



## Mission Statement

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

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## Semi-Annual Report

*July 1<sup>st</sup> 2020- December 31<sup>st</sup> 2020*

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Executive Director

## Table of Contents

List of Acronyms.....	-3-
Report Highlights.....	-4-
Introduction.....	-5-
Complaint Investigation Process.....	-8-
Data Source and Limitations.....	-11-
<b>Section 1. Complaint Details .....</b>	<b>- 13 -</b>
Complaint Closure Timelines .....	- 14 -
Complaint Sources .....	- 14 -
Complaint by City Council Districts.....	- 15 -
Complaints Trend.....	- 17 -
Complaint Findings.....	- 19 -
SOPs Reviewed for Complaints Closed.....	- 20 -
Chief Non-Concurrences with CPOAB findings .....	- 21 -
<b>Section II. Employee and Complainant Demographics .....</b>	<b>- 22 -</b>
Employee Demographics .....	- 22 -
Complainant’s Demographics.....	- 29 -
<b>Section III. APD Use of Force Incidents .....</b>	<b>- 35 -</b>
Level of Force Used by Area Command .....	- 37 -
Type of Calls associated with Force Event.....	- 37 -
CPOAB Review of SUOF cases .....	- 39 -
<b>Section IV. Public Outreach .....</b>	<b>- 41 -</b>
<b>Section V. CPOA/Board Policy Activities, Policy Recommendations provided to APD &amp; Legislative Amendments to Oversight Ordinance &amp; Policies and Procedures .....</b>	<b>- 43 -</b>
Appendix.....	- 64 -

## List of Acronyms

- *APD*- Albuquerque Police Department or “Department”
- *CPOA*- Civilian Police Oversight Agency or “Agency”
- *CPOAB*- Civilian Police Oversight Agency Board or “Board”
- *CPOA/Board*- Both Agency and the Board
- *CASA*- Court Approved Settlement Agreement
- *CRC*- Case Review Sub-Committee
- *CPC*- Civilian Police Complaint
- *DOJ*- Department of Justice
- *ECW*- Electronic Control Weapons
- *FRB*- Force Review Board
- *IA*- Internal Affairs
- *IAFD*- Internal Affairs Force Division
- *OBRD*- On-Body Recording Device
- *OIS*- Officer Involved Shooting
- *OPA*- Office of Policy Analysis
- *PNP*- Policies and Procedures Review Sub-Committee
- *PPRB*- Policy and Procedures Review Board
- *SOPs*- Standard Operating Procedures
- *SNBOOC*- Sustained Not Based on Original Complaint
- *SUOF*- Serious Use of Force

## Report Highlights

- Civilian Police Oversight Agency recorded 307 complaints while 172 complaints were assigned CPC numbers during July 1<sup>st</sup> to December 31<sup>st</sup>, 2020 reporting period.
- The Agency closed 22 Civilian Police Complaints during this reporting period.
- 68% of the Civilian Police Complaints were closed within 120 days.
- The Agency received 172 complaints in this reporting period compared to 157 received in the last reporting period.
- 22 complaints were closed compared to 104 complaints closed in the last reporting period.
- 63% of complaints closed during this reporting period had the finding of ‘Administratively Closed’ and 28% of those were closed due to ‘No Jurisdiction’.
- 7 SOPs were reviewed 12 times for 5 cases with disposition other than ‘Administratively Closed’. SOP 1-1 Personnel Code of Conduct was reviewed (4 times) in civilian police complaint investigations.
- No letter of non-concurrences was received from the Chief of Police.
- 124 APD employees were identified in complaints received during this reporting period, out of which 52 were Police Officer 1<sup>st</sup> class.
- 91% of APD employees receiving complaints were White (55% White Hispanics, 45% White Non-Hispanic) and 79% were Male.
- 163 complainants were identified among complaints received. 6 filed the complaint anonymously. There were 64 Male complainants, 74 Female complainants and 24 were unidentified gender. Youngest complainant was 22 years old and the oldest was 79 years old.
- 32% of complainants were White while 46% did not report on race. 29% were Hispanic, 24% non-Hispanic while 47% citizens did not report on their ethnicity.
- Majority of the complainants were Heterosexual (approx. 31%), while a significantly larger number (57%) did not report on their sexual orientation.
- 20 complainants stated that they experience mental health issues while 76 reported they had no mental health issues. 67 complainants did not report on their mental health status.
- 48% complainants stated they do not struggle with homelessness while 10% reported they struggle with homelessness. 42% did not report on this information.
- 56% complainants stated they were not homeless when the interaction with APD occurred while 4% stated they were homeless at the time of the incident. 40 % again did not report.
- 63 Serious Use of Force/Level 3 cases were received/investigated by IAFD. 10 SUOF cases were reviewed by the CPOAB during this reporting period.

## 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 (CPOA or “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) and provides disciplinary, training and procedural recommendations. As defined in the ordinance section (§ 9-4-1-2), the purpose of the CPOA is to:

- (A) Foster and perpetuate policing policies and practices that effectively maintain social order and which at the same time foster mutual trust and cooperation between police and civilians;*
- (B) Ensure that the civilian police oversight body functions as independently as possible from the executive and legislative branches of government of the City of Albuquerque;*
- (C) Provide civilians and police officers a fair and impartial system for the investigations and determinations on civilian police complaints;*
- (D) Gather and analyze information, reports, and data on trends and potential issues concerning police conduct and practices and the related impacts on the community and individuals; and*
- (E) Provide input, guidance and recommendations to the City Council, the Mayor and the Chief of Police for the development of policy for the Albuquerque Police Department.*

The CPOA is mandated by the Oversight Ordinance (§ 9-4-1-10) to regularly inform the Mayor, the City Council and the Public by submitting written semi-annual reports. The information provided in this report is for period beginning July 1<sup>st</sup>, 2020 through December 31<sup>st</sup>, 2020. This report is divided into the following sections:

- I. Complaint Details
- II. Employee and Complainant Demographics
- III. APD Use of Force Incidents
- IV. Public Outreach
- V. CPOA/Board Policy Activities, Policy Recommendations provided to APD & Legislative Amendments to Oversight Ordinance and Policies and Procedures

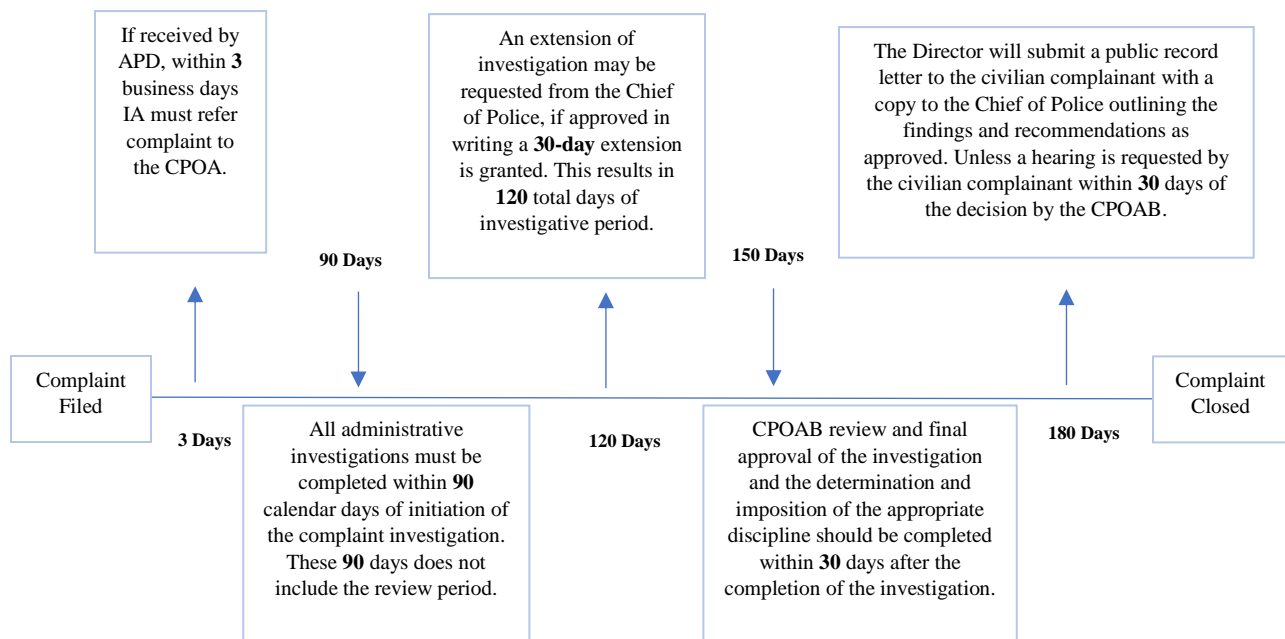
The first section, ‘Complaint Details,’ identifies the total number of complaints recorded, received/considered (assigned CPC numbers) during the last six months of 2020. This section covers complaint closure timelines, complaints source, the number of complaints by the city council districts and number of complaints received and closed compared to the previous years. Furthermore, the section provides information related to the SOPs reviewed by investigators for complaints closed, identifies the finding of complaints as well as provide snapshot of the CPOAB review of non-concurrences from the Chief of Police as required by the ordinance.

