



Civilian Police Oversight Agency

Semi-Annual Report

January 2019 – June 2019

Mission Statement

“Advancing Constitutional Policing and Accountability for the Albuquerque Police Department and the Albuquerque Community”

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List of Acronyms

- APD- Albuquerque Police Department
- CPOA- Civilian Police Oversight Agency
- CPOAB- Civilian Police Oversight Agency Board or “Board”
- DOJ- Department of Justice
- APOA- Albuquerque Police Officers Association
- CASA- Court Approved Settlement Agreement
- IA- Internal Affairs
- SOP- Standard Operating Procedures
- CRC- Case Review Subcommittee
- PNP- Policies and Procedures Subcommittee
- CPC- Civilian Police Complaint
- OBRD- On-Body Recording Device
- SUOF- Serious Use of Force
- OIS- Officer Involved Shooting
- ECW- Electronic Control Weapons
- OPA- Office of Policy Analysis
- PPRB- Policy and Procedures Review Board
- FRB- Force Review Board



REPORT HIGHLIGHTS

- Civilian Police Oversight Agency recorded (196) complaints while (152) complaints were assigned CPC numbers during this reporting period.
- Number of complaints pending at the start of reporting period were (43), while the agency closed (101) complaints during this reporting period.
- 53% of the civilian police complaints were closed in less than 90 days.
- APD employees received (106) commendations.
- Agency considered (152) complaints in this reporting period compared to (126) in the last reporting period.
- (101) complaints were closed compared to (60) complaints closed in the last reporting period.
- 88% of complaints closed during this reporting period were assigned the finding of 'administratively closed' and 47% of those were due to 'no SOP violations'.
- (11) SOPs were reviewed (39) times for (12) cases with a disposition other than administratively closed with 2-52 Use of Force reviewed the most (12 times).
- (76) APD employees were involved in complaints received during this reporting period. (63) were involved once, (10) involved twice and (3) involved three times. The majority (31%) were of the rank police officer 1st class.
- 94% of APD employees receiving complaints were white while 85% of them were male.
- The youngest APD employee to receive a complaint was 21 years old while the oldest employee was 64 years old.
- (127) citizens were identified among complaints received, male complainants comprised a slightly larger number (64), compared to female complainants (60) while (3) complainants did not record gender information. Youngest (21), Oldest (83) years old.
- (59) citizens were white while (40) did not report on race. (43) were Hispanic, (40) non-Hispanic while (44) citizens did not report their ethnicity.
- Most of the citizens were heterosexual (approx. 48%), while a significantly larger number (approx. 45%) did not report on their sexual orientation.
- (19) complainants stated they experience mental health issues while (38) did not identify their mental health status. The majority, (70) citizens reported they have no mental health issues.
- (10) citizens stated they were homeless while (82) reported they do not struggle with homelessness. (35) did not identify their housing status.
- (31) Serious Use of Force incidents and (3) officers involved shooting incidents occurred.
- All SUOF incidents were within policy, (2) OIS were firearm discharges against persons and (1) was accidental discharge.



Introduction

The Civilian Police Oversight Agency (CPOA) is an independent agency of the City of Albuquerque and is neither part of the city government or the city council. The CPOA consists of the Board (CPOAB) and an Administrative Office (the Agency) led by the Executive Director. The CPOA receives, investigates, and reviews complaints and commendations submitted by community members concerning the Albuquerque Police Department (APD). The CPOA is mandated by the Oversight Ordinance (§ 9-4-1-1 through 9-4-1-14) to submit a semi-annual report to the city council. The information contained in this semi-annual report is for period beginning January 1st, 2019 through June 30th, 2019. This report is divided into the following sections:

- I. Complaint Details
- II. Employee and Citizen Demographics
- III. Serious Use of Force & Officer Involved Shooting Incidents
- IV. Public Outreach
- V. CPOA/Board Policy Activities, Policy issues at APD & Policy Recommendations by CPOA/Board
- VI. Legislative Amendments to Oversight Ordinance

The first section, 'Complaint Details,' identifies the total number of complaints received and considered during the first six months of 2019. This section covers complaint closure time and an explanation of agency's closure process; the numbers of complaints by city council districts and a comparison of complaints received and closed with the previous year. Furthermore, the section provides information related to the source of complaints received and identifies the disposition of complaints as required by the ordinance.

The second section, 'Employee and Citizen Demographics,' reports demographic information on both APD employees and complainants. The information includes gender and race of employees involved; rank of employee; their assigned bureau and division; median age and identifies employees involved in repeated complaints. The information reported in this section also classifies citizen complainants by their gender; race and ethnicity; sexual orientation; housing and mental health status and if complainants are interested in mediation.

The third section 'Serious Use of Force' and 'Officer Involved Shooting' will provide a snapshot of number of incidents that occurred during the first half of 2019. Section four will highlight



'Outreach Initiatives' undertaken by the Agency or CPOAB during the reporting period. The fifth section highlights 'CPOAB Policy Activities, Policy Issues Identified at APD and Policy Recommendations during this reporting period. The final section will report, 'Legislative Amendments to Oversight Ordinance', as recommended by the city council.

Complaint Process

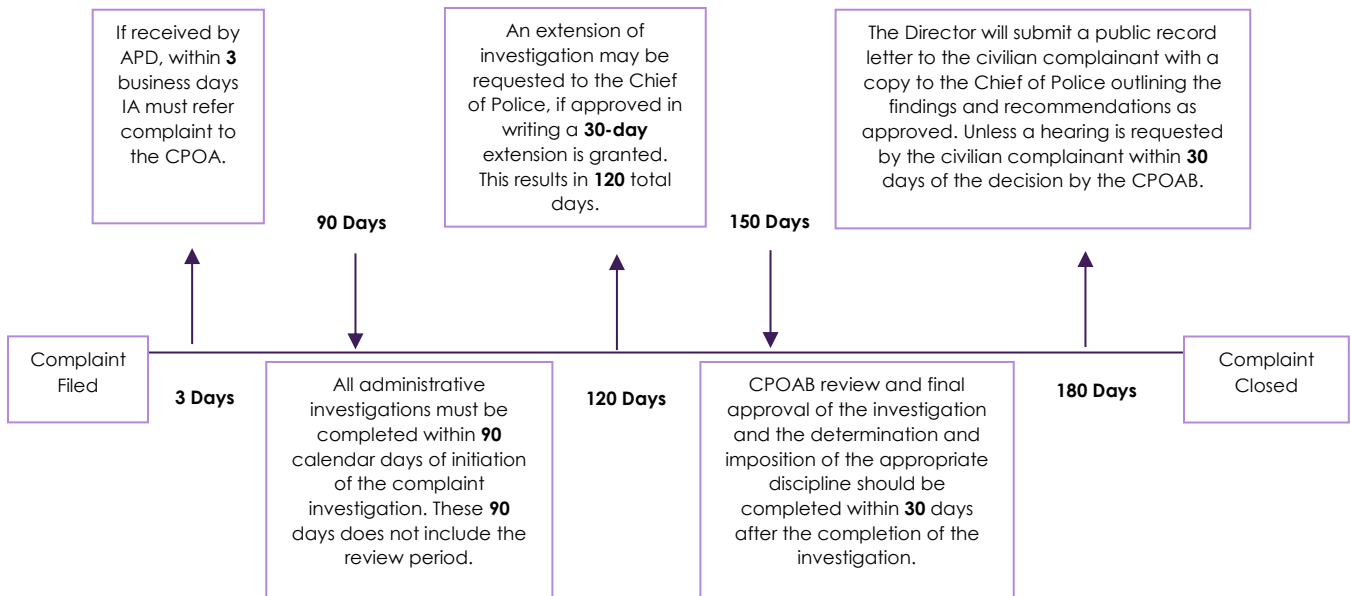


Chart 1. Complaint Timeline

Civilian police complaints can either be filed with the police department or with the CPOA itself. If the complaint is filed with the police, they must refer the complaint to the CPOA within three business days. Once the complaint is received by the CPOA, there are seven days (the ordinance does not specify if these are calendar days) to assign the complaint to an investigator. The CPOA will mediate complaints, whenever appropriate and agreed upon by the parties. If the case is not appropriate for mediation, the CPOA will open a case and assign it to an investigator. The assigned investigator will interview witnesses, obtain evidence, and interview the APD personnel involved, when appropriate. Once the investigation of the complaint is completed, the Executive Director of the CPOA will review the findings of the investigation to determine if there are any violations of Albuquerque Police Department Standard Operating Procedures (SOPs). The investigator may close the complaint following an



initial investigation or the investigator may take it to a full investigation. A complaint can be resolved without a full investigation for the following reasons:

- The investigator verifies after initial review that it does not constitute misconduct by an employee,
- The investigator cannot minimally substantiate allegations,
- The policy violations are minor,
- The allegations are duplicative,
- There is lack of information to complete the investigation,
- The complainant requests a withdrawal of the complaint, or
- The complaint was lodged against someone who is not an APD employee.

After receiving the complaint, the CPOA has ninety-calendar days to complete the administrative investigation. A thirty-calendar day extension may be requested from the Chief of Police and must be approved in writing. With extension granted, the CPOA has a total of 120 days to complete the investigation. In some cases, if citizens do not file complaint with the CPOA immediately after the incident, the body camera footage of the incident may not be available to CPOA investigators due to APD's On-Body Recording Device (OBRD) video retention policy of 120 days.

The CPOAB reviews the outcome of every complaint during the case review subcommittee (CRC) meetings and also later in the presence of full board during monthly meetings. During these monthly meetings, the CPOAB concludes whether they agree or disagree with the Agency's finding. During this review period, it is possible that the CPOAB will disagree with the Agency's finding and return the complaint to the CPOA for further investigation. The additional amount of time given to resolve the complaint resulting from CPOAB non-concurrence is not explicitly specified in the ordinance.

Upon approval of the findings and recommendations by the CPOAB, the CPOA Executive Director as per the ordinance, must submit a public record letter to the civilian complainant and to the APD Chief of Police with the findings and recommendations. Upon receipt of the findings, the civilian complainant has 30 days to request an appeal of the CPOAB's decision. If no appeal is requested, the Chief of Police must notify the CPOAB and the original complainant of his or her final disciplinary decision. The Chief of Police retains sole authority to take disciplinary action against an APD employee for violations of SOP. The complainant may disagree with the Chief's disciplinary findings and can file an appeal to the Chief Administrative Officer for the City of Albuquerque concerning the discipline issues. If the investigation exceeds nine months, the



Executive Director of the CPOA must report the reason to the CPOAB. The Agency does not conduct criminal investigations. At any point during the investigative process, if the investigators at the agency determine criminal allegations are associated with the civilian complaint, the case is forwarded to internal affairs at APD.

