) Successfully pass a background check; and

(3) Personal history lacking any pattern of unsubstantiated complaints against APD; and

(4) A demonstrated ability to engage in mature, impartial decision making; and

(5) A commitment to transparency and impartial decision making; and

(6) Residency within the City of Albuquerque.

(C) Appointment of Members. The City Council shall establish a well-publicized, fair and equitable application process for appointment to the Board, and for filling vacancies. The City Council, through its staff, shall accept applications from prospective Board members. Staff shall formulate recommendations for appointments based on evaluation of the qualification criteria listed in subsections (A) and (B) above and submit recommendations for appointment(s) to the City Council for its approval. [Staff shall establish written policies and procedures for its administration of this process.] If a member is eligible for reappointment, that member may request reappointment without a formal application process and the City Council may reappoint accordingly. [The City Council shall report out its progress on filling CPOA Board vacancies on a quarterly basis.]

(D) Timeline for Filling of Vacancies. The Director shall notify the President of the City Council of a forthcoming vacancy on the Board at least sixty days prior to the expiration of a Board Member’s term, and within five days of the resignation of a Board member. The City Council shall act on an appointment to fill the vacancy within sixty days of the Council President’s receipt of notice from the Director. In the event that the City Council fails to act...
within this timeframe, the Council’s staff shall transmit the pending applications of the qualified candidates to the Mayor, and the Mayor shall make an appointment to fill the vacancy from amongst the candidates.)

(D) Membership Term. Board members shall serve a maximum of two three-year terms on a staggered basis so that no more than three of the members are eligible for reappointment or replacement each year.

(E) Removal of Members. Any Board member may be removed for cause by a two-thirds majority vote of either the Board itself or the City Council. In addition to any other reasonable cause, any conduct inconsistent with the requirements and provisions of this article, or a demonstrated inability to objectively adjudicate civilian police complaints, shall constitute cause for removal.

(1) The appointment of any member who has been absent and not excused from three consecutive regular or special meetings shall automatically expire on the date the fact of such absence is reported by the Board to the City Clerk. Second absence occurs.

(2) The appointment of any member who has not completed the training required by subparagraph ‘(F)(2)’, below, automatically terminates if all initial training is not fully completed within an additional 30 day grace period from the expiration of the six month deadline. However, if any training is not completed because the training was not made available by the City, the 30-day grace period is extended to include the timeframe within which the training is offered and can be reasonably completed.

(3) The appointment of any member who has not completed the training required by subparagraph ‘(F)(3)’, below, automatically terminates if the eight hours of required on-going training is not fully completed within an additional 30 day grace period of the anniversary date of the member’s appointment. However, if any training is not completed because the training was not made available by the City, the 30-day grace period is extended to include the timeframe within which the training is offered and can be reasonably completed.

(4) The City Clerk Director shall notify any member whose appointment has automatically terminated and shall within five days report to...
the City Council [President] that a vacancy exists requiring an appointment for
the length of the unexpired term. [The appointment of a new member to fill the
resulting vacancy is subject to the timelines established by paragraph ‘D’,
above.]

(F) Orientation and Training. Upon initial appointment Board
members shall complete an orientation and training program consisting of the
following:

   (1) Required Orientation. Prior to participation in any
meeting of the Board, a newly appointed member must first:
   (a) Be trained by the CPOA staff or CPOA legal
counsel on CPOA policies, and procedures; and
   (b) Attend at least one Board meeting as an observer
(except for reappointed members).

   (2) Required Training. The city shall provide, and each POB
member shall complete, [a training program twenty-four hours of training]
within the first six months of the member’s initial appointment that consists, at
a minimum, of the following:
   (a) Training on the 2014 DOJ Settlement Agreement
with the City of Albuquerque (or any subsequent agreements), and Findings
Letter of April 10, 2014 (or any subsequent findings letters);
   (b) Training on this ordinance and the duties,
obligations, and responsibilities that it imposes on Board members and the
CPOA;
   (c) Training on State and local laws regarding public
meetings and the conduct of public officials, including but not limited to
inspection of public records, governmental transparency, ethics;
   (d) Training on civil rights, including the Fourth
Amendment right to be free from unreasonable searches and seizures,
including unreasonable uses of force;
   (e) [Training on all APD policies related to use of
force, including policies related to APD’s internal review of force incidents;
   (f) Training provided to APD officers on use of force;
   (g) Completion of those portions of the APD Civilian