The second section, ‘Employee and Complainant Demographics,’ reports demographic information on both APD employees and the complainants. The information includes gender and race of employees involved, their rank, assigned bureau and division, median age, and also identifies number of employees involved in repeated complaints. With regard to the information about the complainants, this report provides data on their gender, race and ethnicity, sexual orientation, housing and mental health status and also reports on whether citizens opted for mediation when they filed complaints with the Agency.

The third section ‘APD Use of Force Incidents’ will provide a snapshot of uses of force incidents that were received and investigated by Internal Affairs Force Division and Serious Uses of Force incidents reviewed by the CPOAB in the last six months of 2020. Section four will highlight Outreach Initiatives undertaken by the CPOA/Board during this reporting period. The final section highlights ‘the Board Policy Activities, Policy Recommendations provided to APD, issues pertinent to APD and the Board approved amendments to the Oversight Ordinance and Policies and Procedures governing the CPOA/Board.

As of March 18<sup>th</sup>, 2020, Mayor Tim Keller declared Public Health Emergency for the City of Albuquerque due to the novel coronavirus (COVID-19). The CPOA remained operational in modified capacity for this reporting period since March 2020 which significantly impacted both the Agency and the Board processes. Some of the processes impacted as a result of COVID-19 includes but not limited to; in-person intake of complaints, case investigations process while working remotely, inability to conduct certain interviews for both officers and complainants and shift from in-person to online zoom meetings for the CPOA as well as the Board public meetings. As a result, there may be some differences in information and trends identified in this report compared to previous CPOA reports.

## Complaint Investigation Process



### Complaint Timelines

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 to assign the complaint to an investigator. The CPOA will mediate complaints, whenever appropriate and with agreement of both parties. During this reporting period, mediation program was reinstated for a period of one year. The agreement requires reporting of information pertinent to mediation program in order to measure its effectiveness after one year. At this time, the program is on-going and at initial stages and do not have reasonable data for reporting purposes. Future CPOA reports will have a section for mediation where the datasets will be reported to determine the effectiveness of the program.

For the cases not sent to mediation, the CPOA is responsible to open a case and assign it to an investigator. The assigned investigator will interview complainants/witnesses, obtain evidence, and interview the APD personnel involved, when appropriate and review other necessary materials. 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 (preliminary) investigation or the investigator may take it for a full investigation. A complaint can be resolved without a full investigation for the following reasons:

- The investigator verifies after initial review that the complaint 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.

Paragraph 191 of the Court Approved Settlement Agreement (CASA) stipulates *“All administrative investigations conducted by the Internal Affairs Division or the Civilian Police Oversight Agency shall be completed within 90 days of the initiation of the complaint investigation. The 90-day period shall not include time for review. An extension of the investigation of up to 30 days may be granted but only if the request for an extension is in writing and is approved by the Chief. Review and final approval of the investigation, and the determination and imposition of the appropriate discipline, shall be completed within 30 days of the completion of the investigation. To the extent permitted by state and city law, extensions may also be granted in extenuating circumstances, such as military deployments, hospitalizations of the officer, and extended absences.”*

After receiving the complaint, the CPOA has a total of 120 days to complete the investigative process including request for 30-day extension from the Chief in order to be compliant with the CASA requirement mentioned above. In some cases, 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) non-evidentiary video retention policy of 120 days.

The CPOAB reviews the outcome of complaints during the case review Sub-Committee (CRC) meetings and final review during the Board 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, however these cases are dealt with priority and are usually presented to the Board at the next scheduled public meeting.

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 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 certain conditions for the appeal stated in policies and procedures are met. If no appeal is requested, the Chief of Police must notify the CPOAB and the original complainant of his/her final disciplinary decision. The Chief of Police retains sole authority to take disciplinary action against an APD employee for violations of the department's SOPs.

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 reasons 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 administrative investigation is transferred to Internal Affairs Bureau at APD.

There are six possible findings of complaints investigated by the CPOA which includes:

- **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 Source and Limitations

This report highlights complaints recorded (complaint intake) and considered (complaints received) along with the findings; demographic information of employees and complainants; and number of serious uses of force incidents. It also provides information regarding policy activities at APD identified during the reporting period; policy recommendations given by CPOA/Board as well as the public outreach efforts. Data for this report is retrieved from the IA Pro (Internal Affairs record management database), Complainant data retained by the CPOA, CPOAB meeting minutes and City of Albuquerque Human Resources. There are several limitations and missing data sets that will also be mentioned alongside different sections of this report.

Since the majority of the data is extracted from IA Pro database, it is important to note that CPOA is not an IA Pro administrator and only has limited control over data entry into the database. The CPOA cannot certify the validity and reliability of APD Internal Affairs data. Since the complaint data were drawn from live databases, changes in coding, complaints specifications, allegations, employee/complainant and outcome numbers may fluctuate over time and are subject to revision. Addition of new information in cases later in the stage of investigative process may also lead to discrepancies between data presented in this report and historical data presented in previous CPOA reports.

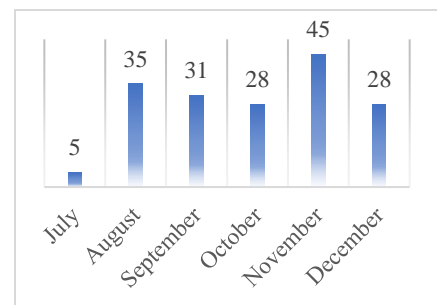
## Section 1. Complaint Details

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 Albuquerque police may file a complaint against any of its employees.

During the reporting period of July 1<sup>st</sup> 2020 to December 31<sup>st</sup> 2020, the CPOA recorded 307 complaints out of which 172 were assigned CPC numbers and are reported as complaints received in this report. Note that complaint investigations are an on-going process and so these numbers may change in future. 135 complaints were not investigated 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 forwarded to officer supervisor for resolution,
- Lack of information to open an investigation and,
- Complaints forwarded to Internal Affairs due to aspect of criminal allegations.

Complaints received by each month (as depicted in the chart on the right) shows that the majority of complaints (approx. 26%) were received in the month of November. The CPOA completed a total of 22 complaint investigations which is a significant decline compared to previous years primarily due COVID-19 pandemic and transition to the new normal. 14 of



those complaints were received and closed during this reporting period. Of the complaints that were closed, (approx. 63%) were closed administratively. Paragraph 184 of the CASA in part states “Administrative closing or inactivation of a complaint investigation shall be used for the most

### Complaints Recorded

(Total complaints intake)

307

### Complaints Received

(Those assigned a CPC number)

172

### Complaints Closed

22

Data Source: IA Pro

*minor policy violations that do not constitute a pattern of misconduct, duplicate allegations, or allegations that even if true would not constitute misconduct.”*

### Complaint Closure Timelines

Information pertinent to complaint investigations timelines for the current reporting period is highlighted in this section. As noted earlier, all complaints must be completed within 90 days unless an extension of 30 days from APD’s Chief is granted as stated in Paragraph 191 of the CASA. For this reporting period, 13 out of the 22 complaints were closed in less than 90 days. 2 complaints were closed between 91 – 120 days. Table 1 below provides a snapshot of all complaints closed by the Agency by total number of days taken for investigation completion.

Up to 90 days	91-120 days	121-150 days	151-180 days	181 days-9 months	More than 9 months	<b>Total</b>
13	2	3	2	1	1	<b>22</b>

*Table 1. Complaints Closure timelines  
Data Source: IA Pro- July 1<sup>st</sup> 2020-December 31<sup>st</sup> 2020*

### Complaint Sources

Complaints received by the Agency can come through different sources. A complainant may file it in writing or over the phone. They can email, file online, send the complaint through regular mail, or 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 July 1<sup>st</sup> to December 31<sup>st</sup> 2020, out of the 172 complaints received, 95 reached the Agency through online self-reporting by citizens, 20 complaints were received via blue team/APD, while 16 were received by the Agency through email. Source for 8 complaints is missing in the IA Pro database mainly due to cases at ‘initial’ phase of the investigative process and the source is updated during the course of investigation. Table 2 below summarizes the source of all complaints that were received during the current reporting period.

Blue-team	Email	Facsimile	Online-Self Reported	Online-Call in	Written-Walk in	Written-Interoffice Memo	Written-Mail	Missing
20	16	2	95	14	3	1	13	8

Table 2. Complaints Source

Data Source: IA Pro- July 1<sup>st</sup> 2020-December 31<sup>st</sup> 2020

Blue Team is a program in IA Pro which allow Incidents (use-of-force, field-level discipline, complaints, vehicle accidents and pursuits) to be entered and routed through the chain-of-command for review and approval.