There are six possible findings that the APD and the CPOA use:

- **Sustained** – Where the investigation determines, by a preponderance of the evidence that the alleged misconduct did occur.
- **Not Sustained** – Where the investigation is unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred.
- **Exonerated** – Where the investigation determines, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training.
- **Unfounded** – Where the investigation determines, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer.
- **Sustained Violation Not Based on Original Complaint (Sustained/NBOOC)** – Where the investigation determines, by a preponderance of the evidence, that misconduct did occur that was not alleged in the original complaint but was later discovered during the investigation.
- **Administratively Closed** – Where the policy violations are minor, the allegations are duplicative, or investigation cannot be conducted because of the lack of information in the complaint.

Data

This report highlights complaints received and considered along with the disposition; demographic information of employees and complainants; number of serious uses of force incidents and officer involved shootings. It also provides information regarding policy issues at APD identified during the reporting period; policy recommendations given by CPOA/CPOAB and the public outreach efforts by CPOA. Data for this report was retrieved from the IA Pro database, citizen complaint data retained by CPOA and CPOAB meeting minutes. There are several limitations and missing data sets that will be mentioned alongside different sections of this report.



Commendations

Individuals can submit commendations or “Job Well Done” forms for APD employees who provide exemplary service. Commendations are unsolicited attestations that the employee has done something extraordinary for which they should be recognized. APD gives commendations and awards to officers whose actions rise above the expected standards of key departmental values (honor, courage and commitment to community service). During the reporting period from January 1st 2019 to June 30th 2019, APD employees received (106) commendations. Figure 1 below presents a snapshot of employees who received commendations by their assigned bureau.

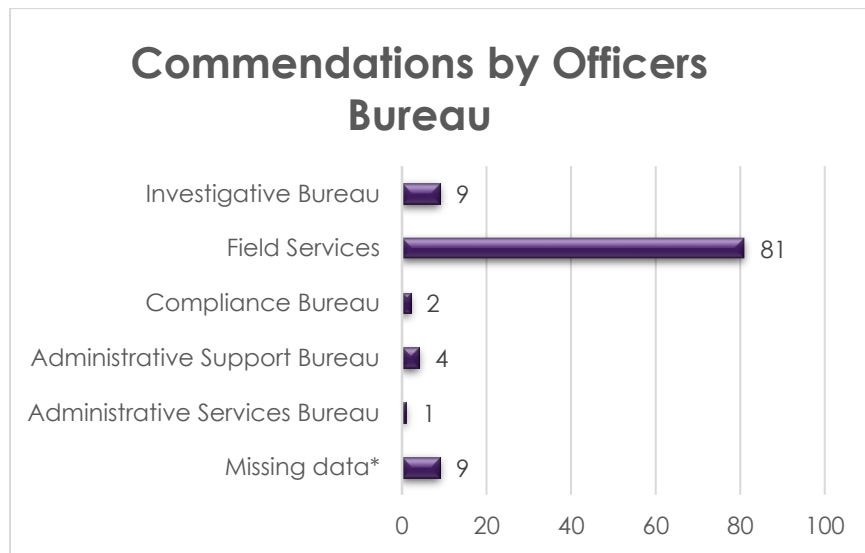


Figure 1. Number of Commendations received by APD employee's by Bureau
Data Source: IA Pro January-June 2019

76% of the employees who were recognized by a 'Job Well Done' belonged to field services bureau. Employees in Field services east division received 21 commendations, while employees in investigative bureau received (9) commendations during this reporting period. Table 1 below shows the count and percentage of employees who received commendations by their division. Northeast area command received the most commendations (24) (approx. 23% of all commendations received), while employees in Southeast area command received 20. There is missing data regarding employee's division in IA Pro database for (9) commendations received from January 1st to June 30th 2019.



| Employee Division | Count | Percentage |
|---------------------------------|--------------|-------------------|
| CID/Family Advocacy center | 4 | 3.77% |
| Downtown District | 2 | 1.89% |
| Internal Affairs Compliance | 2 | 1.89% |
| Northeast Area Command | 24 | 22.65% |
| Southeast Area Command | 20 | 18.87% |
| Special Investigations Division | 5 | 4.72% |
| Academy | 1 | 0.94% |
| Communications | 1 | 0.94% |
| Foothills Area Command | 13 | 12.26% |
| Metro Traffic Division | 1 | 0.94% |
| Northwest Area Command | 12 | 11.32% |
| Southwest Area Command | 7 | 6.60% |
| Valley Area Command | 5 | 4.72% |
| Missing* | 9 | 8.49% |
| Total | 106 | 100% |

Table 1. Number of Commendations received by APD employee's by division
Data Source: IA Pro January-June 2019



Section I. Complaint Details

The Civilian Police Oversight Agency is responsible for receiving and investigating all complaints involving APD employees and ensuring that the complaint process is accessible to all members of the community. Any person claiming to be aggrieved by actions of the police may file a complaint against the department or any of its employees. During the reporting period of January to June 2019, the CPOA recorded (196) complaints out of which (152) were assigned a CPC number. (44) complaints did not get assigned a CPC number due to reasons including but not limited to:

- Duplicate complaints (already assigned a CPC number),
- Complaints not involving APD personnel (out of jurisdiction),
- Complaints at time of receipt were resolved through informal mediation,
- Driving complaints that are directly forwarded to officer supervisor for resolution,
- Lack of information to open an investigation and,
- Complaints which were forwarded to Internal Affairs due to aspect of criminal allegations.

The CPOA closed (101) complaints during the reporting period. Of all complaints that were closed, 87% were assigned a finding of administratively closed.

| |
|------------------------------------|
| COMPLAINTS RECEIVED |
| 152 |
| COMPLAINTS CLOSED |
| 101 |
| COMPLAINTS OPENED & CLOSED |
| 57 |
| COMPLAINTS PENDING AT START |
| 43 |
| <small>DATA SOURCE: IA PRO</small> |

Complaint Closure Time

Complaints closed by the total number of days for the current reporting period is highlighted in this section. (53) out of the (101) complaints were closed in less than 90 days. As noted earlier, all complaints must be completed within 90 days unless an extension from APD's Chief has been requested and granted. (12) complaints were closed between 90 – 120 days, (4) between 121 – 150 days, (11) between 151 – 180 days, (10) between 181 days and 9 months. (11) complaints which were closed during this period took more than (9) months for completion. A major factor leading to the delayed completion of some complaints can be attributed to limited investigators at the agency working on clearing a backlog of complaints from previous years. Table 2 below provides a snapshot of all complaints closed by amount of time it took for closure.



| Less than 90 days | 90-120 days | 121-150 days | 151-180 days | 181- 9 months | More than 9 months | Total |
|--------------------------|--------------------|---------------------|---------------------|----------------------|---------------------------|--------------|
| 53 | 12 | 4 | 11 | 10 | 11 | 101 |

*Table 2. Complaints Closed
Data Source: IA Pro January-June 2019*

Complaints Closure Process

This sub-section explains the difference of complaint closure by investigators compared to when they are closed by the agency (after investigative findings are heard by the CPOAB and the finding letters are sent to citizens). This analysis explains why some cases are taking longer than the 90-120 days deadline as required by CASA. The usual process of the agency is that when cases are completed by investigators, they are heard by CRC which agrees or disagrees with case findings. These are then forwarded to the full board within the same month or the next month's board meeting. Sometimes all cases cannot be heard by CRC and so the remaining cases are forwarded to the next month's CRC, causing at least a one-month delay. Cases that are not heard by CRC are not put on that month's full board agenda which adds more time to the process of case completion.

For reporting purposes in this semi-annual report, it is important to keep in mind that cases which are shown as completed for the period of January 1st to June 30th 2019 are those that were completed and heard by the CRC, voted on by the full board and the citizen was informed of the agency's decision. We are not assuming that cases are closed when investigators close them from their end. Some cases that are closed by investigators in May or June of 2019, might not have been heard by the CPOAB until July or August of 2019, so they will be reported as closed in the next reporting period.

Complaint Source

Complaints received by the agency can come through different sources. A complainant may file it in writing or over the phone. They can email, send the complaint through regular mail, or even fax the complaint. Complaint forms are available online, at all police sub-stations, libraries and community centers across Albuquerque - covering more than fifty locations. For the period of January to June 2019, out of the (152) complaints received, (35) reached the agency through online self-reporting by citizens, (16) complaints were through email, while (10) were received by the agency through walk-ins at the office. It is important to highlight that the source for (67) complaints was missing



in the IA Pro database, which is a significantly large number. This is mainly due to non-selection of the drop-down box that asks for source identification in IA Pro at the time of data entry. Eliminating such discrepancies will address the issue of missing data and will promote informed reporting. Figure 2 below identifies the source of all complaints that were received during the current reporting period.

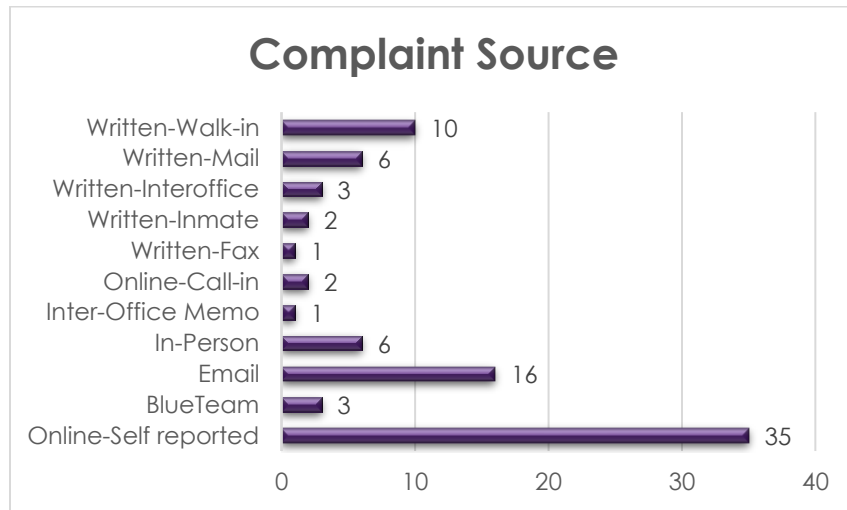


Figure 2. Complaint Source
Data Source: IA Pro January-June 2019

Complaint by City Council Districts

The information reported in this sub-section provides a list of complaints received for all incidents that occurred during this reporting period by city council districts. Of the (9) city council districts in Albuquerque, most complaints were received for incidents occurring in District 2 and District 6, with both receiving (22) complaints each. (61) complaints do not identify city council district in the IA Pro database and is a significantly large number. It is important to note here that most complaints that are in the initial stage of the investigative process does not have information related to the council district since the information is reported in IA Pro after the case is completed.

Several citizens who filed complaints did not provide information regarding incident location, which made it difficult to identify city council districts. Some complaints were filed against employees for reasons not involving a physical incident, such as conduct by an employee over the phone. Such instances can lead to large number of missing information regarding city council districts in IA Pro database.