Commented [TMG21]: Motion to suggest to City Council that items e, g, j, and l (it not part of the CPA) remain as required training for the Board. Passed 5-0.
Police Academy that APD determines are necessary for the POB to have a sound understanding of the Department, its policies, and the work officers perform. For purposes of this training requirement, APD shall identify those portions of the standard APD Civilian Police Academy Program that are optional for POB members and shall make other aspects of the program available for POB members to complete independently;

(h) [At least two APD ride-alongs;]

(i) Annual firearms simulation training;

(j) Internal Affairs training;

(k) Equity and Cultural Sensitivity training; and

(l) A briefing that identifies and explains the curriculum of all training currently received or anticipated to be received by APD officers, including any outside training not provided by the city]

(3) Required On-Going Training. Board members shall receive eight hours of annual training [on to include but not be limited to] any changes in law, policy, or training in the areas outlined under subsection (2) above, as well as developments in the implementation of the 2014 DOJ Settlement Agreement (or any subsequent agreements) until such time as the terms of the agreement are satisfied. Board members shall also participate in at least two police ride-alongs for every six-months of service on the Board.

(4) Recommended Training. Board members are encouraged to attend conferences and workshops relating to police oversight, such as the annual NACOLE conference at city expense depending on budget availability. [The Director, in collaboration with the City and APD, shall maintain ongoing training opportunities for members that includes:

(a) Training on all APD policies related to use of force, including policies related to Completion of those portions of the APD Civilian Police Academy that APD determines are necessary for the POB to have a sound understanding of the Department, its policies, and the work officers perform. For purposes of this training requirement, APD shall identify those portions of the standard APD Civilian Police Academy Program that are optional for POB members and shall make other aspects of the program available for POB members to complete independently]
(b) APD’s internal review of force incidents;
(c) Annual firearms simulation training;
(d) Internal Affairs training;
(e) Equity and Cultural Sensitivity training; and
(f) A briefing that identifies and explains the curriculum of all training currently received or anticipated to be received by APD officers, including any outside training not provided by the city.

(5) The Director shall track training progress for each Board member, verify completion of the initial and on-going training requirements for each Board member, and include this information for each Board member as part of the semi-annual reports[, and quarterly oral reports] required by this article. [The Director may contract with outside, neutral trainers or training resources in order to effectively implement any of the training called for in this subsection ‘F’, above.]

(G) Chair. The Board shall elect one of its members as the Chairperson and one as Vice-Chairperson, who shall each hold office for one year and until their successors are elected. No officer shall be eligible to immediately succeed himself or herself in the same office. Officers shall be elected in the month of March of each calendar year or upon vacancy of an office to fill the remaining term.

(H) Subcommittees. The Board may appoint such subcommittees as are deemed necessary or desirable for the purposes of §§ 9-4-1-1 through 9-4-1-14, provided that, membership on such subcommittees shall be limited to Board members and no Board member shall serve on any more than two committees at any given time.

(I) Meetings. The Board shall conduct regularly scheduled public meetings in compliance with the New Mexico Open Meetings Act, with a prepared agenda that is distributed in advance to the Mayor, City Council, Police Chief, and City Attorney. Each Board meeting will begin with public comments. Only the regularly scheduled monthly meetings and special meetings held pursuant to submission of petitions will be televised live on the appropriate government access channel. All other meetings of the Board shall be videotaped and aired on the appropriate government access channel;
however, there is no requirement for providing live television coverage.

(1) Public Comment. The Board shall allow general public comment at each of its meetings, and the Board shall also allow comment on each of its agenda items other than Citizen Police Complaints. The complainant or complainant’s authorized representative in a Citizen Police Complaint will be provided with a minimum of five minutes to address the Board relating to the complaint and investigation.

(J) Subpoenas.

(1) The CPOA is authorized to issue subpoenas only as necessary to investigate civilian complaints, or to audit and monitor incidences of use of force by police.

(2) Prior to seeking a subpoena, the Executive Director must make a reasonable attempt to exhaust all other avenues for obtaining the information sought.

(3) In order to issue an administrative subpoena, the Executive Director must ensure that:

(a) the inquiry is within the authority of the CPOA;
(b) the demand is not too indefinite;
(c) the information is relevant to the purpose of the investigation; and
(d) all other criteria for the issuance of an administrative subpoena as set forth by New Mexico law are met.

(4) The Executive Director must obtain authorization from the Board in order to issue a subpoena. A simple majority vote of the membership of the Board in favor is required before a subpoena may be issued.