### 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 total 9 City Council Districts in Albuquerque, most complaints were received for incidents which occurred in District 6 and District 2, with 31 and 28 complaints respectively. CPOA received the least number of complaints for police misconduct incident for City Council District 8. Figure 1 below provides a snapshot of all City Council districts in Albuquerque.

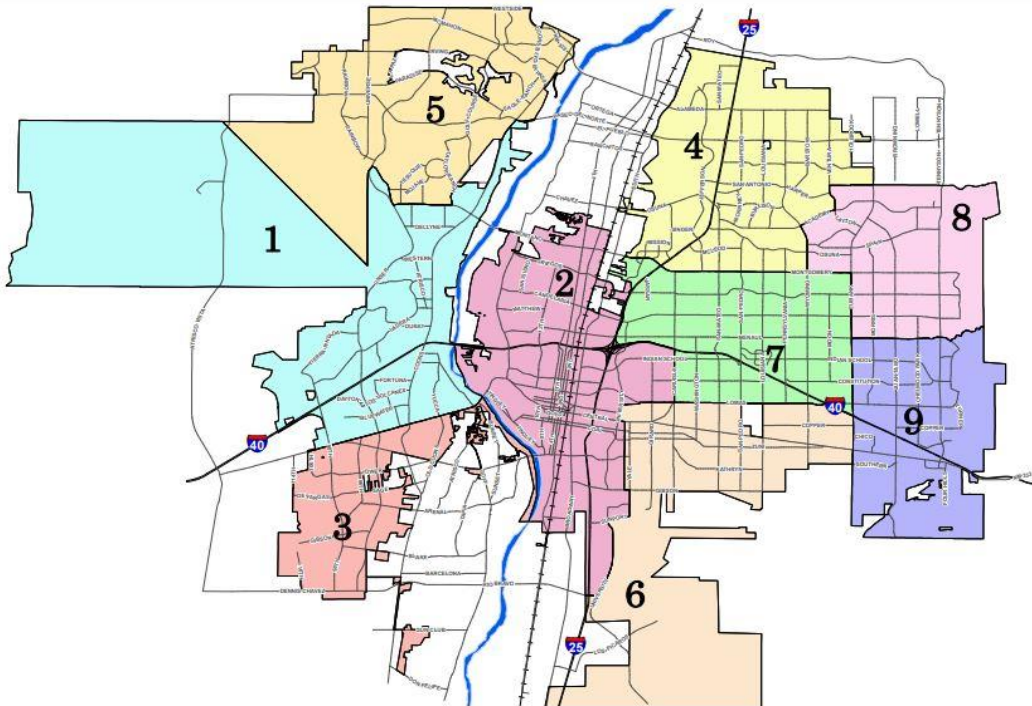


Figure 1. Albuquerque City Council Districts Map

Several citizens who filed complaints did not provide information regarding incident location. Some complaints were filed against employees for reasons not involving a physical incident, such as conduct by an employee over the phone that lead to a large number of missing information. These are shown as ‘Not Applicable/Missing’ in the table below. 3 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 all complaints received by CPOA for respective city council districts.

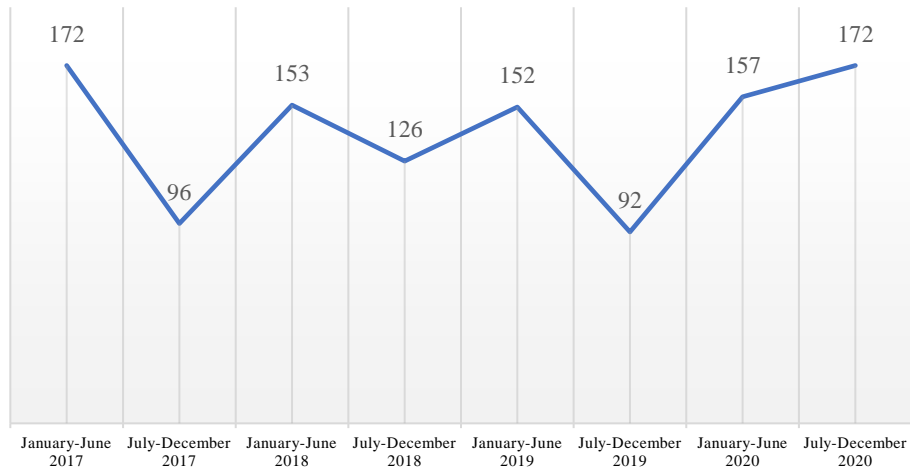
City Council Districts	Number of Complaints
1	14
2	28
3	5
4	16
5	8
6	31
7	19
8	3
9	9
Out of Area	3
Not Applicable/Missing	36
<b>Total</b>	<b>172</b>

*Table 3. Complaints received by City Council Districts  
Data Source: IA Pro- July 1<sup>st</sup> 2020-December 31<sup>st</sup> 2020*



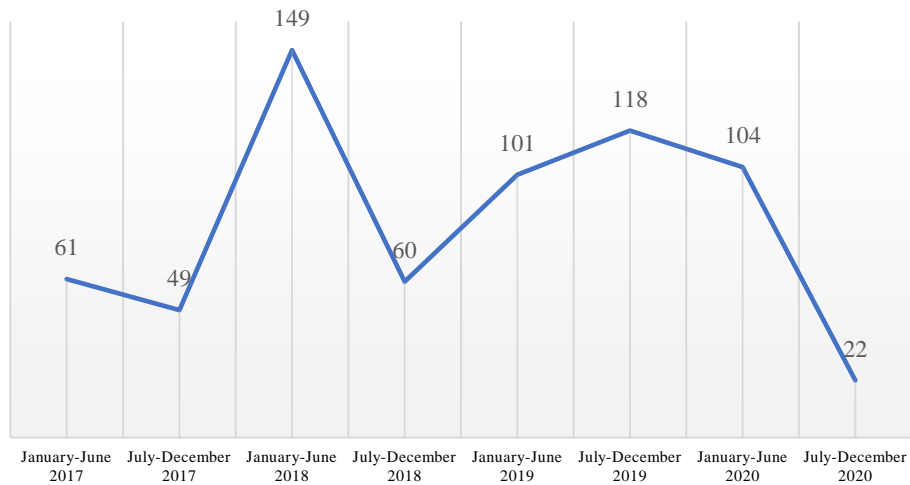
## Complaints Trend

### Complaints Received



*Figure 2.1. Civilian Police Complaints received trend*  
Data Source: IA Pro- January 1<sup>st</sup> 2017-December 31<sup>st</sup> 2020

### Complaints Closed



*Figure 2.2. Civilian police complaints closed trend*  
Data Source: IA Pro- January 1<sup>st</sup> 2017-December 31<sup>st</sup> 2020

Figure 2.1 and 2.2 above presents the number of complaints received and closed by the Agency from January 2017 to date. This data may be helpful in understanding and analyzing few 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 increased Agency's visibility in the community and improved community outreach by the Agency.

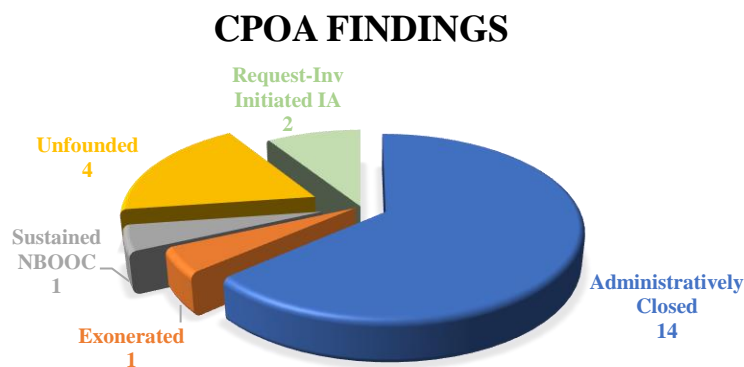
Secondly, a comparison of complaints closed with previous years will identify why more or fewer case investigations are completed in the current period. The information is useful to understand if there is a need to have more investigators due to fewer complaint closed and will also reflect on the efficacy of the investigators if more case investigations are completed. However, it is important to note that some investigations generally take more time than others due to factors including but not limited to high number of associated allegations and/or involvement of more employees, incident occurred long time ago. Nevertheless, trends highlighted in this section will help inform CPOAB and policy makers to make conversant decisions.

172 complaints were received during the current reporting period compared to 157 complaints that were received during the first half of 2020. During the last six months of 2018 and 2019, the Agency received 126 and 92 complaints respectively as seen in figure 2.1 above. The Agency completed case investigations for 22 complaints during this reporting period. Complaints closed during this reporting period has seen a significant decline compared to 104 complaints which were closed during the first half of 2020. This is mainly as a result of the COVID-19 pandemic and limited investigative staff at the agency.