(4) complaints received during this reporting period were 'Out of Area' suggesting the incident occurred out of city council's jurisdiction. Table 3 below provides a snapshot of complaints received by council districts.

| City Council District | Number of Complaints |
|------------------------------|-----------------------------|
| 1 | 6 |
| 2 | 22 |
| 3 | 2 |
| 4 | 8 |
| 5 | 10 |
| 6 | 22 |
| 7 | 9 |
| 8 | 2 |
| 9 | 6 |
| Out of Area | 4 |
| Missing* | 61 |
| Total | 152 |

Table 3. Complaints received by City Council Districts
Data Source: IA Pro January-June 2019

Complaint Trend

Figure 3.1 and 3.2 presents the number of complaints received and closed by the agency during the first half of 2019 compared to the last two years. The information provided here provides a comparison of the trend seen in complaints received in the 2017 and 2018. This comparative analysis can help us understand numerous things. First, more complaints received might suggest an occurrence of more police misconduct incidents or fewer complaints can indicate an improvement in officers' conduct. An increase in complaints received can also suggest that citizens are now more aware of the complaint process compared to previous years leading them to file more complaints, which can be attributed to better community outreach by the agency.

Secondly, a comparison of complaints closed with previous years will identify why more or fewer cases are completed in the current period. The information is useful to understand if there is a need to have more investigators due to fewer complaint closures and will also reflect on the efficacy of the investigators. However, it is important to note



that some investigations generally take more time than others due to factors including but not limited to more associated allegations and/or more employees involved. Nevertheless, trends highlighted here will help educate the policy makers to make conversant decisions.

(152) complaints were received during the current reporting period which was an increase from (126) complaints received during the second half of 2018. The first half of 2018 saw a similar number of complaints received (153) as seen in figure 3.1 below. The trend for complaints received suggest that the agency tends to receive more complaints during the first half of the year compared to the second half. As shown in figure 3.2, the agency closed (101) complaints during the current reporting period. Complaints closed for this reporting period had seen a significant increase compared to complaints closed in the last reporting period (60), but saw a decline if comparisons are made with the first half of 2018 in which the agency closed (149) civilian police complaints. There has been an overall increase in complaint closure by the agency from the year 2017 in which the agency closed (110) complaints in the whole year compared to (209) complaints that were closed in the year 2018 and (101) which were closed in the first six months of 2019.

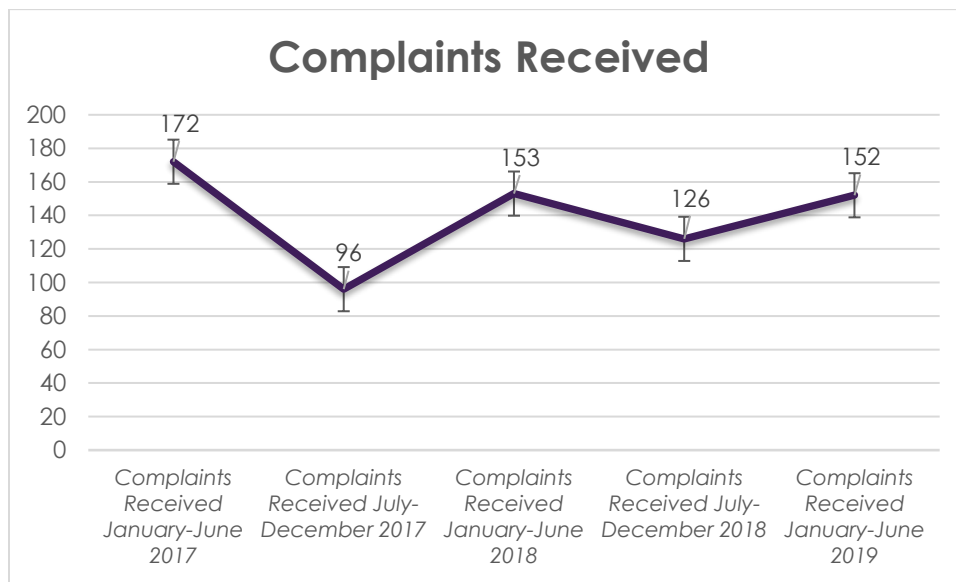


Figure 3.1. Civilian police complaints received trend
Data Source: IA Pro January 2017-June 2019

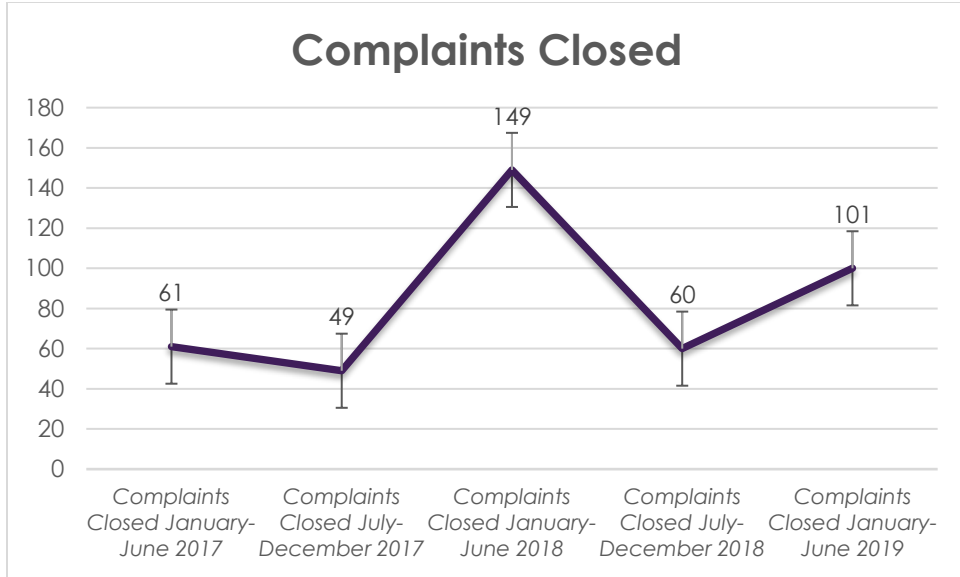


Figure 3.2. Civilian police complaints closed trend
Data Source: IA Pro January 2017-June 2019

Complaint Findings/Disposition

Following the completion of investigation for civilian police complaints, the CPOA recommends one of several disposition/findings. These include: Unfounded (investigation determined that misconduct did not occur), Sustained (alleged misconduct did occur), Not Sustained (unable to determine by preponderance of evidence whether misconduct occurred), Exonerated (alleged conduct occurred, but did not violate APD policies, procedures or training), Administratively Closed (minor policy violation, duplicative allegations, or cannot conduct investigation due to lack of information in the complaint) and Sustained NBOOC (finding not based on original complaint).

Figure 4 below illustrates findings by the CPOA for all the complaints closed during January to June 2019. Out of (101) closed complaints, (88) complaints were closed administratively, (3) were assigned sustained findings, (2) were unfounded, (6) exonerated and (1) was assigned a finding of not-sustained. (1) complaint was closed by the agency due to investigation opened by APD Internal Affairs.

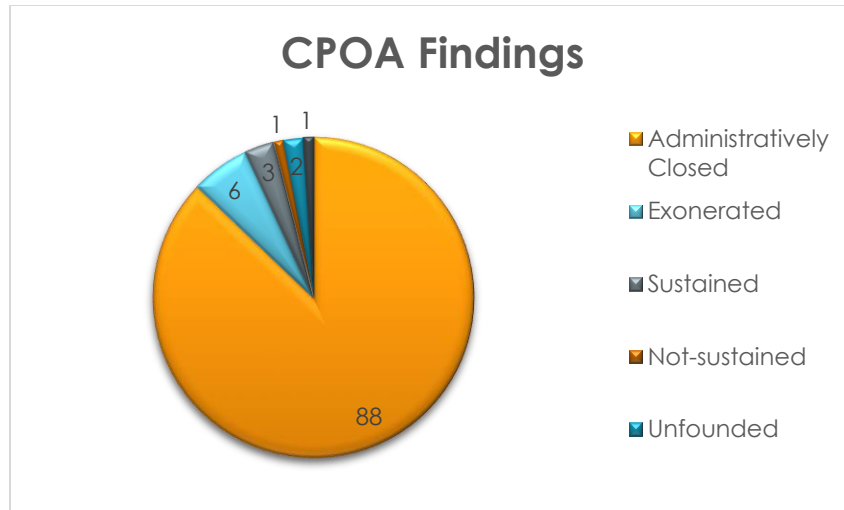


Figure 4. CPOA findings for complaints closed
Data Source: IA Pro January-June 2019

Table 4 below provides a snapshot of all administratively closed cases during this period and identifies why they were assigned this finding. Nearly 47% of all cases were assigned the finding of administratively closed due to 'No SOP violation'.

| Duplicative | Lack of information | Minor violation | No jurisdiction | No officer identified | No SOP violation | Mediation | Admin closed | Total |
|-------------|---------------------|-----------------|-----------------|-----------------------|------------------|-----------|--------------|-------|
| 8 | 16 | 2 | 9 | 3 | 42 | 4 | 4 | 88 |

Table 4. Administratively closed cases, findings reason
Data Source: IA Pro January-June 2019

SOPs Reviewed for Complaints Closed

This sub-section identifies allegations associated with complaints that were closed by the agency during this reporting period. Since administratively closed cases comprise 87% of the total cases closed and no allegations were identified by investigators for these findings, it is not possible to provide information regarding SOPs violated. Once administratively closed cases are changed to unfounded as recommended by the monitor, it will identify the SOPs that are investigated as part of the process. For this reporting period, we can only identify SOPs that are reviewed for 13% of the investigative cases with the disposition of sustained, not sustained, exonerated, and unfounded cases. With the help of this data, we can identify the SOPs which are violated more often and what kind of misconduct are department personnel mostly involved in.



(11) SOPs were reviewed (39) times for (12) cases with disposition other than administratively closed. SOP 2-52 (Use of Force) was reviewed (12) times while 1-1 (Personnel code of conduct) came under review (11) times in civilian police complaint investigations for the current reporting period. Table 5 below highlights all (11) SOPs that were reviewed and times they were reviewed by investigators.

| SOP Number and Title | Times Reviewed |
|--|-----------------------|
| 1-1 Personnel Code of Conduct | 11 |
| 2-52 Use of Force General | 12 |
| 2-8 Use of OBRD | 3 |
| 3-13 Officer's Duties and Conduct | 2 |
| 3-14 Supervisory Leadership | 1 |
| 2-60 Preliminary and Follow-up Criminal Investigations | 2 |
| 2-16 Records | 1 |
| 4-25 Domestic Violence | 1 |
| 2-19 Response to Behavioral Health Issues | 2 |
| 2-54 Intermediate Weapons System | 1 |
| 1-2 Social Media | 2 |
| 5-11 Auto Theft Unit | 1 |

*Table 5. SOPs reviewed in CPOA Investigations
Data Source: IA Pro January-June 2019*



Section II. Employee and Citizen Demographic Characteristics

Section 9-4-1-10-B of the ordinance requires reporting of information pertinent to subject officers and complainants in the semi-annual reporting. This section is divided into two sub-sections. The first sub-section will provide information regarding APD employees who were involved in complaints while the second sub-section reports on demographic statistics of citizen complainants for all complaints that were received during the reporting period from January 1st 2019 to June 30th 2019.