(5) Subpoenas shall be served in a manner that complies with all requirements for administrative subpoenas under New Mexico Law.

(6) A subpoena must provide at least 14 calendar days’ notice prior to the deadline for responding to the subpoena to:

(a) the subpoenaed person or entity;
(b) any individual or entity that is the subject of subpoenaed records; and

Commented [TMG25]: Motion to strike this language. Passed 4-1.
(c) the City Attorney for the City of Albuquerque.

(7) The subpoena and notice to third parties must include a citation to this section and state that the recipient has the opportunity to challenge the subpoena to the Board or in the district court having jurisdiction.

(8) The summoned person or entity or any person or entity that is the subject of subpoenaed records may petition the Board or the district court of the county where he or she resides to vacate or modify the administrative subpoena.

(9) In the case of a refusal to obey a subpoena issued to any person, the Director may make application to the District Court in the state having jurisdiction to order the witness to appear before the Board and to produce evidence if so ordered, or to give testimony touching on the matter in question.

(10) Any summoned person may, at his or her own expense, be represented by legal counsel during all CPOA or Board proceedings.

(11) The CPOA and Board shall not disclose any record obtained as a result of a subpoena that is protected or confidential by law, ordinance, policy, or the CASA.

§ 9-4-1-6 CPOA ADMINISTRATIVE OFFICE.

(A) The staff and administration of the CPOA shall be directed by the CPOA Executive Director [(the “Director”)].

(B) In addition to any other duties expressed or implied by this article the Director shall:

(1) Independently investigate, or cause to be investigated, all civilian police complaints [alleging officer misconduct] and prepare findings and recommendations for review by the Board;

(2) Review and monitor all Internal Affairs investigations and other administrative investigations related to officer involved shootings and serious uses of force investigations. The Director shall prepare [and submit] findings and [disciplinary] recommendations [to the Board as appropriate] relating to officer involved shootings and serious uses of force[and, Formal Disciplinary recommendations, if any, will be]
transmitted to the Chief only upon approval of the Board. The Director shall report on general trends and issues identified through monitoring or auditing of Internal Affairs;

(3) Provide staffing to the Board and ensure that the duties and responsibilities of the CPOA are executed in an efficient manner, and manage the day to day operations of the CPOA.

(C) The Administrative Office will receive and process all civilian complaints directed against the Albuquerque Police Department and any of its officers. The Director shall independently investigate and make findings and recommendations for such civilian complaints, or assign them for independent investigation by CPOA staff or an outside independent investigator. If assigned to staff or an outside investigator, the Director shall oversee, monitor and review all such investigations and findings for each. All findings relating to civilian complaints, officer involved shootings, and serious uses of force shall be forwarded to APD internal affairs and to the Board for its review and approval. For all investigations, the information. The Director shall make recommendations and give advice regarding Police Department policies and procedures to the Board in the context of investigative findings as the Director deems appropriate.

(1) Investigation of all civilian complaints filed with the CPOA shall begin immediately after complaints are filed. If the complaint requires investigation, it shall proceed as expeditiously as possible, and if an investigation exceeds a timeframe of nine months from the date the complaint was first received the Director must report the reasons to the Board; and

(2) All civilian complaints filed with other offices within the city authorized to accept civilian complaints, including the Police Department, shall be immediately referred to the Director for investigation; and

(3) Mediation should be the first option for resolution of civilian police complaints. Mediators should be independent of the CPOA, APD, and the city, and should not be former officers or employees of APD. At the discretion of the Director an impartial system of mediation should be
considered appropriate for certain complaints. If all parties involved reach an
greement, the mediation is considered successful and no investigation will
occur; and

(4) The Director shall monitor all claims of officer involved
shootings and serious uses of force. No APD related settlements in excess of
$25,000 shall be made for claims without the knowledge of the Director. The
Director shall be an ex-officio member of the Claims Review Board; and

(5) All investigations shall be thorough, objective, fair,
impartial, and free from political influence; and

(6) The Director shall maintain and compile all information
necessary to satisfy the CPOA's semi-annual written reporting requirements in
§ 9-4-1-10; and

(7) If at any point during an investigation the investigator
determines that there may have been criminal conduct by any APD personnel,
the investigator shall immediately notify the APD Internal Affairs Bureau
commanding officer and transfer the administrative investigation to the
Internal Affairs Bureau. The CPOA may review the IA investigation and
continue processing the complaint at any time upon the conclusion of any
criminal proceeding.