## Complaint Findings

Following the completion of investigation for civilian police complaints, the CPOA recommends one of several 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).

It is important to note that there can be more than one allegation and more than one officer involved in one civilian police complaint. For instance, if there are 3 allegations in one complaint, there will be 3 findings for each allegation (e.g. Sustained, Unfounded & Admin Closed). For such case, the findings in this report will be reported as ‘sustained’ which is the highest disposition as reported in IA Pro database. Figure 3 below illustrates findings by the CPOA for all civilian police complaints which were completed during July 1<sup>st</sup> to December 31<sup>st</sup> 2020.



*Figure 3. CPOA findings for Complaints Closed  
Data Source: IA Pro- July 1<sup>st</sup> 2020-December 31<sup>st</sup> 2020*

Table 4 below provides a snapshot of all administratively closed cases and identifies why this finding was assigned. 4 out of 14 cases were administratively closed due to ‘No Jurisdiction’.

<b>Reason for Admin Closure</b>	<b>Count</b>
Lack of Information	3
No Jurisdiction	4
No SOP Violation	3
No Officer Identified	2
Mediation	1
Admin Closed	1
<b>Total</b>	<b>14</b>

*Table 4. Administratively closed cases, findings reason  
Data Source: IA Pro- July 1<sup>st</sup> 2020-December 31<sup>st</sup> 2020*

## 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 comprises 63% of the total cases closed and no allegations were identified for these findings, it is not possible to provide information regarding SOPs violated. For this reporting period, we can only identify SOPs that were reviewed for remaining cases with the disposition other than administratively closed. With the help of this data, we can identify the SOPs which were violated the most.

7 APD SOPs were reviewed 12 times for 5 cases with disposition other than administratively closed. SOP 1-1 (Personnel Code of Conduct) was reviewed 4 times while SOP 2-80 (Arrests, Arrest Warrants, and Booking Procedures) came under review 3 times in civilian police complaint investigations during this reporting period. Table 5 below lists all 7 SOPs that were reviewed, times they were reviewed along with the findings.

SOP Number & Title	Times Reviewed	Disposition
1-1 Personnel Code of Conduct	4	3 Unfounded, 1 SNBOOC
2-60 Preliminary and Follow-up Criminal Investigations	1	Unfounded
2-52 Use of Force-General	1	Unfounded
2-86 Investigation of Property Crimes	1	Unfounded
2-80 Arrests, Arrest Warrants, and Booking Procedures	3	Unfounded
1-4 Biased Based Policing/Profiling	1	Unfounded
2-42 DWI Investigations and Revoked/Suspended License	1	Unfounded

Table 5. SOPs reviewed in completed CPOA Investigations  
Data Source: IA Pro- July 1<sup>st</sup> 2020-December 31<sup>st</sup> 2020

### Chief Non-Concurrences with CPOAB findings

This sub-section identifies cases when the Chief of Police did not concur with CPOAB proposed findings or disciplinary recommendations concerning APD employee. Oversight Ordinance section (§ 9-4-1-4-C-3-g) stipulates *“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”*. During this reporting period, the CPOAB did not receive any non-concurrences from the Chief of Police.

## Section II. Employee and Complainant Demographics

Section § 9-4-1-10-B of the ordinance requires reporting of demographic 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 for APD employees identified in complaints received while the second sub-section reports on demographics of complainants identified in complaints received from July 1<sup>st</sup> 2020 to December 31<sup>st</sup> 2020.

### Employee Demographics

Complaints can be filed against both sworn and non-sworn employees of Albuquerque Police Department. A total of 124 APD employees were identified in complaints received during this reporting period. Out of 172 total complaints received for the reporting period, 94 provided information regarding sworn and non-sworn APD employees while 78 complaints did not identify involved employees in the IA Pro database. Of those 78 complaints that did not identify employee information, 55 are ‘Active Investigations’, 7 were ‘Administratively Closed’, 12 are in ‘Initial’ phase of investigative process, 1 complaint was ‘Forwarded to IA’, 1 was sent for ‘Mediation’ and 2 were ‘Suspended’ due to officer’s unavailability. Note that one complaint can have more than one employee involved, 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 Oversight Ordinance and the CASA, this sub-section reports on demographic characteristics of APD employees who were identified in Civilian Police complaints received during this reporting period. The information reported here provides a snapshot of the employee’s rank; includes information on employees by the number of times they were involved in complaints received, assigned bureau and division, race & ethnicity, gender and median age. Table 6 below illustrates the total number of APD employees by their ethnicity and gender as of August 2020.

<b>Sworn-Patrol Officers &amp; Officials</b>	<b>Female</b>	<b>Male</b>	<b>Total</b>
White	52	410	<b>462</b>
Hispanic or Latino	74	300	<b>374</b>
Black or African American	0	17	<b>17</b>
American Indian or Alaska Native	1	8	<b>9</b>
Asian	0	8	<b>8</b>
Native Hawaiian or Other Pacific Islander	0	3	<b>3</b>
Two or More Races	1	7	<b>8</b>
Other	0	0	<b>0</b>
<b>Non-Sworn Employees</b>			
White	124	104	<b>228</b>
Hispanic or Latino	195	115	<b>310</b>
Black or African American	3	6	<b>9</b>
American Indian or Alaska Native	16	4	<b>20</b>
Asian	3	5	<b>8</b>
Native Hawaiian or Other Pacific Islander	1	2	<b>3</b>
Two or More Races	7	7	<b>14</b>
Other	0	0	<b>0</b>
<b>Total</b>	<b>477</b>	<b>996</b>	<b><u>1473</u></b>

*Table 6. APD Employee Demographics as of August 2020  
Data Source: City of Albuquerque, Human Resources*

## Employee's Rank

As stated earlier, 124 employees were identified in complaints received during the current reporting period. Among those, 52 had the rank of Police Officer's 1<sup>st</sup> class and 23 were Senior Police Officer 1<sup>st</sup> class. Figure 4 below provides information regarding all employee's rank who are identified in complaints received at the time of incident.

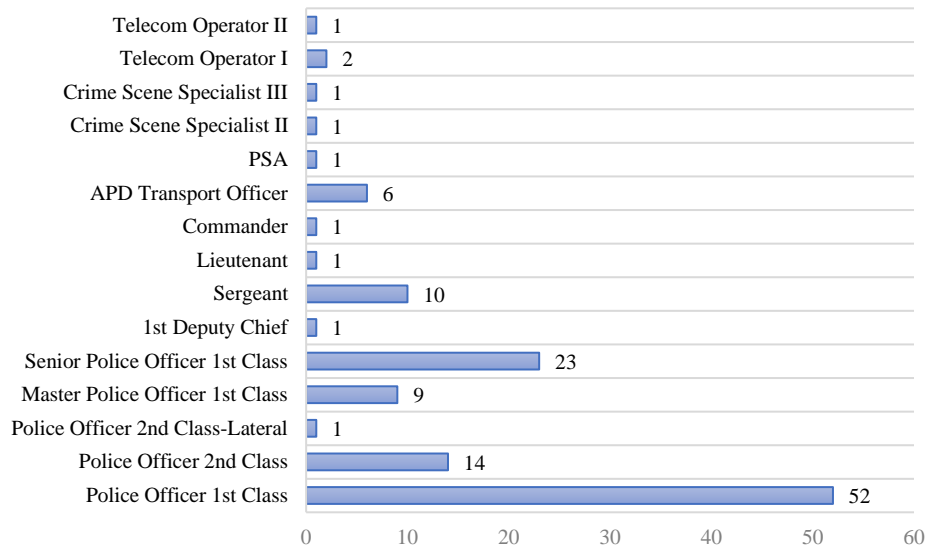


Figure 4. Employees Rank  
Data Source: IA Pro- July 1<sup>st</sup> 2020-December 31<sup>st</sup> 2020

## Employee's 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 172 complaints received during the reporting period, 94 provided information about involved employees. As seen in table 7.1 below, 58 complaints identified involvement from one APD employee. 25 complaints identified two employees and 1 complaint received during this period concerned 6 employees.

