

## **Civilian Police Oversight Agency Board**

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

## **BOARD AGENDA**

**Thursday, September 10, 2020 – 5:00 p.m.**

**Attendance:** In response to the Governor’s declaration of a Public Health Emergency and ban on large public gatherings, the Civilian Police Oversight (CPOA) Board meeting on Thursday, September 10, 2020 at 5:00 pm will be held via Zoom video conference.

**Viewing:** Members of the public will have the ability to view the meeting through GOVTV on Comcast Channel 16, or to stream live on the GOVTV website at: <https://www.cabq.gov/culturalservices/govtv>, or on YouTube at: <https://www.cabq.gov/cpoa/events/cpoa-board-meeting-september-10-2020>. (Please note that the link for YouTube has not yet been generated, however, the link could easily be found on the link provided above prior to the start of the meeting). The GOVTV live stream can be accessed at these addresses from most smartphones, tablets, or computers.

The video recording of this and all past meetings of the CPOA Board will also remain available for viewing at any time on the CPOA’s website. CPOA Staff is available to help members of the public access pre-recorded CPOA meetings on-line at any time during normal business hours. Please email [CPOA@cabq.gov](mailto:CPOA@cabq.gov) for assistance.

**Public Comment:** The agenda for the meeting will be posted on the CPOA website by 5:00 pm, Monday, September 7, 2020 at [www.cabq.gov/cpoa](http://www.cabq.gov/cpoa).

The CPOA Board will take general public comment and comment on the meeting’s specific agenda items in written form via email through 4:00 pm on Thursday, September 10, 2020. Submit your public comments to: [POB@cabq.gov](mailto:POB@cabq.gov). These comments will be distributed to all CPOA Board members for review.

- I. Welcome and call to order**
- II. Mission Statement – *Dr. William Kass, Chair***

*“Advancing Constitutional policing and  
accountability for APD and the Albuquerque  
Community.”*
- III. Approval of the Agenda**
- IV. Public Comments**
- V. Review and Approval of Minutes from August 27, 2020**

**VI. Reports from City Departments**

- a. **APD**
  - 1. **Training on Interviews and Interrogations**
- b. **City Council**
- c. **Mayor's Office**
- d. **City Attorney**
  - 1. **City Facilitators**
- e. **CPC**
- f. **APOA**
- g. **Public Safety Committee**
- h. **CPOA – Edward Harness, Executive Director**

**VII. Reports from Subcommittees**

- a. **Community Outreach Subcommittee – Chantal Galloway**
  - 1. **Met August 25, 2020 at 3:00 p.m. (video conference)**
  - 2. **Next meeting September 22, 2020 at 3:00 p.m.**
- b. **Policy and Procedure Review Subcommittee – Dr. William Kass**
  - 1. **Met August 24, 2020 at 4:30 pm and September 3, 2020 at 4:30 p.m. (video conference)**
  - 2. **Next meeting October 1, 2020 at 4:30 p.m.**
- c. **Case Review Subcommittee – Chantal Galloway**
  - 1. **Review of July 2020 Audit Cases**  
039-20      121-20
  - 2. **Announcement of Audit Cases**
  - 3. **Next meeting October 27, 2020 at 4:30 p.m.**
- d. **Personnel Subcommittee – Eric Olivas**
  - 1. **Met August 20, 2020 at 9:00 a.m. and August 31, 2020 at 3:00 p.m. (video conference)**
  - 2. **Next meeting September 28, 2020 at 3:00 p.m.**

**VIII. Discussion and Possible Action**

- a. **July 2019 – December 2019 Semi-Annual Report**
- b. **Review and Approval of Case Audits Findings and Report**
- c. **Follow-up on CACU Training - 2021 CPOA Board Meeting**
- d. **Executive Director's Evaluation**
- e. **Member Olivas proposed Letter to City Council**
- f. **Member Olivas proposed Memorial**
- g. **CPOA Policies and Procedures Modifications**
  - 1. **Regarding Case Audits - Member Galloway**
  - 2. **Regarding Conduct / Ethics – Chair Kass**
  - 3. **Regarding Access to Investigation Files – Member Armijo-Prewitt**
  - 4. **Regarding Executive Director Evaluation – Member Olivas**
- h. **Closed Session Meeting - Member Galloway**

- IX. Review of Cases:**
  - a. Administratively Closed Cases**  
169-20
  
- X. Request for Appeal**  
063-20            277-18            175-14
  
- XI. Other Business**
  
- XII. Adjournment- *Next Regularly scheduled CPOA Board meeting will be on October 6, 2020 at 5:00 p.m.***

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

### Civilian Police Oversight Agency Board

*Dr. William J. Kass, Chair*      *Eric Olivas, Vice-Chair*

*Tara Armijo-Prewitt*      *Chantal M. Galloway*

*Eric Nixon*      *Cathryn Starr*

*Edward Harness, Executive Director*

*Doug Mitchell*

September 11, 2020

Via Certified Mail

7018 1130 0002 3429 1248

**Re: CPC #169-20**

Dear Mr. J \_\_\_\_\_ :

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on August 13, 2020, regarding an incident that occurred on or about June 25, 2020.