(D) The Director shall have access to any Police Department
information or documents that are relevant to a civilian's complaint, or to an
issue which is ongoing at the CPOA.

(E) The Administrative Office shall staff, coordinate and provide
technical support for all scheduled Board meetings, publicize all findings and
reports, recommendations, and/or suggested policy changes.

(F) The Director[, or the Director’s designee,] shall play an active
public role in the community, and whenever possible, provide appropriate
outreach to the community, publicize the civilian complaint process, and
identify locations within the community that are suitable for civilians to file
complaints in a non-police environment.

(G) The Director shall be provided the necessary professional
and/or clerical employees for the effective staffing of the Administrative Office,
and shall prescribe the duties of these staff members. Such professional and
clerical employees will be classified city employees. All CPOA staff with investigative duties shall be professional investigators trained in professional investigation techniques and practices.

(H) The Director shall report directly to the Board and lead the Administrative Office; independently investigate or supervise all investigations of civilian complaints, audit all IA investigations of complaints, recommend and participate in mediation of certain complaints, and supervise all CPOA staff.

(I) The Director shall complete the initial and ongoing training requirements for Board members as prescribed by § 9-4-1-5(F) and report completion of training activities to the Chair of the Board.

§ 9-4-1-7 CPOA DIRECTOR QUALIFICATIONS, SELECTION, RETENTION AND EVALUATION.

(A) Qualifications for the position of Director shall minimally include the requirement of a law degree and experience in criminal investigations.

(B) The Director will be a full-time at will city employee directly responsible only to the Board, to be selected, removed, or reviewed as follows:

(1) The Board, through CPOA staff, shall accept applications from candidates. The Board shall review the applications and interview candidates, and submit to the City Council the candidate that it finds to be the best qualified to be the Director. The Board’s recommendation to Council shall be based on the candidates’ integrity, capability for strong management and abilities in investigations, law, management analysis, public administration, criminal justice administration or other closely related fields. The Board’s transmittal of its recommendation to the Council shall, at a minimum, include an evaluation of all the candidates against the provisions and requirements of this subsection 9-4-1-7 and identify in writing the basis for its selection as compared to other candidates. The City Council may decline to confirm the Board’s recommended candidate only for reasonable cause, including but not limited to lack of a reasonable evaluation process, or lack of a substantive basis for the Board’s recommendation.
(2) In lieu of recommending a new candidate to the Council, the Board may recommend to the Council the reconfirmation of the incumbent Director. Together with any recommendation for reconfirmation by the Board, the Board shall submit to the City Council a written basis for its recommendation to include a formal evaluation of the Director’s past performance, including an evaluation against the duties established for the Director by this article. Should the Council decline to reconfirm the incumbent Director, the Council President shall notify the Board that it needs to provide the Council with an alternate candidate pursuant to the provisions of subsection (B)(1), and the Board shall so submit within 90 days of such notice. The City Council may decline to reconfirm the incumbent Director only for reasonable cause, including but not limited to any failure to fulfill all the requirements obligations of this article, or ineffective leadership of the organization in its mission toward civilian police oversight. Should the Director not be reconfirmed or should any confirmation vote be delayed or postponed for any reason, the current Director may continue to serve in the same capacity until a new Director is selected and confirmed by the City Council. If for any reason there is a period of time during which there is no Director, the City Council may appoint a temporary Director by a majority vote. A temporary Director shall serve in that capacity only for a period not to exceed six months, during which time the Board shall work diligently to select a permanent Director.

(3) The Director’s compensation shall be established by the Board in consultation with the City Human Resources Department, and shall be commensurate and competitive with salaries for comparable positions within the city and other equivalent agencies in peer municipalities. The term of the Director shall be for three years. Once confirmed, the Director may be removed only upon: 1) a recommendation of removal to the City Council by the affirmative vote of two-thirds of the members of the Board; and 2) acceptance of the Board’s recommendation by a simple majority vote of the City Council.

(5) If for any reason there is a period of time during which there is no Director, the City Council may appoint a temporary Director by a
A temporary Director shall serve in that capacity only for a period not to exceed six months, during which time the Board shall work diligently to select a permanent Director.

(6) The Director shall establish and maintain written guidance on who within the Agency will serve in the Director’s stead during any temporary absences, such as during personal or sick leave.