Number of Complaints	Concerned Employees
58	1
25	2
9	3
1	4
1	6

Table 7.1 Complaints Received & Employees involved  
Data Source: IA Pro- July 1<sup>st</sup> 2020-December 31<sup>st</sup> 2020



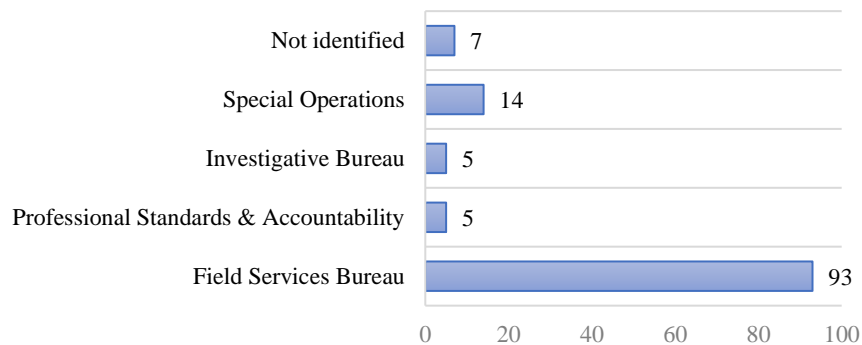
This sub-section reports on the number of times APD employees were involved in complaints received during this reporting period. Table 7.2 below provides snapshot of employees involved and times they were involved in the complaints received.

Number of Employees	Times Involved
107	1
13	2
4	3

*Table 7.2 Times Employees involved*  
Data Source: IA Pro- July 1<sup>st</sup> 2020-December 31<sup>st</sup> 2020

### Employee’s Assigned Bureau

This sub-section provides information pertinent to the bureau of involved employees at the time when a misconduct complaint was received against them by the Agency. There are five bureaus in APD which includes Field Services, Professional Standards and Accountability, Investigative, Special Operations and Management Services and Support Bureau. Figure 5 highlights all the employees who were the recipient of complaints by their assigned bureaus. Note that 7 employees did not have information regarding their assigned bureau in the IA Pro database.



*Figure 5. Employee’s Assigned Bureau*  
Data Source: IA Pro- July 1<sup>st</sup> 2020-December 31<sup>st</sup> 2020

## Employee's Assigned Division

This sub-section provides information related to employee's division at the time when a misconduct complaint was received against them by the Agency. Total of 25 employees who received complaints were assigned to Southeast area command division while 23 employees from Northeast area command division were identified in complaints received during this reporting period. 1 employee transferred divisions and received one complaint at southeast area command and one complaint with southwest area command. Further breakdown of employees by their assigned division at the time when complaints were received against them by the Agency is illustrated in figure 6 below. Note that 7 employees did not have information regarding their assigned division in the IA Pro database.

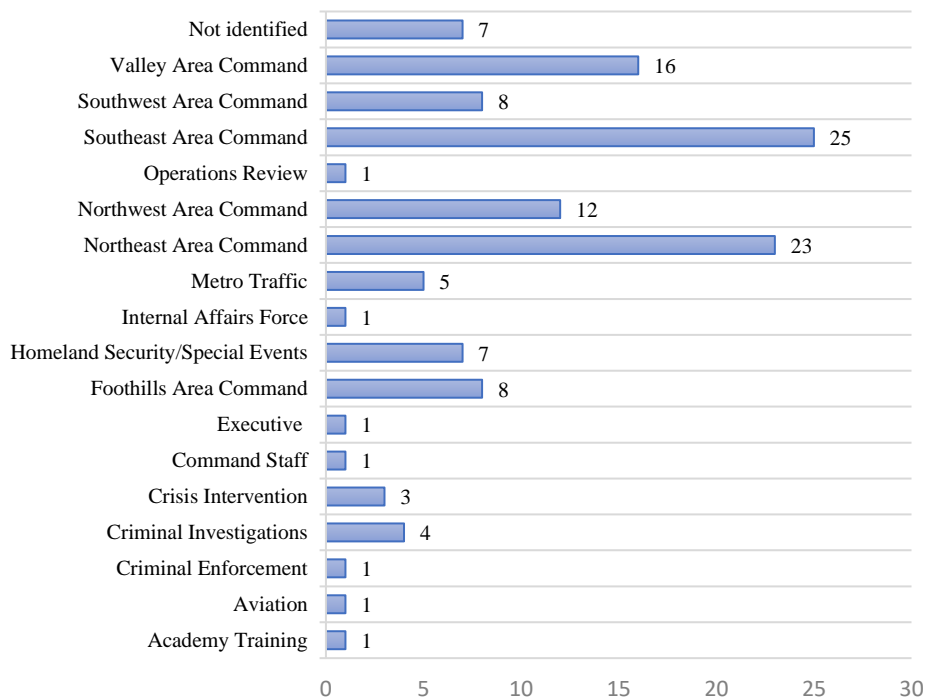
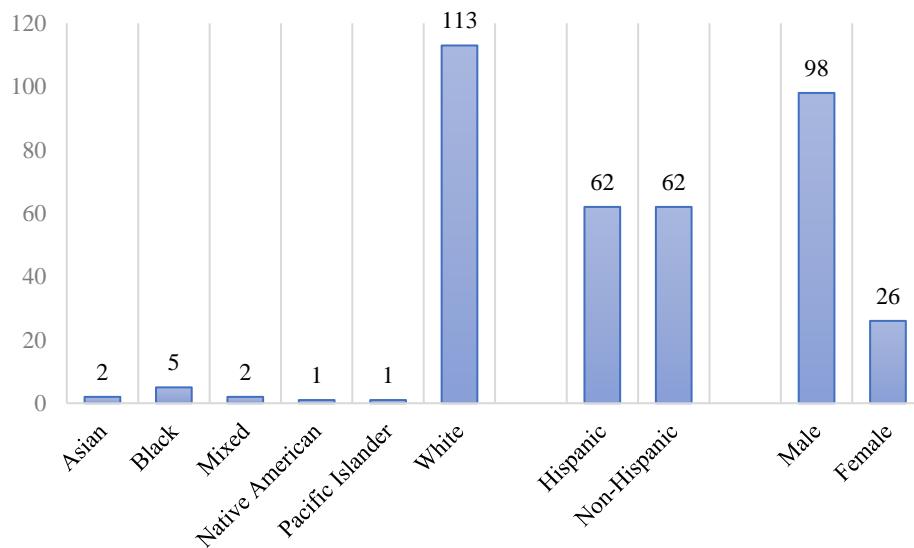


Figure 6. Employee's Assigned Division  
Data Source: IA Pro- July 1<sup>st</sup> 2020-December 31<sup>st</sup> 2020

## Employee’s Race, Ethnicity and Gender

The CASA and the Oversight Ordinance require capturing demographic information of APD employees who were the recipient of civilian police complaints. Reporting on such information help identify the trends and biases of employees originating specifically due to the race and gender and will also help the CPOAB to provide policy, training and procedural recommendations to APD. As seen in the figure 7, approximately 91% of APD employees identified in complaints received were of White race and approximately 79% of them were Male. Of the total 113 White employees, 62 were White (Hispanics) and 51 were White (Non-Hispanics).

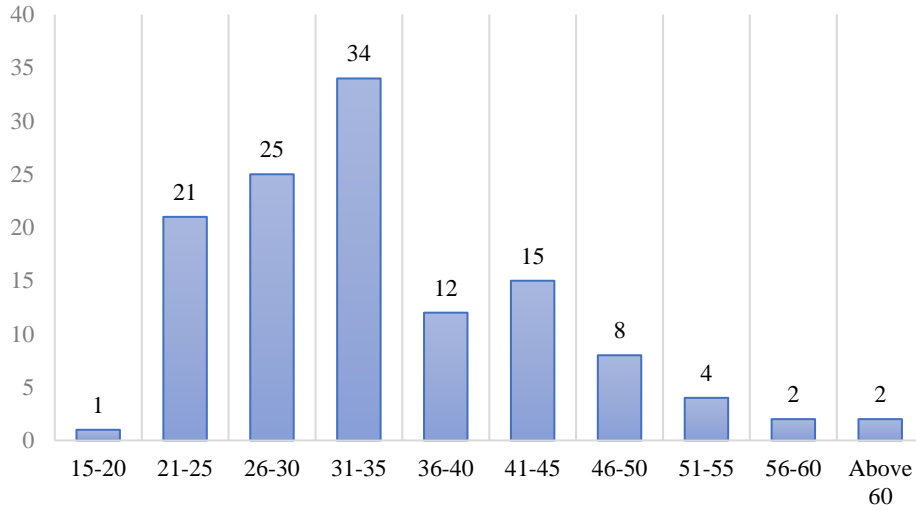


*Figure 7. Employee’s Race, Ethnicity & Gender*  
Data Source: IA Pro- July 1<sup>st</sup> 2020-December 31<sup>st</sup> 2020

## Employee’s Median Age

This sub-section shows the median age range of all employees who were identified in misconduct complaints received during this reporting period. 34 employees were in the age group of 31-35 years while 25 were between 26-30 years old at the time of the incident. The youngest APD employee receiving complaint was 19 years old while the oldest

employee was 65 years old at time when the incident occurred. Figure 8 below provides information regarding all employees' age who were identified in civilian police complaints.