Employee Characteristics

Complaints can be filed against both sworn and non-sworn employees of Albuquerque Police Department. A total of (76) APD employees were involved in complaints received during this reporting period. Out of (152) total complaints received for the reporting period, (68) provided information regarding sworn and non-sworn APD employees while (84) complaints did not identify involved employees in the IA Pro database. Out of (84) complaints that did not identify employee information, (77) had findings of 'administratively closed', (5) complaints are still in 'initial stage' and (2) are 'active investigations'. Administratively closed cases do not require identifying involved employees as highlighted in the collective bargaining agreement. Note that one complaint can have more than one employee involved so we might have information of one employee in a particular complaint but that complaint might have missing information about other employees.

As required by the ordinance and CASA, this sub-section reports on demographic characteristics of APD employees who were mentioned in civilian police complaints received during this reporting period. The information reported here provides a snapshot of the employee's rank who were involved in the complaints; includes information on employees by the number of times they were involved in complaints received; their assigned bureau and division; their race; gender and their median age.

Employee Rank/Title

As mentioned earlier, (76) employees were involved in complaints received during the current reporting period. Figure 5 below provides information about employees by their rank at the time of incident. (23) Police Officer's 1st class and (18) Senior Police Officer 1st



class were involved in complaints received. Note that (1) officer was involved twice, once with the rank of Police Officer 1st class and once as Police Officer 2nd class lateral - showing the total as (77) employees in the figure below.

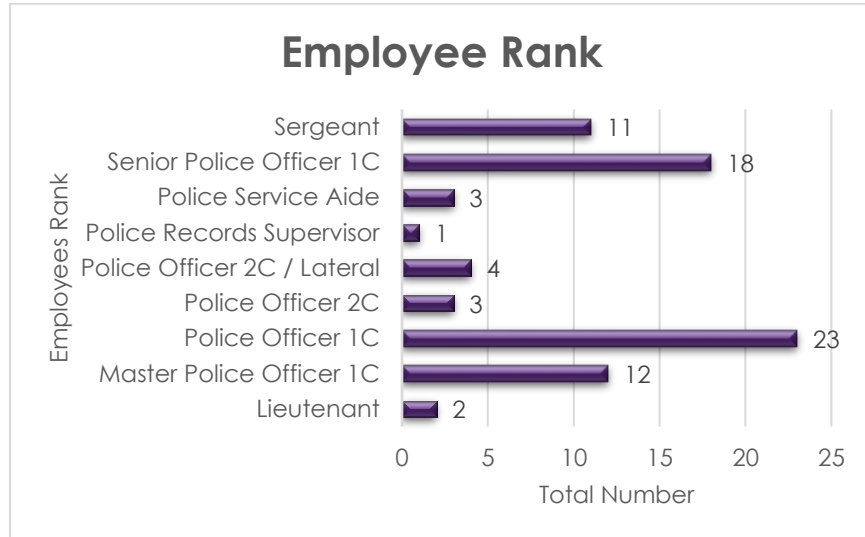


Figure 5. APD employees involved in complaints received by Rank
Data Source: IA Pro January-June 2019

Employees Involved in Complaints Received

This sub-section identifies the number of complaints received and the number of employees involved in those complaints. As already highlighted, of the total (152) complaints received during the reporting period, only (68) provided information about employees involved. (51) complaints involved one employee. (13) complaints involved two employees and (2) complaints received concerned (3) employees. (1) complaint during this period involved (4) and (5) APD employees respectively. (84) complaints received have missing data and do not report information about employees involved. This section also reports on the number of times employees were involved in complaints received during this reporting period. Table 6.1 and 6.2 below is a snapshot of employees involved and times they were involved in the complaints received.



| Civilian Police Complaints Received | Employees Involved |
|-------------------------------------|--------------------|
| 51 | 1 |
| 13 | 2 |
| 2 | 3 |
| 1 | 4 |
| 1 | 5 |

Table 6.1. APD employees involved in complaints received
Data Source: IA Pro January-June 2019

| Employees | Times Involved |
|-----------|----------------|
| 63 | 1 |
| 10 | 2 |
| 3 | 3 |

Table 6.2. Number of times APD employees involved
Data Source: IA Pro January-June 2019

Employees Assigned Bureau

This sub-section provides information pertinent to the bureau of employees involved at the time when a misconduct complaint was received against them by the agency. There are five bureaus in APD which includes compliance, field services, investigative, support services and administrative services. There are data issues in IA Pro that identifies aviation (part of administrative service

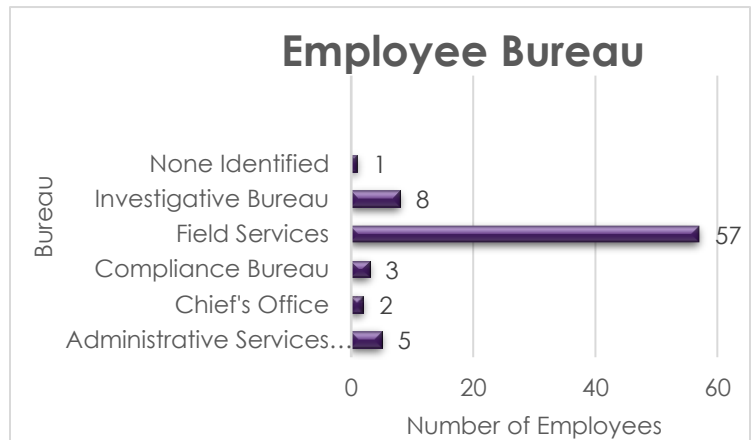


Figure 6. APD employees involved by assigned Bureau
Data Source: IA Pro January-June 2019



bureau) and chief's office among separate bureaus. The data also identifies field services-east and west division as a separate bureau which are part of field services bureau. Figure 6 highlights all the employees who were the recipient of complaints by their assigned bureaus after making corrections to the data reported in the IA Pro database.

Employees Assigned Division

This sub-section provides information related to an involved employee's division at the time when a misconduct complaint was received against them by the agency. Most employees, (14) who received complaints during this reporting period were assigned to northwest area command division. (11) employees from southeast and foothills area command division were the recipient of complaints while (10) employees were assigned to valley area command division when the agency received misconduct complaint against them during the reporting period. Further breakdown of employees by their assigned division at the time when complaints were received against them by the agency is illustrated in figure 7 below.

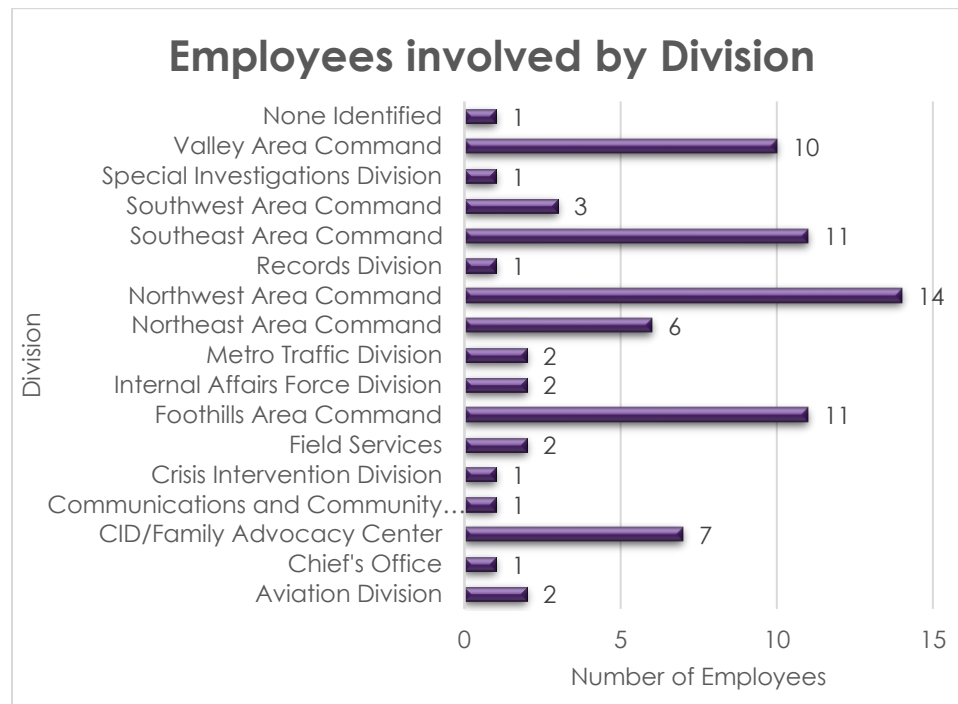


Figure 7. APD employees involved by assigned Division
Data Source: IA Pro January-June 2019



Employees Race and Gender

The CASA and oversight ordinance require capturing demographic information of APD employees who were the recipient of civilian police complaints. Reporting on such information helps identify the trends and biases of employees originating specifically due to their race and gender and will also help CPOAB to provide policy and procedural recommendations to APD. As seen in the figure 8, approximately 94% of APD employees involved in complaints were white and 85% of them were male.

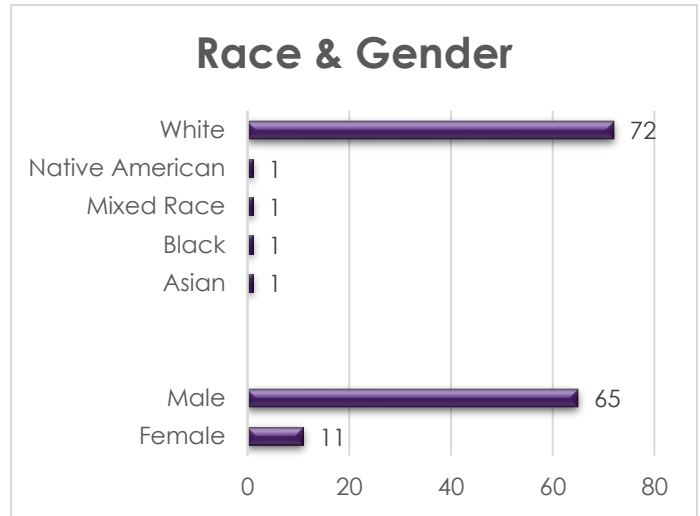


Figure 8. APD employees' gender & race
Data Source: IA Pro January-June 2019

Employees Median Age

The median age range of all employees who were implicated in misconduct complaints received during this reporting period is identified in the figure 9. Most employees (17) were in the age group of 31-35 years at the time of incident. The youngest APD employee receiving complaint was 21 years old while the oldest employee was 64 years old at time when the incident occurred. Figure 9 provides information regarding all employees' age at the time of incident.