(C) The Board shall annually review the performance of the Director taking into consideration the obligations and duties prescribed by this article and the performance of the Administrative Office. A summary of these performance evaluations shall be delivered to the Chief of Police, the Mayor, and the President of the City Council for receipt by the Council.

§ 9-4-1-8 CIVILIAN COMPLAINT PROCEDURES.

(A) Any person claiming to be aggrieved by actions of the police may file a written complaint against the department or any of its officers. Neither the Board nor any of its members shall file or initiate a complaint on behalf of a member of the public. Any Board member who files or otherwise initiates a complaint shall recuse from taking any action on the complaint, including evaluating the complaint and voting on its disposition. The Board shall submit rules and regulations governing civilian complaint procedures to the City Council for approval, including rules and regulations relative to time limits, notice and other measures to insure impartial review of civilians’ complaints against members of the police department. Anonymous complaints shall be accepted.

(B) In cooperation with the Board, the Mayor shall designate civilian city staff to receive written civilian complaints at various locations throughout the city. The Police Department may also receive written complaints. The party who receives the complaint shall immediately transmit all civilian complaints for further investigation to the Director.

(C) After the investigation of a civilian complaint is completed, the Director shall analyze all relevant and material circumstances, facts and evidence gathered under the investigation. For each investigation, the Director shall prepare investigation reports with proposed findings and recommendations and submit them to
complainant and to the Board for its [review and consideration information]. In addition to the findings and recommendation, each investigation report shall at a minimum also include: 1) a section outlining any relevant background and facts relating to the matter, 2) a listing of any relevant policies, procedures, or practices that are at issue, and 3) an analysis of the issues in the case. The Director may [share any submit formal] disciplinary recommendations [with to] the Chief of Police [in advance of their submission to only upon approval by] the Board[only as necessary to, but may submit them in advance for informational purposes to] help ensure timeliness pursuant to any applicable personnel or union contract requirements.

(D) When the Director proposes to submit formal disciplinary recommendations to the Chief of Police, the Board shall review the proposed [findings and disciplinary] recommendations at any properly noticed regular or special meeting. The Board shall adopt and follow rules for such reviews that implement the requirements of this article and ensure fairness and completeness in its reviews. For purposes of these reviews, the Board members shall, at a minimum, adhere to the following standards of conduct:

(1) Remain impartial in deliberations and decisions and abstain from any independent investigation or review of information not presented by the investigation report or within the investigation file;

(2) Refrain from any ex-parte communication relating to the matters and parties under consideration other than at a properly noticed meeting, and recuse from any related hearings as may be necessary based on any improper ex parte communication; any ex-parte correspondence that is inadvertently received by a member shall be referred to or otherwise disclosed to the Director and, when appropriate, made available for review by the relevant complaint and APD officer or their representatives; and

(3) Refrain from prejudgment on complaints coming before the board until such time as all relevant information has been reviewed and considered at a properly noticed meeting, and recuse from any hearing in which he or she has a direct or indirect personal conflict of interest or cannot otherwise accord a fair and impartial review, or in which such member's participation would create the appearance of impropriety or partiality.
After the Board has completed its review, it shall by majority vote of members present: 1) approve the findings and recommendations as proposed; 2) approve other findings and recommendations as determined by the Board and supported by the investigation file; or 3) defer action on the matter to allow for further investigation or analysis on specifically identifiable matters by the Director. As part of its review, the full investigation file shall be made available to the Board decide whether or not to authorize the formal submission of the Director’s disciplinary recommendations to the Chief of Police. For purposes of this vote, the Board is considering only whether to authorize the formal submission of the Director’s disciplinary recommendation to the Chief. As part of this decision, the Board may consider the merits of the underlying claims, the soundness of the findings supporting the recommendation, and the justness of the recommendations.

(F) Upon approval [of findings and recommendations by the Board,] the Director shall prepare and submit a public record letter to the civilian complainant, with a copy to the Chief of Police, that outlines the findings and [any formal disciplinary recommendations [as approved]]. Unless a hearing is requested by the civilian complainant[ pursuant to Section 9-4-1-6, below], within 30 days of receipt of the decision of the Board the Chief of Police shall notify the Board and the original civilian complainant of his or her final disciplinary decision in this matter in writing, by certified mail and as otherwise prescribed by § 9-4-1-4(C)(3)(g).

§ 9-4-1-9 REQUESTS FOR HEARING; APPEALS OF DISCIPLINARY DECISIONS.