*Figure 8. Employee's Median Age*  
*Data Source: IA Pro- July 1<sup>st</sup> 2020-December 31<sup>st</sup> 2020*

## Complainant's Demographics

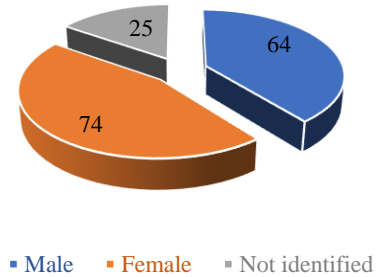
This section identifies complainant's demographic information for this reporting period. To fulfill the CASA requirement, the Agency amended its complaint forms in order to capture additional data for involved complainants. For the current reporting period, the Agency received 172 civilian police complaints involving 163 complainants. 6 out of those filed complaints anonymously. The data provided in this section provides information on complainants' gender, race, ethnicity, sexual orientation, mental health status, median age, housing status (homeless), and also reports on whether complainants opted for mediation when they filed complaints with the Agency.

During this reporting period, 5 complainants filed complaints with the Agency more than once. One complainant was identified as an APD officer, one complainant identified themselves as Good Citizen and one as Abq Copwatch. The source of data reported in this section is from the complaint form 'Optional Demographic Section'. Note that information reported in this section mirrors the information reported by the citizen in the complaint form. The complainant might say they do not have mental health issues in the complaint, but the officer later determined that they have mental health issues. The information here will state 'No' mental health issues as stated by the complainant on the complaint form. Some data is not reported by complainants regarding the demographic characteristics which will be highlighted alongside each sub-section.

Since this section is 'optional' in the complaint form, several complainants did not provide information about sexual orientation or information related to mental health issues. Some complaints were received via direct email, blue team or through written memorandum by the Agency which do not have any demographic information regarding complainants. This caused a significant large number of missing information. Another reason for missing information is due to old complaint forms which did not capture all the information as required in the new complaint form. Notably, some complaints are filed by citizens on behalf of other individuals. Demographic information captured may not have information of the actual complainant and may have information of those submitting the complaint form. Sub-sections below highlight demographic information for complainants from July 1<sup>st</sup> 2020 to December 31<sup>st</sup> 2020.

### Complainant Gender

This sub-section provides information regarding the gender of complainants who filed complaints during this reporting period. Of the total 163 complainants, Male were 64 compared to 74 Female complainants. 1 anonymous complainant identified themselves as male while 5 did not identify their gender. During this period, 25 complainants did not record information about gender when the complaint was filed with the Agency.



### Complainant Race & Ethnicity

Data on race and ethnicity will help identify problems and population at risk, which is crucial information for policymakers in making effective decisions. The data will also help understand the underlying causes of problems faced by specific groups of population due to police misconduct. It 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 9, white complainants comprised of the largest percentage (approx. 32%). 46% of the complainants did not report on race while submitting complaint with the Agency. Individuals with Hispanic ethnicity has slightly large percentage (approx. 29%) compare to non-Hispanic (approx. 24%) with (approx. 47%) complainants not identifying information about ethnicity.

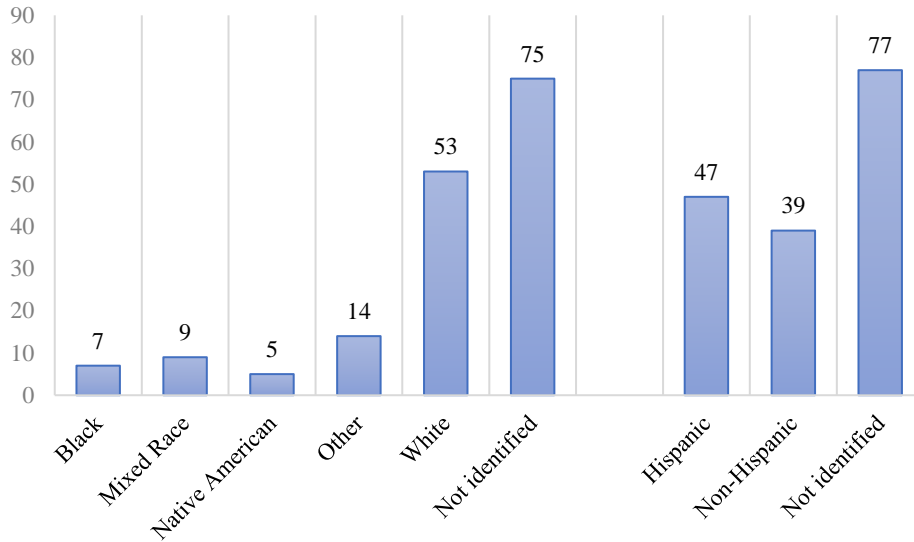
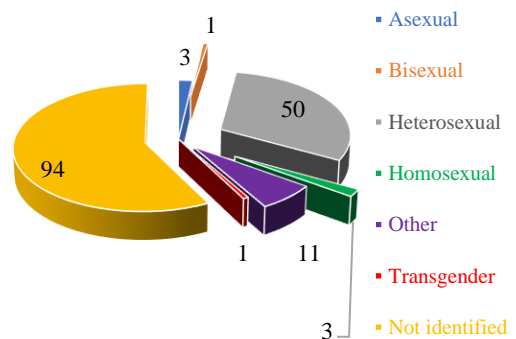


Figure 9. Complainants Race & Ethnicity  
Data Source: IA Pro- July 1<sup>st</sup> 2020-December 31<sup>st</sup> 2020

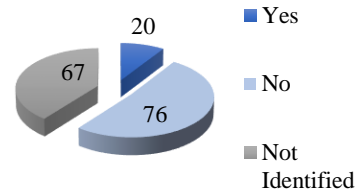
### Complainant Sexual Orientation

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 protecting and serving communities. For the complaints received during this period, approximately 31% of the complainants were heterosexual while a significantly larger number (approx. 57%) of the complainants did not provide information regarding their sexual orientation.



## Complainant Mental Health Status

This sub-section provides information pertinent to mental health status of complainants. Paragraph 175 of the CASA states “APD and the Civilian Police Oversight Agency 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 complainants experience mental health issues or struggled with homelessness. For this reporting period, 20 complainants stated they were experiencing mental health issues while 76 reported ‘No’ mental health issues. 67 complainants did not identify whether they experience mental health issues.

## Complainant Housing Status

Albuquerque has a significantly large segment of homeless population. Police engages with such groups 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. The information reported in this sub-section identifies if the complainant struggle with homelessness as well as if they were homeless at the time of interaction with the APD. As seen in figure 10 below, 48% of the individuals who filed complaints with the Agency stated they do not struggle with homelessness while 10% reported they struggle with homelessness. 42 % did not report on this information. 56% of the complainants stated they were not homeless when the incident occurred while 4% stated they were homeless at the time of incident. Again, a significantly large number, 40% did not report on this information.



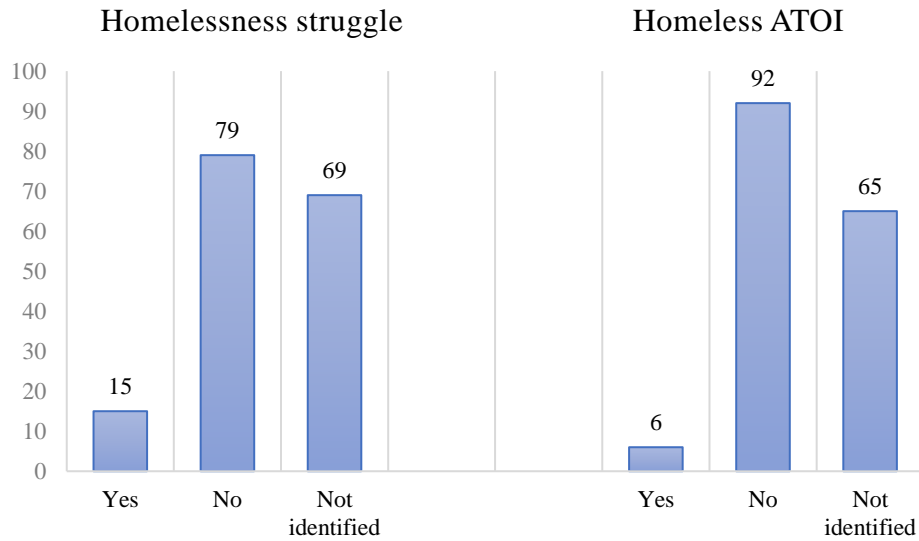
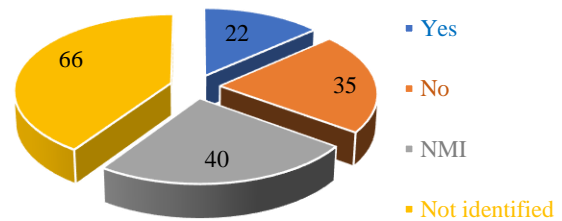


Figure 10. Complainant Homelessness Status  
Homeless ATOI (At time of incident)  
Data Source: IA Pro- July 1<sup>st</sup> 2020-December 31<sup>st</sup> 2020

### Complainant Interest in Mediation

One of the first questions in the Agency’s complaint form asks individuals if they are interested in resolving the dispute 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 or not interested in mediation or would like more information on the process. Some complainants choose to simply not respond to the question. This data only highlights the complainant’s perspective and records their interest in mediation.