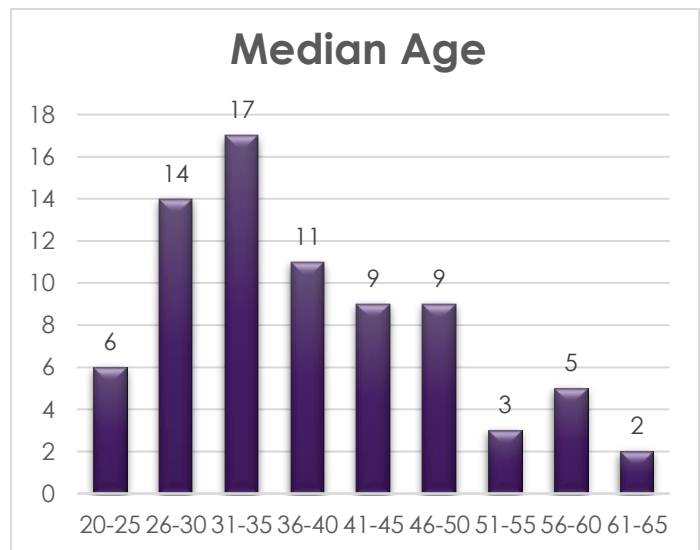


Figure 9. APD employees' median age
Data Source: IA Pro January-June 2019



Citizen Characteristics

Department of Justice emphasized in the CASA that CPOA must capture citizen/complainant demographic information. For this purpose, the agency amended its complaint forms in order to capture additional data for involved citizens. For the current reporting period, the agency received (152) civilian police complaints involving (127) citizens. The data provided in this sub-section provides information on complainants' gender, race, ethnicity, sexual orientation, mental health status, median age, housing status (homeless), and also reports on whether citizens opted for mediation when they filed complaints with the agency. Note that throughout this section, the term citizen and complainant will be used interchangeably.

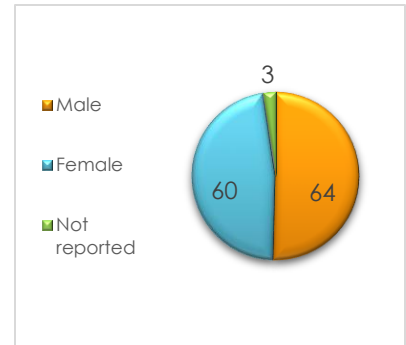
During this reporting period, (8) complainants filed complaints with the agency twice and (1) complainant filed complaints three and four times each. Note that information reported in this section is as reported by the citizen in the complaint form. The citizen might say they do not have mental health issues in the complaint, but the officer later determined that the citizen had mental health issues. The information here will state 'no' mental health issues as stated by the citizen on the complaint form. There is some data that is not reported by citizens regarding the demographic characteristics. The source of data reported in this section is from the complaint form 'optional demographic section'.

Several complainants did not feel comfortable providing information about sexual orientation or information related to mental health issues. Some complaints were received via direct email or in written memorandum to the agency which does not have any demographic information regarding complainants. This caused a significant large number of missing information for citizen demographics. Another reason for missing information is due to old complaint forms which did not capture all the information as compared to the new complaint form. Notably, some complaints are filed by citizens for other individuals. Some demographic information captured might not have demographic information of the actual complainant rather it will have information of those submitting the complaint form. Sub-sections below highlight demographic information of citizen/complainants from January 1st 2019 to June 30th 2019.



Complainant Gender

This sub-section provides information regarding the gender of complainants who filed complaints during this reporting period. Of the total (127) complainants, male complainants comprised a slightly large number (64), compared to female complainants (60). During this period, (3) complainants did not record information regarding gender in the complaint form. There were (5) complainants who filed anonymously and there is no demographic information available for those complainants.



Complainant Race & Ethnicity

Data on race and ethnicity will help identify problems and population at risk, which is the crucial first step in providing policymakers with the information for effective decision-making. The data will also help understand the underlying causes of problems faced by specific groups of population due to police misconduct. The data will help us understand if police officers are complying with civil rights law and will also help detect evidence of discrimination against certain population segments. As seen in Figure 10, for this reporting period, white complainants comprised of the largest percentage (approx. 46%). (31%) of the complainants did not report on race while submitting complaint with the agency. Individuals with Hispanic ethnicity has slightly large percentage (33%) compare to non-Hispanic (30%) with (34%) again not reporting on information about ethnicity.

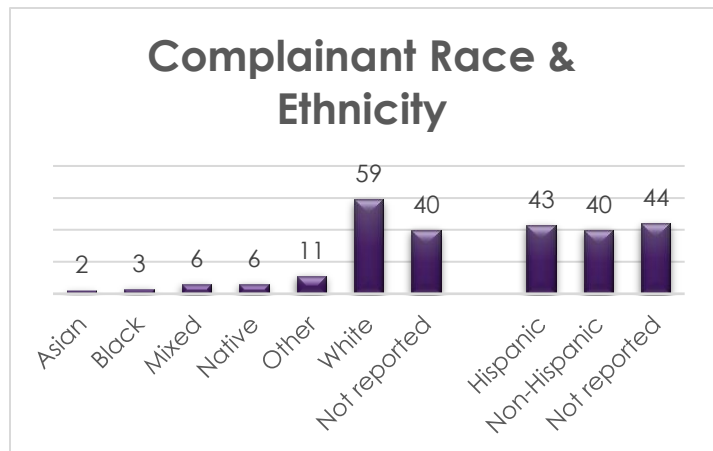


Figure 10. Complainants race & ethnicity
Data Source: IA Pro & intake data at CPOA January-June 2019



Complainant Sexual Orientation

Per the CASA agreement, DOJ mandated the agency and APD to collect data regarding the sexual orientation of citizens to identify possible biases among specific population segments. Discrimination and harassment by law enforcement based on an individual's sexual orientation hinders the process of effective policing, breaks community trust and prevents officers from serving and protecting communities. As seen in Figure 11, for the complaints received during this period, most of the complainants were heterosexual (approx. 48%), while a significantly larger number (approx. 45%) of the complainants did not provide information regarding their sexual orientation.

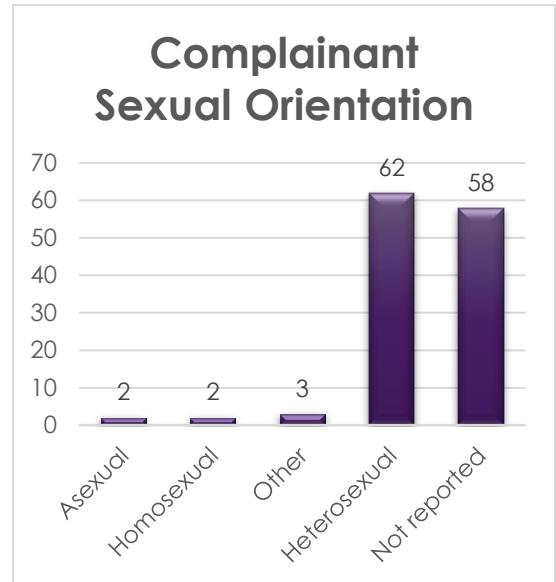
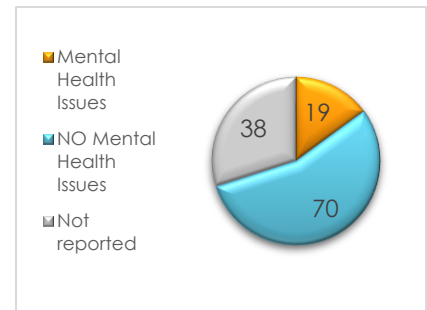


Figure 11. Complainants sexual orientation
Data Source: IA Pro & intake data at CPOA
January-June 2019

Complainant Mental Health Status

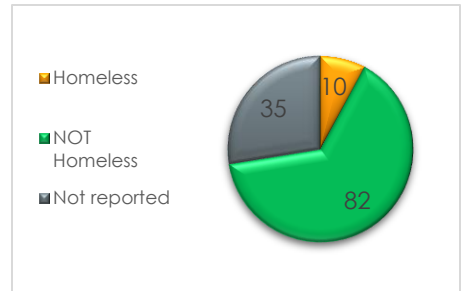
This sub-section provides information pertinent to mental health status of complainants. The CASA states, 'APD and the CPOA shall track allegations regarding misconduct involving individuals who are known to be homeless or have a mental illness, even if the complainant does not specifically label the misconduct as such'. The CPOA updated the complaint form to comply with the Department of Justice requirements by adding questions to determine if they ever experienced mental health issues or struggled with homelessness. For this reporting period (19) complainants stated they were experiencing mental health issues while (38) did not identify their mental health status. (70) reported no mental health issues. There were two complainants who filed two separate complaints during this reporting period, and stated 'they have mental health issues' in one complaint while stating otherwise in the second complaint they filed with the agency.





Complainant Housing Status

Albuquerque has a significantly large segment of homeless population. Police engage with such populations on a daily basis. DOJ findings concluded that APD tended to use excessive force against the homeless population group and have reiterated in the CASA to capture information regarding complainants' housing status. To identify patterns of police misconduct against homeless population, (10) individuals who filed complaints with the agency stated they were homeless while (82) reported they do not struggle with homelessness. Out of (10) complainants which stated they struggle with homelessness, (9) also mentioned they have mental health problems.



Complainant Interest in Mediation

One of the first questions in the agency's complaint form asks individuals if they are interested in solving their concerns through mediation. The data reported in this subsection is retrieved from the complaint forms submitted by complainants during this reporting period. The form gives the option to the complainant to indicate if they are interested in mediation or would like more information on the process. Some also choose to simply not respond to the question. This data only highlights the complainant's perspective and records their interest in mediation keeping other factors aside.

The mediation program was initiated by the agency for a duration of six-months in order to test its effectiveness but did not produce any favorable results leading to temporary suspension of the program. The parties discussed expanding it to a year, but that required new motions and stipulation which haven't been filed due to change of judge since it was necessary to have a court order for the program to be operational. Information reported here will be useful in future once the program is reinstated to determine what

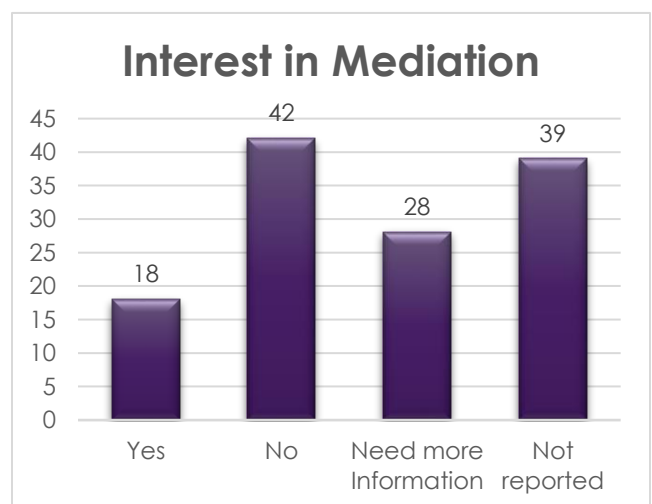


Figure 12. Complainants interest in mediation
Data Source: IA Pro & intake data at CPOA January-June 2019



percentage of complainants are interested in mediation. Figure 12 provides a snapshot of the information reported in this sub-section. During this reporting period, (52%) individuals who answered the question about mediation in the complaint form reported they are either interested in mediation or need more information about the process.