(A) Requests for Hearing. Any person who has filed a civilian complaint and who is dissatisfied with the findings and/or recommendations [approved by the Board of the Director] may request [reconsideration a hearing] by the Board within 30 days (inclusive of weekends and holidays) of receipt of the [public record letter investigation report]. The Board may grant a request for reconsideration only upon a showing by the complainant that: 1) a policy was misapplied in the evaluation of the complaint; 2) that the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion, or 3) that the findings and recommendations were not consistent...
with the record evidence. The Board shall notify the Chief of Police of the request for hearing and hold a hearing on the matter at its next regularly scheduled meeting provided that there is a period of at least ten days between the receipt of the request for hearing and the next Board meeting. Any such appeals shall be reviewed in accordance with standards of conduct prescribed by § 9-4-1-8(D). Upon close of the hearing the Board may modify or change the findings and/or recommendations of the public record letter and may make further recommendations to the Chief of Police regarding the findings and/or recommendations and any discipline imposed by the Chief of Police or proposed by the Chief of Police. Within 20 days of receipt of the decision of the Board, the Chief of Police shall notify the Board and the original civilian complainant of his or her final disciplinary decision in this matter in writing, by certified mail.

(B) Appeals of the [Final] Disciplinary Decision. If any person who has filed a civilian complaint under §§ 9-4-1-1 through 9-4-1-14 is not satisfied with the final disciplinary decision of the Chief of Police or any matter relating to the Chief of Police’s handling of his or her complaint, he or she may request that the Chief Administrative Officer review the complaint, the findings of the Board and the action of the Chief of Police by requesting such review in writing within 30 days (inclusive of weekends and holidays) of receipt of the Chief of Police’s letter pursuant to § 9-4-1-9(A). Upon completion of his or her review, the Chief Administrative Officer shall take any action necessary, including overriding the decision of the Chief of Police regarding disciplinary action, to complete the disposition of the complaint. The Chief Administrative Officer shall notify in writing, by certified mail, the complainant, the individual against whom the complaint was filed, the Chief of Police and the Director, of the results of his or her review and any action taken.

§ 9-4-1-10 REPORTS.

The CPOA shall be responsible for regularly informing the Mayor, the City Council, and the public by submitting semi-annual written reports that include but are not limited to the following information:

(A) Data relating to the number, kind and status of all complaints received including those complaints sent to mediation;
(B) Discussion of issues of interest undertaken by the Board which may include suggested policy and/or procedural changes, a listing of complaints and allegations by Council District, statistical ethnicity of subject officers, statistical ethnicity of complainants, and updates on prior issues and/or recommendations;

(C) The CPOA’s findings and the Chief of Police’s issuance of discipline on those findings and the ongoing disciplinary trends of the Police Department;

(D) Information on all public outreach initiatives undertaken by the Board or the Director such as speaking engagements, public safety announcements, and/or public information brochures on the oversight process;

(E) The status of the long-term planning process identifying major problems, policy suggestions, and studies as required by § 9-4-1-4(C)(5);

(F) Identification of any matters that may necessitate the City Council’s consideration of legislative amendments to this Police Oversight Ordinance; and

(G) The amount of time that the Board dedicated to the policy activities prescribed by § 9-4-1-4(C)(5) relative to its other activities over the past quarter.

[§ 9-4-1-11 EVALUATION.]

Contingent upon funding, in the first six months of 2016 and at least every four years thereafter, from adoption of §§ 9-4-1-1 through 9-4-1-14, the City Council shall issue a Request for Proposal for an independent consultant to undertake a complete evaluation and analysis of the entire police oversight process, and recommend any necessary changes or amendments that would appropriately improve the process.]

§ 9-4-1-11 SPECIAL MEETINGS.

On the petition of 1,000 or more civilians in the City of Albuquerque filed in the Office of the City Clerk, the Board shall hold a special meeting for the purpose of responding to the petition and hearing and inquiring into matters identified therein as the concern of the petitioners. Copies of the petition shall be filed with the Board by the City Clerk. Notice of such meeting
shall be given in the same manner as notice is given for other meetings of the Board and shall comply with the State Open Meetings Act.

§ 9-4-1-[13 12] CONFIDENTIALITY.