### **I. THE COMPLAINT**

PO Box 1293  
Albuquerque

A \_\_\_\_\_ J \_\_\_\_\_ submitted a written complaint concerning an incident he stated occurred on June 25, 2020. Mr. J \_\_\_\_\_ wrote when he was walking his dog to the mailbox at the end of his street a “white, blonde officer in his 20s to early 30s” stopped his car and told him he had to go immediately and was not allowed out. Mr. J \_\_\_\_\_ believed he was being racially profiled.

### **II. INVESTIGATION**

NM 87103

www.cabq.gov

The CPOA Investigator called Mr. J \_\_\_\_\_ and spoke to his grandmother regarding the incident. Mr. J \_\_\_\_\_' grandmother was well aware of the complaint. Since Mr. J \_\_\_\_\_ stated it occurred in Rio Rancho the possibility was it was a Rio Rancho officer. However, Mr. J \_\_\_\_\_ grandmother said it was an APD officer, but she and her grandson did not have any identifying information such as a license plate or a car number. She explained she and her grandson have been working with an APD supervisor on her various concerns. The supervisor advised her additional identifying information would be needed to investigate the specific situation. The CPOA Investigator advised her of the same thing. Mr. J \_\_\_\_\_ grandmother understood the complaint would be closed for lack of identifying information for the officer.

### **III. CONCLUSION**

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as there was not enough information to identify the officer.

**Letter to Mr. J**  
**September 11, 2020**  
**Page 2**

Administratively closed complaints may be re-opened if additional information becomes available. Please contact the CPOA in regards to your Civilian Police Complaint if you can provide further details and wish to have the complaint re-opened.

Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,  
The Civilian Police Oversight Agency by

A handwritten signature in black ink, appearing to read 'E. Harness', with a large, sweeping flourish extending from the end of the signature.

Edward Harness, Esq.  
Executive Director

cc: Albuquerque Police Department Chief of Police

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Edward Harness, Executive Director

*Doug Mitchell*

September 16, 2020  
Via Certified Mail  
7018 1130 0002 3429 1286

**Re: CPC # 175-14**

Dear Ms. C        :

The Board may grant an Appeal only upon the complainant's timely request offering proof that:

- A) The APD policy or APD policies that were considered by the CPOA were the wrong policies or they were used in the wrong way; or,
- B) The APD policy or APD policies considered by the CPOA were chosen randomly or they do not address the issues in your complaint; or,
- C) The findings of the CPOA had no explanation that would lead to the conclusion made by the CPOA; or,
- D) The findings by the POB were not supported by evidence that was available to the CPOA at the time of the investigation.

On September 10, 2020 the Board considered your submission for Appeal and request for hearing. The Board deemed your request did not meet the standards set forth in City of Albuquerque' Oversight Ordinance. Therefore, your request for hearing in front of the Board has been denied.

Sincerely,

/s/Edward W. Harness  
Edward Harness, Esq.  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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Edward Harness, Executive Director

*Doug Mitchell*

September 16, 2020  
Via Certified Mail  
7018 1130 0002 3429 1279

**Re: CPC #277-18**

Dear Ms. G :

The Board may grant an Appeal only upon the complainant's timely request offering proof that:

- A) The APD policy or APD policies that were considered by the CPOA were the wrong policies or they were used in the wrong way; or,
- B) The APD policy or APD policies considered by the CPOA were chosen randomly or they do not address the issues in your complaint; or,
- C) The findings of the CPOA had no explanation that would lead to the conclusion made by the CPOA; or,
- D) The findings by the POB were not supported by evidence that was available to the CPOA at the time of the investigation.

On September 10, 2020 the Board considered your submission for Appeal and request for hearing. The Board deemed your request did not meet the standards set forth in City of Albuquerque' Oversight Ordinance. Therefore, your request for hearing in front of the Board has been denied.

Sincerely,

/s/Edward W. Harness  
Edward Harness, Esq.  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

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Edward Harness, Executive Director

*Doug Mitchell*

September 16, 2020  
Via Certified Mail  
7018 1130 0002 3429 1262

Re: **CPC 063-20**

Dear Ms. Y.     :

The Board may grant an Appeal only upon the complainant's timely request offering proof that:

- A) The APD policy or APD policies that were considered by the CPOA were the wrong policies or they were used in the wrong way; or,
- B) The APD policy or APD policies considered by the CPOA were chosen randomly or they do not address the issues in your complaint; or,
- C) The findings of the CPOA had no explanation that would lead to the conclusion made by the CPOA; or,
- D) The findings by the POB were not supported by evidence that was available to the CPOA at the time of the investigation.

PO Box 1293

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

On September 10, 2020 the Board considered your submission for Appeal and request for hearing. The Board deemed your request did not meet the standards set forth in City of Albuquerque' Oversight Ordinance. Therefore, your request for hearing in front of the Board has been denied.

Sincerely,

/s/Edward W. Harness  
Edward Harness, Esq.  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police