Complainant Median Age

This sub-section highlights the median age of complainants represented in complaints received during this reporting period. (98) individuals reported on their age when submitting complaints with the agency while (29) individuals did not report on their age. The youngest complainant filing with the agency was (21) years old while the oldest was (83) years old. The largest percentage of complainants (approx. 16% not considering those who did not report) were from the age group of 31 to 35 years old. Figure 13 below provide details about complainants' age group for this reporting period.

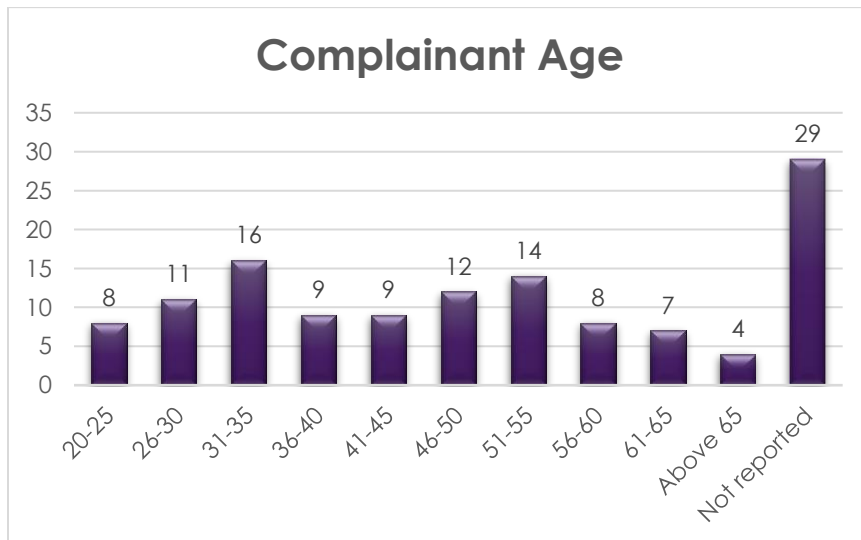


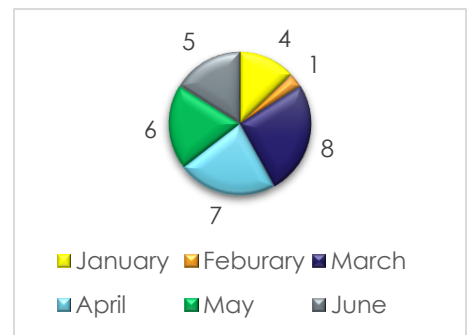
Figure 13. Complainants median age
Data Source: IA Pro & intake data at CPOA January-June 2019

Section III. Serious Use of Force and Officer Involved Shootings

The information underlined in this section will report on the number and type of Serious Use of Force (SUOF) incidents that occurred during this reporting period and will also provide information on Officer Involved Shooting incidents (OIS). There were (31) Serious Use of Force incidents among which (30) are completed and (1) case is still active and a total of (3) officer involved shooting cases from the period of January 1st 2019 to June 30th 2019. Sub-sections below provide detailed information about SUOF and OIS incidents.

Serious Use of Force Incidents (SUOF)

This sub-section will focus on the number of SUOF incidents and type of force used along with reasons why force was applied by the officers. It also reports on the area command where the incident occurred, number and rank of officers involved in those incidents, number of citizens involved, if citizens received any injuries, and if the citizen was arrested. The last part of this sub-section will pin point the location where incident occurred with the help of geo-spatial mapping.



Investigating SUOF Incidents

Among (30) SUOF incidents (not including 1 active case), APD officers used different types of force (98) times on citizens. Empty hand technique was used (31) times which is the highest among all types of force used. Electronic Control Weapons (ECW) was used (18) times while ECW painting was used (10) times. Further breakdown of the type of force used is highlighted in the table below. It is important to note that several types of serious force used shown in the table below also identifies only 'Show of Force' as reported in the IA Pro database. This is due to involvement of more than one officer in the incident with one using the serious force while other officers displayed their weapons at the same time. These are shown as (SOF) next to the type of force used in the table below.



| Type of Force Used | Times |
|-----------------------|-----------|
| Display 40mm (SOF) | 1 |
| Display Beanbag (SOF) | 1 |
| Display Handgun (SOF) | 5 |
| Display Rifle (SOF) | 3 |
| Distributed Orders | 1 |
| ECW | 18 |
| ECW- Painting | 10 |
| Empty Hand Techniques | 31 |
| Firearm- OIS | 5 |
| Hand/Feet Impact | 1 |
| Impact- 40mm | 3 |
| Impact- Beanbag | 2 |
| Improvised Weapon | 1 |
| K9 Apprehension- Bite | 8 |
| Oc Spray | 1 |
| Oc Vapor | 1 |
| Oc Pointing | 1 |
| Ordered Force | 1 |
| Takedowns- Solo | 2 |
| Takedowns- Team | 2 |
| Total | 98 |

Table 7. Type of force used during SUOF incidents
Data Source: IA Pro January-June 2019

All SUOF cases were within APD Standard Operating Procedures or within policy. Making an arrest was the major reason for serious force application by APD officers and was a factor in (17) out of (30) incidents. The list of all issues causing serious force application by officers is highlighted in the table below.

| Reason Force Used | Times |
|-----------------------------|-----------|
| Control Combative Subject | 5 |
| Defend Self | 2 |
| Make Arrest | 17 |
| Prevent Escape | 1 |
| Prevent Injury to Self | 3 |
| Tactical Barricaded Subject | 1 |
| Other | 1 |
| Total | 30 |

Table 8. Reason for force application during SUOF incidents
Data Source: IA Pro January-June 2019



Employees and Citizens Involved

Total number of (67) APD officers and (30) citizens were involved in all SUOF incidents that occurred during this reporting period. Most of the officers involved in SUOF incidents had a rank of Police Officer 1st Class totaling (33). There was one case that involved (7) police officers. There was one case in which (2) citizens were involved while the rest involved (1) citizen per case. Among (30) SUOF incidents, (28) citizens were arrested while (2) were not arrested. (24) citizens against whom serious use of force was used were injured as a result while (6) citizens did not receive any injuries. Figure 14 below provides a snapshot of APD officers' rank who were involved in all SUOF incidents during this reporting period.

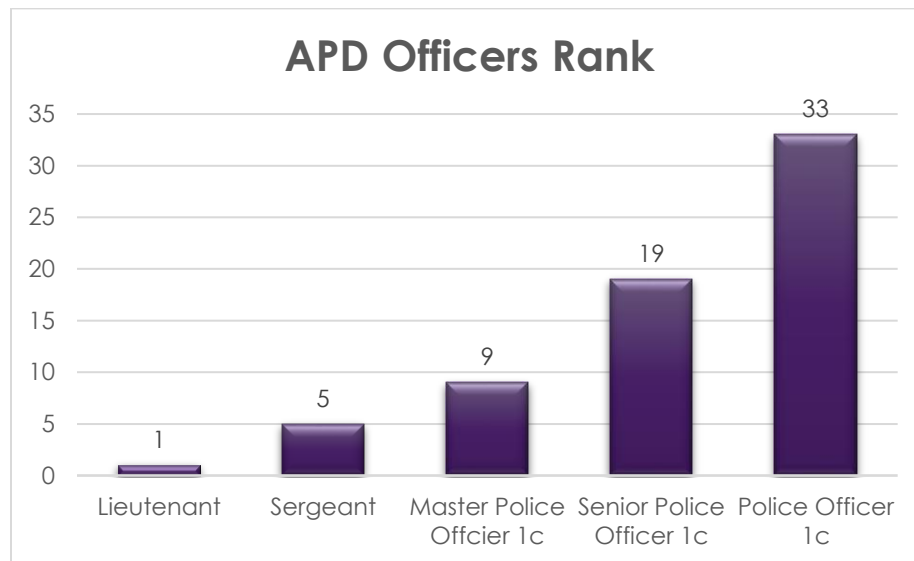


Figure 14. APD officers involved in SUOF incidents by rank
Data Source: IA Pro January-June 2019

Locating SUOF Incidents

This sub-section with the help of Google mapping identifies the location of all SUOF incidents that occurred during this reporting period. Among all incidents, (12) took place in southeast area command while (7) occurred in northeast. (4) incidents occurred in valley, (3) in foothills, (2) in southwest and (1) in northwest. There was (1) incident that occurred out of city of Albuquerque limits. Figure 15 below provides a snapshot of location where incidents occurred excluding the one incident that occurred out of Albuquerque city limits.

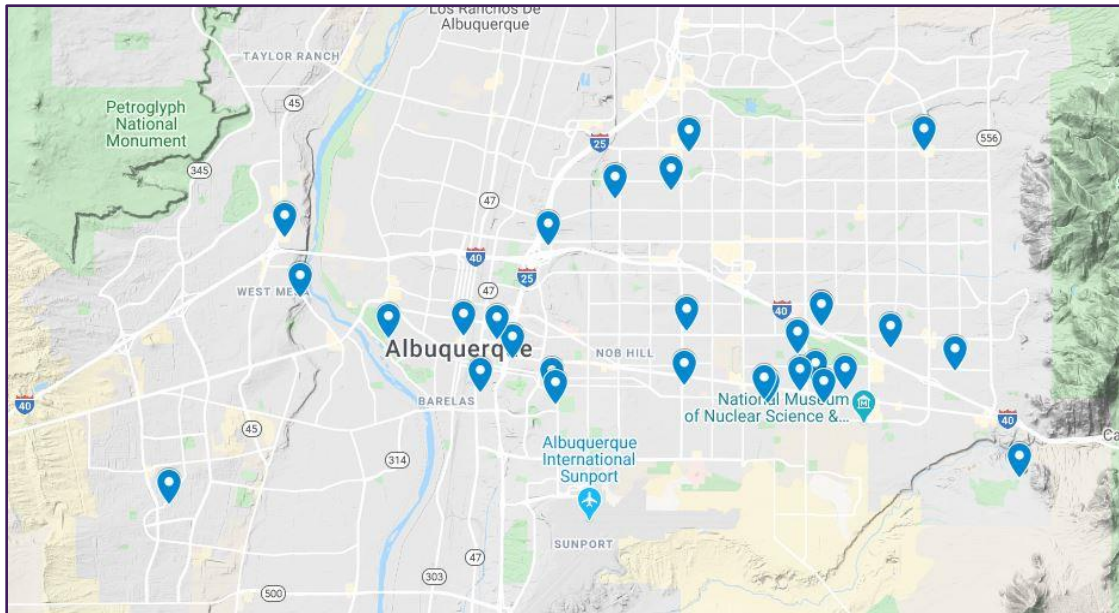
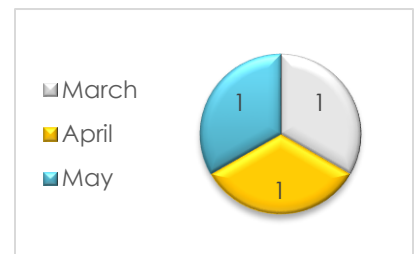


Figure 15. Locating SUOF incidents
Data Source: IA Pro January-June 2019

Officer Involved Shooting Incidents (OIS)

The CASA agreement between the City of Albuquerque and the Department of Justice require APD to report all the cases which involve firearm discharge by APD officers. The DOJ in a two-year long investigation determined that although most force used by APD officers was reasonable, a significant amount of deadly and less lethal force was excessive and constituted an ongoing risk to the public. The oversight ordinance also requires the CPOA to review and monitor all investigations related to officer involved shootings. The presence of the Executive Director or agency's staff is also required at officer involved shooting location as specified in CPOA's policies and procedures.