The Board hearing process shall be open to the public to the extent legally possible so that it does not conflict with state or federal law. However, upon the opinion of the CPOA Attorney that the law permits such action, some of the details of the investigations of the Director, or the designated independent investigator, shall become privileged and confidential. The details of investigations should not be open to the public subject to the opinion of the CPOA Attorney and the Director. Compelled statements given to the Director, or the designated independent investigator, will not be made public. The Director may summarize conclusions reached from a compelled statement for the report to the Board and the Chief of Police, and in the public record letter sent to the complainant. Nothing in this article affects the ability of APD to use a compelled statement in a disciplinary proceeding.

§ 9-4-1-[14 13] MANDATORY COOPERATION AGREEMENT.

The City Council believes that full participation and cooperation of all parties involved is essential to the success of the new police oversight process, and that APD hereby agrees and understands that its full cooperation is necessary, hereby agrees to mandate that its officers provide honest and truthful responses to all questions by the Director, CPOA staff or the designated independent investigator. If any officer refuses to answer the questions proposed to him or her by the Director, CPOA staff, or the independent investigator, he or she may be subject to termination or disciplinary action at the discretion of the Chief of Police. Compelled statements given to the Director, CPOA staff or the designated independent investigator, by a police officer will be used only for the Director’s investigation and the closed session review of the investigation file by the Board, if any. The actual statement will remain confidential and will not be included in a final report. The Director may summarize conclusions reached from a compelled statement for the investigation report and in the public record letter to the complainant.

SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
clause, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

SECTION 3. COMPILATION. The ordinance amendment prescribed by SECTIONS 1, 2, 3, and 4 shall amend, be incorporated in and made part of the Revised ordinances of Albuquerque, New Mexico, 1994.

SECTION 4. EFFECTIVE DATE. This ordinance shall take effect five days after publication by title and general summary.
ALBUQUERQUE CITY COUNCIL
FLOOR AMENDMENT

[Date]

FLOOR AMENDMENT NO. ________ TO: O-21-78

AMENDMENT SPONSORED BY COUNCILOR: ________

1. On page 9, line 31: Amend Subsection (A) as follows:

"§ 9-4-1-5 THE CPOA POLICE OVERSIGHT BOARD.

(A) Composition. The Board shall be composed of [nine a non-voting Chairperson, together with five] at-large members who broadly represent the diversity and demographics of the city by way of, including but not limited to, cultural, gender and geographic diversity; and who are representative of the stakeholders of the police oversight process, and who reside within the City of Albuquerque. [The five (5) voting members of the Board shall be composed of: 2-3 members with criminal justice system experience; 2-3 members with prior Community Policing Council experience; and 1 general member. Notwithstanding the foregoing, if members meeting the qualifications identified above are not readily available, additional general members may be appointed when necessary to ensure timely appointments to the board.]

2. On page 14, line 15: Amend Subsection (G) as follows:

"§ 9-4-1-5 THE CPOA POLICE OVERSIGHT BOARD.

(G) Chair. The [Board City Council] shall [elect one of its members as appoint a non-voting Chairperson] [and one as Vice-Chairperson] who shall [each hold office serve] for one year
[and or] until their successor[s are elected is appointed. The Board shall elect one of its members as the Vice-Chairperson who shall hold office for one year or until their successor is selected. No officer shall be eligible to immediately succeed himself or herself in the same office. Officers shall be elected in the month of March of each calendar year or upon vacancy of an office to fill the remaining term.]

Explanation: This Amendment reduces the composition of the Board from a 9-member board to a 5-member board with a non-voting Chairperson. The use of a non-voting chairperson specifically dedicated to officiating the meetings may help with the efficiency of the Board. There are no requirements in the CASA for the number of members that should be on the board and numbers vary across different cities. The nine-member board is a carryover from the Police Oversight Commission which was appointed by Council District. A five-member board may be more efficient and easier to keep fully seated. Other amendments proposed within the ordinance update are aimed at reducing the board’s workload. Since there is no hard and fast requirement for the number of members, other proposals for the size of the board can be evaluated as part of this amendment. This amendment also directs that certain board members have backgrounds qualifications in criminal justice or with civilian policing councils.
ALBUQUERQUE CITY COUNCIL
FLOOR AMENDMENT

[Date]

FLOOR AMENDMENT NO. ___________ TO: O-21-78

AMENDMENT SPONSORED BY COUNCILOR: ___________

1. On page 14, line 15: Insert a new subsection as follows:

“§ 9-4-1-5 THE CPOA POLICE OVERSIGHT BOARD.