Mediation program was reinstated for one year during the month of July 2020. The Agency started sending eligible complaints to Alternative Dispute Resolution (ADR), which is a City department tasked with conducting mediation. At this time, there is not enough data to suggest whether the program is effective or not. The Agency is mandated by the court

stipulation to report on mediation program and to identify substance of complaints that are sent for mediation, whether mediation was successful or not, officer’s and complainant participation in mediation. The Agency will have reasonable data at the end of the one year from the initiation date of the program. During this period, 64% of the 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 who filed complaints during the last six months of 2020. 108 complainants reported on their age when submitting complaints with the Agency while 55 individuals did not report their age. The youngest complainant was 15 years old while the oldest was 79 years old. Of those complainants who reported their age, the largest percentage of complainants (approx. 15%) were between the age group of 26 to 30 years old. Figure 11 below provide details about complainants’ age group for this reporting period.

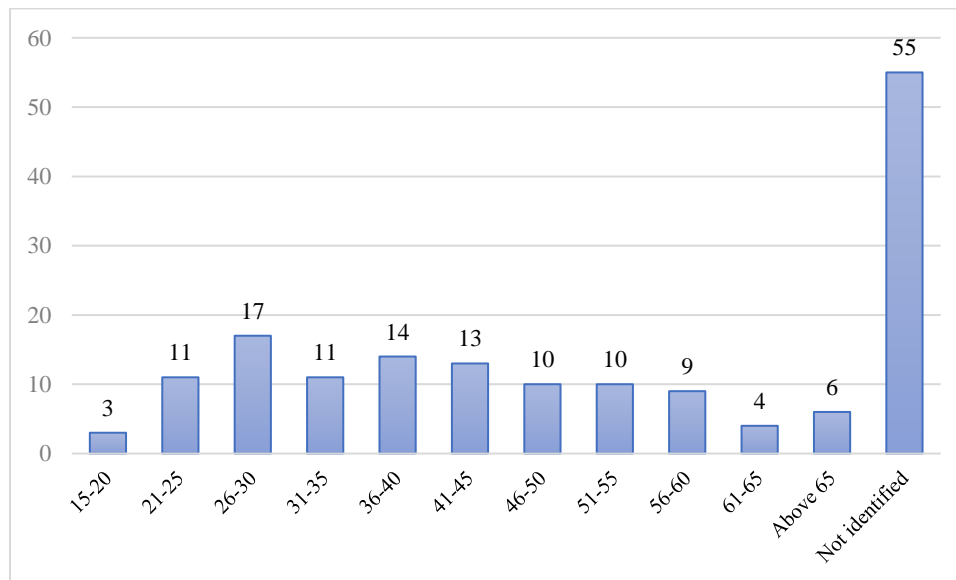


Figure 11. Complainants Median Age  
Data Source: IA Pro- July 1<sup>st</sup> 2020-December 31<sup>st</sup> 2020

### Section III. APD Use of Force Incidents

The information underlined in this section will report on the number of Use of Force incidents that were received and investigated by Internal Affairs Force Division (IAFD) during this reporting period and CPOAB review of Level 3 cases. There was a total number of 356 Level 1 and 2 and 63 Level 3/Serious Uses of Force (SUOF) cases from the period beginning July 1<sup>st</sup> 2020 to December 31<sup>st</sup> 2020. Sub-sections below provide detailed information regarding area commands where these incidents occurred, call type associated with force events and Serious Uses of Force cases that were reviewed by the CPOAB during this reporting period.

Starting January 11<sup>th</sup> 2020, force cases are categorized by three levels at IAFD. SOP 2-52 (Use of Force-General) clearly outlines the list of all events which will be classified among these three levels. All Level 3 force incidents will be identified as Serious Uses of Force in this report. SOP 2-53-2-M define different level of force as:

- **Level 1 Use of Force:** Force that is likely to cause only transitory pain, disorientation, and/or discomfort during its application as a means of gaining compliance.
  - a. This includes techniques that are not reasonably expected to cause injury, do not result in an actual injury, and are not likely to result in a complaint of injury (i.e., pain compliance techniques and resisted handcuffing).
  - b. Shows of force, including: pointing a firearm, beanbag shotgun, 40-millimeter impact launcher, OC spray, or ECW at an individual, or using an ECW to “paint” an individual with the laser sight or utilizing a warning arc. A show of force is reportable as a Level 1 use of force.
  - c. Level 1 use of force does not include interaction meant to guide, assist, or control an individual who is offering minimal resistance.

- **Level 2 Use of Force:** Force that causes injury, could reasonably be expected to cause injury, or results in a complaint of injury.
  - a. Level 2 use of force includes: i. Use of an ECW, including where an ECW is fired at an individual but misses; ii. Use of a beanbag shotgun or 40-millimeter impact launcher, including where it is fired at an individual but misses; iii. OC spray use including where it is sprayed at an individual but misses; iv. Empty-hand techniques (e.g., strikes, kicks, takedowns, distraction techniques, or leg sweeps); and v. Strikes and attempted strikes with impact weapons. This excludes strikes to the head, neck, throat, chest, or groin, with a beanbag shotgun or 40-millimeter impact launcher and strikes to the head, neck, throat, torso, or groin with a baton or improvised impact weapon, which are considered Level 3 uses of force.
  
- **Level 3 Use of Force:** Force that results in, or could reasonably result in, serious physical injury, hospitalization, or death.
  - a. Level 3 use of force includes: i. Use of deadly force; ii. Critical firearm discharges; iii. Use of force resulting in death or serious physical injury; iv. Use of force resulting in hospitalization; v. Strikes to the head, neck, throat, chest, or groin with a beanbag shotgun or 40-millimeter impact launcher and strikes to the head, neck, throat, torso, or groin with a baton or improvised impact weapon; vi. Use of force resulting in a loss of consciousness; vii. Police Service Dog bites; viii. Three or more applications of an ECW on an individual during a single interaction, regardless of the mode or duration of the application, and regardless of whether the applications are by the same or different officers; ix. ECW application on an individual during a single interaction for longer than 15 seconds, whether continuous or consecutive, regardless of the mode of application; x. Neck holds; xi. Four or more strikes with a baton or improvised impact weapon; and xii. Any Level 2 use of force against a handcuffed individual.

## Level of Force Used by Area Command

Among all use of force incidents, majority of the events occurred in southeast area command totaling 110 events. For southeast area command, level 1 force was reviewed and investigated 25 times, level 2 force 69 times while level 3 force event was investigated 16 times during the reporting period. Note that IAFD does not investigate level 1 use of force and these are forwarded to the respective area commands. Breakdown of force incidents that occurred during these six months by the area command for all levels of use of force is highlighted in the figure below.

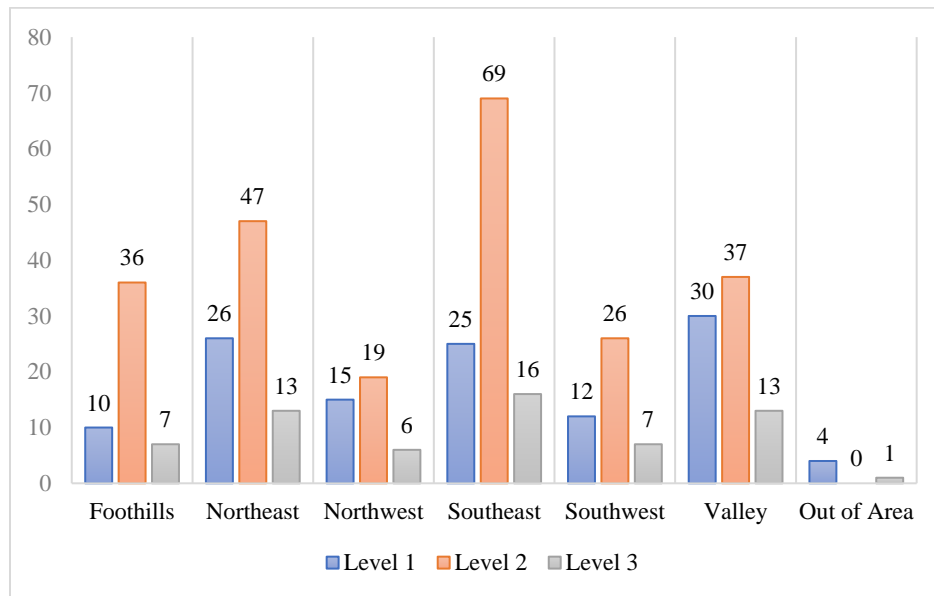


Figure 12. Level of force by Area Commands  
Data Source: IA Pro- July 1<sup>st</sup> 2020-December 31<sup>st</sup> 2020

## Type of Calls associated with Force Event

For a total of 419 use of force cases received and investigated by IAFD during these six months, it is important to identify what type of calls led to these force events. This subsection will provide count of all call types which resulted in officer using some level of force against an individual(s). As seen in the table below, majority of the calls leading to a ‘Use of Force’ event resulted from ‘Family Dispute’. Complete list of these calls by count is provided in the table below.