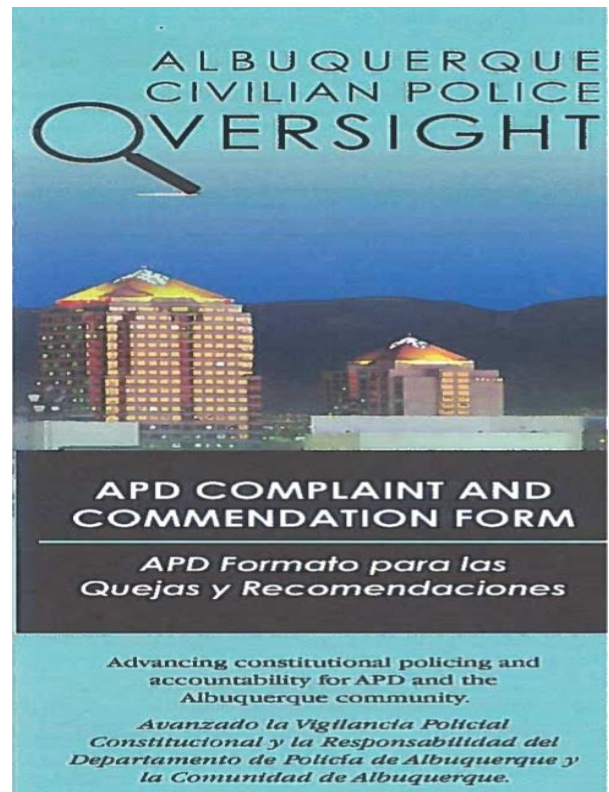
For the current reporting period, there was a total of (3) officer involved shooting incidents. (2) were firearm discharges against persons and (1) was accidental discharge. Months of March, April and May saw one incident each.



Section IV. Public Outreach

During the first six months of 2019, the CPOA staff and CPOAB members held and attended 115 community presentations, meetings, events, and trainings. In addition, there were 30 public Police Oversight Board meetings held during this reporting period, all providing opportunity for public comment and community engagement. The CPOA staff and CPOAB members focused their time and energy on meaningful discussions with City Council during the Oversight Ordinance amendment process. From January to June, this included attending and actively participating in 10 different City Council meetings, including special meetings dedicated specifically to the need for new board members and Oversight Ordinance business. In addition to the CPOAB's monthly meetings, the outreach subcommittee meetings were also held monthly.

In January, board member J. Fine was elected the new chair of the CPOAB outreach subcommittee. Upholding the goal of the outreach mission statement: "Outreach will promote the mission of the CPOAB and be the bridge for communication with the community", Chair Fine focused subcommittee tasks on redesigning collateral materials, updating website content, managing media plans, and establishing a new board member onboarding process for the agency. As seen on the right, a new complaint and commendation form with prepaid postage and bilingual language was also introduced to fulfill the agency's requirements highlighted in the CASA.



New prepaid postage and bilingual Complaint and Commendation Form



The CPOA staff continued to actively engage with APD's Community Policing Council's (CPC's) as a resource to assist with CASA compliance goals. There are six APD area command's, each represented by a group of CPC volunteers, and each hosting a regular monthly meeting. In total, Director Harness attended a majority of the 36 meetings held during this reporting period. Director Harness was also an additional support to CPC Liaison Manager, Chris Sylvan by presenting on behalf of the CPOA at two of the CPC's quarterly Strategic Review, Vision & Planning sessions. Additionally, the CPOA Staff and CPOAB members participated in 15 other community group meeting discussions with Amici Stakeholders and the DOJ regarding CASA Compliance efforts and goals. The CPOA/CPOAB were also given engagement opportunities to present at organizations such as the Kiwanis Club, the Senior Games events, and NACOLE's online Executive Leader Trainings. Director Harness and Board members remained available to address any questions or concerns raised by the media and also worked actively with them to aware the community about the agency's role and mission.



KRQE interviews J. Fine on behalf of CPOAB regarding officer disciplinary recommendation process

APD Chief Geier continued to remain available and also encouraged his command staff to be accessible for the agency's efforts and to foster working relationships. In total, APD held 58 meeting in which CPOA Staff and CPOAB Members actively participated in. Those meeting included Claim's Review, PPRB, and OPA which were often held on a monthly basis. Director Harness also presented at the APD Police Academy's Lateral Class on behalf of the CPOA prior to their graduation.

Although many challenges were presented to the agency during this reporting period, the CPOA continued to maintain their leadership role in the oversight process and continued to focus on advancing constitutional policing and accountability for Albuquerque Police Department and the Albuquerque community.



Section V. CPOAB Policy Activities, Policy Issues at APD & Policy Recommendations by CPOA/CPOAB

As defined in the oversight ordinance, the major role of the CPOAB is to provide policy guidance to the City Council, the Mayor and the Chief of Police. Ordinance requires the board to recommend policies related to training, programs, procedures and other matters related to APD. The ordinance states 'The CPOAB shall dedicate a majority (more than 50%) of its time towards policy related issues'. This section provides a snapshot of the time the CPOAB dedicated to policy related activities for the current reporting period. During the first year of its existence the CPOAB created a set of operating procedures designed to meet their obligations per the ordinance. To serve this mission, CPOAB created Policy and Procedures subcommittee (PnP) that reviews APD policies and procedures, and makes recommendations on changes to ensure that compliance and consistency aligns with CPOA's mission.

A critical function of the CPOA and the board is to be a conduit of information regarding the APD policy process to the public. This function is enhanced when CPOA/CPOAB participates directly in the policy development process at APD and reports the results to the public. With new city and APD administration and with the guidance from DOJ, monitor and CASA, CPOA and CPOAB recommendations are given serious consideration in the APD policy process. Board members, the CPOA Executive Director and staff regularly participate in Office of Policy Analysis (OPA) meetings where new policies and modifications to existing policies are presented for review. The members are presented with the opportunity to recommend changes. Board members and CPOA Executive Director also attend the Policy and Procedures Review Board (PPRB) meetings to finalize and vote on SOPs presented before they reach the CPOAB, the independent monitor (if CASA policy) and are sent to the Chief of APD for approval. The new Force Review Board (FRB) policy was approved during this reporting period allowing the CPOAB to review Serious Uses of Force and Officer Involved Shooting cases.

During this reporting period, CPOA/Board was involved in numerous policy related activities which includes:

- Policies that pertain to CASA use of force were reviewed and proposed changes were discussed during subcommittee meetings in this reporting period. Use of Force policies 2-52, 2-53, 2-54, 2-55 were approved by the monitor. Use of force policies 2-56 and 2-57 required certain modifications as suggested by monitor which APD reworked and were approved. APD's use of force curriculum is also in development and the goal was to get it approved by monitor by May 31st 2019.



- CPOAB discussed negotiating with APD to get access to raw data for identifying trends to aid the purpose of policy and training recommendations; changes in the ordinance regarding this issue were also considered. Requiring more support for PnP by adding an analyst position at CPOA was also discussed by the CPOAB.
- Several PPRB meetings were held during this reporting period where the CPOA Executive Director and a PnP board representative participated. The CPOAB made appointments for APD policy development committees. The Chairperson of PnP will be tasked with representing the board at OPA and PPRB. Some featured policies that were voted on included on-body recording devices, field training and evaluation, use of department vehicles, and APD aviation police. CPOA voted 'no' on 'OBRD' policy at PPRB in January due to APD not considering increasing retention days of videos from 120 days to one year.
- The CPOAB has been discussing the ongoing issue of delayed response by APD to calls for service as several complaints received by the agency surrounds this topic. During this period, APD reported to the board in March 2019 meeting that it has now introduced a new priority system. Instead of 1 to 3 priority for call for service utilized previously is now changed to 1 to 5 levels. Earlier, lots of different calls were packed into 1 to 3 levels prior to introduction of this policy. 1 is imminent threat to life requiring immediate dispatch; 2 less violent or potential for harm, but no weapons involved; 3 disturbance; 4 public report and 5 delayed reports. Now APD provides an estimated time to citizens calling about when to expect the officer. Domestic violence calls were priority 3 prior to introduction of this system now it is categorized in priority 2 call for service.
- At the June 4th 2019 meeting with APD's compliance bureau, the FRB policy has been approved with the language that the CPOAB submitted to the Chief. The CPOAB will now review all SUOF and OIS shooting cases, once they are passed through FRB, within 15 days that case will be presented to CPOAB for review.

Several policy related issues at APD were identified during the current period and numerous policy recommendations were provided by the CPOA. The ordinance states '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, and establishes a program of resulting policy suggestions and studies each year' (9-4-1-4-C-5). The PnP is tasked with reviewing APD policies and procedures and make recommendations to full board on changes. The subcommittee initiated a program to have important APD policies (mostly CASA related) presented at a regularly scheduled Board meeting to provide public an accessible venue for review and discussions.

Establishing and implementing sound policies are important to help officers in making good decisions in critical situations. The quality of a department's policy impacts the quality of services



delivered to public. Effective police accountability requires the department to have clear and detailed policies regarding police encounters that involve life, liberty and well-being of people they encounter¹. Policies need to be clear and consistent throughout a department's Standard Operating Procedures manual. Inadequate policies fail to tackle possibly illegal and unprofessional actions. CPOA and CPOAB recognizes that a good policy recommendation has several features:

- It identifies a problem and proposes a solution,
- It is supported by data,
- It is transparent to the community,
- It is clear, understandable, trainable and acceptable to the Police Department, and
- It has a good chance of being adopted.