. . . (F) Orientation and Training.
. . .
[(6) Each member of the Board shall be paid a $500 honorarium upon
completion of their initial training as outlined in Section 9-4-1-5(F)(1)-
(2). Each member of the Board shall be compensated $250 upon
completion of annual Required On-Going Training as outlined in
Section 9-4-1-5(F)(3).]”

2. On page 16, line 20: Insert a new subsection as follows:

“§ 9-4-1-5 THE CPOA POLICE OVERSIGHT BOARD.

. . .
[(K) Stipend. Each member of the Board shall be compensated at a
rate of $100 per regular meeting of the Board, not to exceed $200 per
month per board member.]”

Explanation: Given the extensive training requirements for Board members, this amendment provides for a $500 honorarium to Board members upon completion of their initial training. It also provides an additional $250 honorarium on an annual basis upon completion of “Required On-Going Training” as defined in the

Commented [TMG7]: Motion that Board not receive any compensation or stipends of any sort and that the Board remain volunteers. Motion failed 2-3.
Ordinance. This amendment also provides for a $100 stipend to Board members per regular meeting of the Board, not to exceed $200 per month. The Board generally conducts regular meetings one time per month, but additional meetings have sometimes occurred in the past. This stipend is aimed at addressing Board participation and retention of members.
1. On page 16, line 20: Insert a new subsection as follows:

"§ 9-4-1-5 THE CPOA POLICE OVERSIGHT BOARD.

(K) Job Description. The Board shall draft a job description that informs members of their roles, responsibilities, and specific expectations of a CPOA Board member. The Board shall present the job description to the City Council for final approval. Each member of the CPOA Board shall sign the job description to affirm their understanding of their obligations to the Board."

Explanation: This amendment adds a provision requiring the CPOA Board to create a “job description” that explains the expectations for members of the board. The job description would be drafted then submitted to the Council for final approval. All board members would be expected to sign the job description, and in so doing, they are verifying their commitment to serving as a board member. This signed job description is aimed at addressing the Board’s understanding of its responsibilities and improving participation and retention of members. It can also be used to educate prospective Board members on what membership entails.
CITY COUNCIL
of the
CITY OF ALBUQUERQUE

January 19, 2022

FLOOR AMENDMENT NO._________ TO O-21-78

AMENDMENT SPONSORED BY COUNCILOR: Sanchez

1. On page 13, line 8: insert a subsection (g) as follows:

"§ 9-4-1-5 THE CPOA POLICE OVERSIGHT BOARD.

. . .
(F) Orientation and Training.
. . .
(2) Required Training.
. . .
[(g) Internal Affairs training, including, but not limited to, training on all APD policies related to use of force and APD's internal review of force incidents.]

2. On page 14, line 3: strike subsection (d) and renumber accordingly:

"§ 9-4-1-5 THE CPOA POLICE OVERSIGHT BOARD.

. . .
(F) Orientation and Training.
. . .
(4) Recommended Training.
. . .
[(d) Internal Affairs training;]"
Explanation: This Amendment puts back the requirement that all CPOA Board members complete training related to Internal Affairs as part of their required orientation and training program. This Amendment also includes a reciprocal change to remove IA training from the list of “recommended training.” Internal Affairs is the agency counterpart to the CPOA, and it is important that CPOA Board members understand what APD officers are subject to in IA investigations.
CITY COUNCIL
of the
CITY OF ALBUQUERQUE

January 19, 2022

FLOOR AMENDMENT NO. __________ TO O-21-78

AMENDMENT SPONSORED BY COUNCILOR: Sanchez

1. On page 13, line 20: Amend Subsection (F)(3) as follows:

“§ 9-4-1-5 THE CPOA POLICE OVERSIGHT BOARD.

...  
(F) Orientation and Training.

...  
(3) Required On-Going Training. Board members shall receive eight hours of additional training to include but not be limited to any changes in law, policy, or training in the areas outlined under subsection (2) above, as well as developments in the implementation of the 2014 DOJ Settlement Agreement (or any subsequent agreements) until such time as the terms of the agreement are satisfied. Board members shall also participate in at least two police ride-alongs for every six months of service on the Board[, with at least one ride-along to be completed each quarter].”

Explanation: As part of their initial training and ongoing training, CPOA Board members are required to complete two ride-alongs for every six months of service on the Board. This Amendment specifies that as part of their ongoing training requirements, Board members shall complete at least one ride-along during every quarter (3 months).

Commented [TMG2]: Board moved to recommend against this addition given the scheduling limits placed by this proposed addition. Motion against this recommendation passed 5-0.