During the current reporting period, several policy issues were identified at APD including:

- The CPOAB discussed Public Defender's concern about 'muting' issue regarding OBRD of the officers. Emphasis was given to see more rules surrounding situations when the mute function can be utilized by officers. The Public Defender highlighted several instances where videos are muted resulting in no evidentiary value since the muting feature was utilized for the entire encounter with citizen making it significantly problematic to investigate.
- OBRD 2-8 policy had issues regarding video retention of 120 days. Several stakeholders in the process require APD to retain OBRD videos for at least a year.
- FRB policy 2-58 did not have mechanism for the CPOAB to review level 3 uses of force.
- APD concern was brought up at OPA meeting regarding 2-99 Naloxone Policy where liability concerns were raised for officers on administering naloxone before arrival of EMS. The CPOAB is seeking guidance from the University of New Mexico's Institute for Social Research (ISR) to determine the overall effectiveness of this new policy.
- A new SOP 'sex crime unit' was discussed by board regarding how one person at APD has significant responsibility to oversee each case, and what can be done to ensure such responsibility doesn't fall on one single person.

During the current reporting period, some recommendations provided by CPOA/Board includes:

¹ *The New World of Police Accountability, Third Edition by Samuel E. Walker & Carol A. Archbold*



- In the March 2019 meeting, the CPOAB made a motion to recommend APD make changes in OBRD policy 2-8 for retaining OBRD videos for a period of one year as it is a standard in several police departments across the country.
- CPOAB recommended that FRB designees provide copies of FRB investigation presentations and reports to CPOAB for 15 calendar days for review.
- CPOAB recommended SOP 2-8 OBRD is modified requiring traffic accidents to be included in the list of mandatory recording incidents. Recording these incidents would serve to insulate officers and PSAs from false claims of inaccurate reporting.
- For SOP 2-16 about Records, CPOAB recommended unless the electronic system TraCS can communicate directly with the court, paper logs should be kept at all locations where paper copies of traffic citations are deposited by officers for delivery to Metropolitan court. These logs should be retained and periodically audited for compliance.
- CPOAB also recommended that current Memorandum of Understanding between APD and Albuquerque Pawn Broker Association (APBA) was established between parties in 1997 and should be updated to reflect current policies, practices and procedures.



Section. VI. Legislative Amendments to Oversight Ordinance

It is important to note that the agency and the board spent countless hours and efforts discussing recommendations and changes to be proposed to city council regarding the oversight ordinance. During this pivotal time, the agency and community stakeholders collaboratively identified the needs of the agency and voiced their concerns and goals to the city council, all for the sustainability of police oversight and a healthy police department. 9-4-1-10-F section of the ordinance states that reporting shall 'Identify any matters that may necessitate the city council's consideration of legislative amendments to this police oversight ordinance'.

During this reporting period, numerous amendments were proposed to city council regarding the police oversight ordinance by CPOAB and almost all were enacted in the new oversight ordinance. The new ordinance with proposed amendments became effective in April of 2019. Some proposed recommendations include:

- CPOAB recommended to the city council that the name 'Police Oversight Board' should be changed to 'Civilian Police Oversight Agency Board' (or just 'Board'), the amended changes were considered by city council. As of 2019, board will not be called POB rather it will be called CPOAB.
- CPOAB suggested to change ordinance language to review 'Garrity material' in CPOA cases rather than Internal Affairs cases to streamline its case review process since they are already screened for involvement of criminal aspects. The request by the CPOAB was not accommodated since this specific portion of ordinance was crafted with partner agreement with Albuquerque Police Officers Association (APOA). All statements by APD personnel are considered compelled statements and are protected by Garrity.
- CPOAB also recommended to the city council that instead of code of conduct appearing in ordinance, there should also be language in CPOA policies and procedures regarding code of ethics. The purpose was to ensure these things can be refined over time if needed be, without having to revise the police oversight ordinance.
- Changes to Policies and Procedures were discussed by the Board. Certain proposed changes include code of conduct, Subpoena power, and reminding city council about board term expiration or reappointments, 6 months prior to the time.
- City Councilor Gibson advised that board meetings should be housed outside city hall to show agency and board's independence, but the board informed that it is against the ordinance and not possible to host meeting outside the city hall.
- CPOAB made a motion to request city council to reject Councilor Sanchez's proposed amendment relating to CPOA budget stating 'CPOA shall have independent source of



funding' suggesting that city does not fund the agency and it will be required to raise its own budget.

I. Civilian Police Oversight Agency (CPOA) Staff

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Senior Administrative Assistant

A. CPOA EXECUTIVE DIRECTOR

EDWARD HARNESS, ESQ. was selected as the top candidate by the CPOAB for the Executive Director position and confirmed by the City Council as Executive Director of CPOA in September of 2015. Edward Harness is a graduate of Marquette University Law School. He completed his undergraduate degree in Management of Criminal Justice Operation at Concordia University, where he graduated Cum Laude. As a private practice attorney, focused on consumer rights and advocacy, Mr. Harness was recognized as one of Milwaukee’s Top-Rated Attorneys 2012 – 2015. He also served as a Police Commissioner 2007 – 2015. Prior to attending law school Mr. Harness was a City of Milwaukee Police Officer and served in the U.S. Army as a Military Policeman.



B. DUTIES AND RESPONSIBILITIES OF THE EXECUTIVE DIRECTOR

Under the amended Ordinance, the Executive Director reports directly to the Civilian Police Oversight Agency Board (CPOAB). The CPOA Executive Director's duties are as follows:

- Independently investigate, or cause to be investigated, all civilian police complaints and prepare findings and recommendations for review by the CPOAB;
- Review and monitor all Internal Affairs investigations including but not limited to officer involved shooting investigations. The Director shall prepare and submit findings and recommendations to the CPOAB relating to officer involved shootings, and shall report on general trends and issues identified through monitoring or auditing of Internal Affairs;
- Provide staffing to the CPOAB 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.
- The CPOA will receive and process all civilian complaints directed against the Albuquerque Police Department and any of its employees.
- The Director shall independently investigate and make findings and recommendations for review by the CPOAB 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 and police shootings shall be forwarded to the CPOAB for its review and approval. For all investigations, the Director shall make recommendations and give advice regarding Police Department policies and procedures to the CPOAB, as the Director deems advisable.
- The Director shall report directly to the CPOAB and lead the CPOA; 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.



II. Civilian Police Oversight Agency Board (CPOAB)

A. VOLUNTEER BOARD MEMBERS

JOANNE FINE - Ms. Joanne Fine has served as a member of the APD Public Safety Partnership for several years, which worked on creating partnerships between the community and APD. Ms. Fine also served as Project Director for developing and opening the Family Advocacy Center, which is a partnership between APD and United Way that serves victims of interpersonal violence. Her experience in developing the Family Advocacy Center provided her with the opportunity to work with human service providers, the courts, the DA's office, underserved communities, and law enforcement, which can be an asset to the CPOAB.

LEONARD WAITES - Mr. Leonard Waites is a lifelong resident of Albuquerque, which drives his interest in serving on the CPOAB. Mr. Waites wants to ensure the safety of the City and assist in making the CPOAB a fair and impartial system for the citizens of Albuquerque and the Albuquerque Police Department. Mr. Waites is a member of the NAACP and previously served on the Police Oversight Task Force. His areas of interest include mending the relationship between the community and police department and building a relationship between the Board and Chief of Police, as it will be important to correcting and implementing policies and procedures.

CHANTAL M. GALLOWAY - Ms. Chantal M. Galloway is currently a Vice-President of Business Services. Ms. Galloway holds a BBA from the University of Arkansas at Little Rock, as well as an MBA from the University of New Mexico. Ms. Galloway's interest in serving the CPOAB comes from her desire to be active and serve her community. Ms. Galloway has a background with for-profit and non-profit organizations and hopes to bring her skills of obtaining outcomes wherein vested parties have their concerns or opinions heard and acted upon.

VALERIE ST. JOHN - Ms. Valerie St. John is currently self-employed with V. St. John Investigations, performing pre-employment background checks, contract work for an immigration and self defense attorney, among other legal and investigative duties. Ms. St. John previously worked in the District Attorney's Office as a Prosecution Assistant. Ms. St. John's community activities have included serving as President of Spruce Park Neighborhood Association, volunteering at Catholic Charities, and membership of the Cesar Chavez Committee.



CHELSEA N. VAN DEVENTER - Chelsea Van Deventer has both a bachelor's degree in political science and a law degree from the University of New Mexico. Ms. Van Deventer brings with her a background in criminal defense, policy work, and community organizing.

DR. WILLIAM J. KASS - Dr. William J. Kass is currently a retired physical scientist. As a private citizen, he has been active in following Albuquerque Police Department reform efforts for nearly five years. He has met with victim's family members; attended meetings with the Department of Justice, the Independent Monitor Team, the City of Albuquerque Council, the Mayor's Initiative, the Police Oversight Task Force and former and current versions of the Police Oversight Board. He has also attended several area Community Policing Councils. His interests are primarily in policy and community outreach. He serves as the chair of Policy and Procedure Review Committee and is a member of the Community Outreach subcommittee. He believes that police policy is public policy and the community should have a voice in creating that policy. That can only be done if the community is informed and engaged and Albuquerque Police Department responds positively to their concerns.

B. CIVILIAN POLICE OVERSIGHT AGENCY BOARD DUTIES

The Civilian Police Oversight Agency Board (CPOAB) is tasked with the following functions:

- Promote a spirit of accountability and communication between the citizens and APD while improving community relations and enhancing public confidence;
- Oversee the full investigation of civilian complaints; audit and monitor all investigations and/or police shootings under investigation by APD's Internal Affairs;
- Continue cooperation with APD and solicit public input by holding regularly scheduled public meetings;
- Review all work of the CPOA with respect to quality, thoroughness, and impartiality of investigations;
- Submit all findings to the Chief of Police;
- 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. The CPOAB's policy recommendations shall be submitted to APD and to the City Council. The CPOAB shall dedicate a majority (more than 50%) of its time to the functions described in this subsection.



C. CIVILIAN POLICE OVERSIGHT AGENCY BOARD SUBCOMMITTEES

Case Review Subcommittee

Reviews Civilian Complaints alongside the CPOA Executive Director

Members:

Joanne Fine

Valerie St. John (chair)

Chelsea Van Deventer

Policy and Procedure Review Subcommittee

Reviews Albuquerque Police Department policies and procedures, and makes recommendations on changes to ensure that compliance and consistency aligns with the Civilian Police Oversight Agency's mission

Members:

Dr. William J. Kass (chair)

Chelsea Van Deventer

Chantal Galloway

Community Outreach Subcommittee

Members of the Civilian Police Oversight Agency Board discuss community outreach and engagement efforts



Members:

Chantal Galloway

Joanne Fine (chair)

Valerie St. John

Personnel Subcommittee

Discuss business regarding Civilian Police Oversight Agency administrative human resource decisions

Members:

Joanne Fine

Leonard Waites

Chantal Galloway (chair)