Call Type	Count
Family Dispute	77
Disturbance	46
Suspicious Person/Vehicle	36
Aggravated Assault/Battery	30
Suicide	22
Wanted Person	20
SWAT	19
Onsite Suspicious Person/Vehicle	19
Auto Theft	14
Fight in Progress	12
Behavioral Health	11
Traffic Stop	10
Stolen Vehicle Found	8
Shoplifting	7
Drunk Driver	7
Narcotics	6
Sex Offense	6
Burglary Residence	6
Continuation-Early Force Event	5
Burglary Commercial	4
Welfare Check	4
Vandalism	4
Armed Robbery Commercial	4
Shooting	3
Onsite Disturbance	3
Traffic Accident/Injuries	3
Traffic Accident/No Injuries	3
Shots Fired	3
Bait Vehicle Theft	3
Burglary Auto	3
Theft/Fraud/Embezzlement	2
Cover Assistance	2
Contact	2
Tactical Assistance	2
Demonstration	1
Child Neglect	1
Shots Fired/Shot Spot	1
Missing Person	1
Onsite Auto Theft	1
Loud Party	1
Sleeping Individuals	1
Auto Carjacking	1
Prisoner PU	1
Chief's Overtime	1
Drunk	1
Stabbing	1
Robbery	1
<b>Total</b>	<b>419</b>

*Table 8. Call types associated with use of force cases  
Data Source: IA Pro- July 1<sup>st</sup> 2020-December 31<sup>st</sup> 2020*

## CPOAB Review of SUOF cases

The Board during this reporting period reviewed 10 Serious Use of Force Cases. As defined in the policy, the Board review these cases after the review by the Force Review Board and the Chief of Police. List of SUOF cases, the CPOA Executive Director findings and the Board's disposition of these cases is identified below:

- 1- APD Case # 18-00582142 (*See Appendix III-1*):  
Agency's review finds→Conduct 'Exonerated' for the Use of Force. CPOAB approved the findings of the Agency in this case.
  
- 2- APD Case # 18-0122233 (*See Appendix III-2*):  
Agency's review finds→Conduct 'Exonerated' for the Use of Force. CPOAB tabled this case and requested additional information prior to voting on accepting the findings at August meeting. The case was back for CPOAB review at October meeting and CPOAB approved the findings of the Agency in this case.
  
- 3- APD Case # 18-0118590 (*See Appendix III-3*):  
Agency's review finds→Conduct 'Exonerated' for the Use of Force. CPOAB approved the findings of the Agency in this case.  
  
Additional findings by the Executive Director suggests investigation of this case by APD IAD was deficient. It did not interview the officers involved in this incident. It relied on the statements given to MATF detectives. APD IAD must interview the officers involved because the standard being examined is an administrative review, different than a criminal review.
  
- 4- APD Case # 19-0035838 (*See Appendix III-4*):  
Agency's review finds→Conduct 'Sustained' where the investigation determines, by a preponderance of the evidence, the alleged misconduct did occur. CPOAB approved the findings of the Agency in this case. Additional findings by the Executive Director suggests that the investigation in this case was deficient. It did not interview the officers involved

in this force incident. It relied on the statements given to MATF detectives. APD IAD must interview the officers involved because the standard being examined is an administrative review, different than a criminal review. The investigation also failed to identify additional victims of force. The Executive Director recommended ‘IAFD open a force investigation to identify victims of lethal force and evaluate the force used against those victims related to this incident.

5- APD Case # 19-0051283 (*See Appendix III-5*):

Agency’s review finds→Conduct ‘Exonerated’ for the Use of Force. CPOAB approved the findings of the Agency in this case.

6- APD Case # 19-0059410 (*See Appendix III-6*):

Agency’s review finds→Conduct ‘Exonerated’ for the Use of Force. CPOAB approved the findings of the Agency in this case.

7- APD Case # 18-0068735:

Agency’s review finds→Conduct ‘Exonerated’ for the Use of Force. CPOAB *did not* approve the findings of the Agency in this case and requested additional materials prior to approval.

8- APD Case # 19-0029519 (*See Appendix III-7*):

Agency’s review finds→Conduct ‘Exonerated’ for the Use of Force. CPOAB approved the findings of the Agency in this case.

9- APD Case # 19-0063551 (*See Appendix III-8*):

Agency’s review finds→Conduct ‘Exonerated’ for the Use of Force. CPOAB approved the findings of the Agency in this case.

10- APD Case # 19-0068688 (*See Appendix III-9*):

Agency’s review finds→Conduct ‘Exonerated’ for the Use of Force. CPOAB approved the findings of the Agency in this case.



## Section IV. Public Outreach

Like many police oversight entities across the country in 2020, the Albuquerque Civilian Police Oversight Agency pivoted and adapted to their community engagement and outreach efforts to support the ever-changing needs of the community during a global pandemic.

In response to the Governor's public health order, all meetings were held via Zoom video conference call during this reporting period. There was a total of *four* Outreach Sub-committee Board meetings. Outreach Sub-committee chair, member Galloway's efforts were focused on supporting the needs of the Agency and the Board, while also including the ongoing community engagement between the CPOA and the community policing councils (CPC's).

In July, the CPOA Board had *eight* official Board members. However, by the end of the year, in December, there were only *six* active Board members. As agreed upon by City Council staff and the CPOA, the Outreach Sub-committee is tasked with overseeing the onboarding of newly selected Board members. The goal of onboarding new Board members is to serve as peer Board mentors to incoming prospective Boards members to provide a realistic insight as to what the volunteer commitment for the CPOA Board involves. Over the course of several months, the slow selection process for new Board members prompted Board member Galloway, and the Agency to raise awareness with City Council regarding the issues an unfilled CPOA Board creates for the civilian police oversight process, as well as the CASA compliance goals for the Board. The Outreach Sub-committee did meet with several City Council members and staff to discuss these matters. There were no resolutions made during this reporting period.

Also beginning in July, the CPOA and CPC's collaborated efforts to engage CPC members, APD leadership, and community members at large by hosting monthly Community Policing Council meetings to discuss community related issues and policy recommendations. With the City of Albuquerque's leadership decision to formally transition the CPC's as a subdivision of the CPOA, City Legal, the CPOA and the CPC's began to develop a CPC ordinance sponsored by Councilor Pena to ensure the sustainability of the initiative. As a result of hard work, dedication, and true collaborations, the CPC ordinance was approved by the City Council and went into effect on

October 7<sup>th</sup> 2020. By the end of December, a new CPC Liaison was selected to join the CPOA staff and a CPC Liaison Assistant position was created and approved. By December 2020, the CPOA was funded to have eleven full-time staff positions.

Throughout this reporting period, Director Harness and staff continued to lead/facilitate police oversight trainings and critical discussions with community groups including the facilitation of the monthly Zoom meeting set up for each Community Policing Council for a total of 42 meetings. Presentations were given to the 24<sup>th</sup> Lateral APD Academy class and La Mesa Presbyterian Church. The CPOA/Board participated in community discussions with APD Forward during community roundtable Amici meetings hosted by the Department of Justice. Director Harness was invited by host Diane Kinderwater to be a guest speaker on an episode of “Issues and Answers”. This was an interview that exclusively discussed the Albuquerque Civilian Police Oversight Agency and the civilian complaint process for community members. It was recorded and now resides on Ms. Kinderwater’s YouTube channel.

The CPOA extended the 2020 NACOLE annual conference training opportunities to the CPOA Board and interested members of the CPC’s. The annual conference was held virtual over the course of three months. The volunteers that participated gained a new perspective and insight on police oversight initiatives throughout the country and shared recommendations with their peers. The Agency staff was also inspired to pursue a Language Assistance MOU with the City of Albuquerque to better support the community members in need of civilian police oversight resources, which was previously a challenge for the Agency’s investigative staff.

In light of all that happened in 2020, the Civilian Police Oversight Agency and Community Policing Councils worked diligently with City leaders to create sustainability for the overall civilian police oversight system in Albuquerque. Through continued collaboration and growth, the CPOA will continue to be a very important piece of the puzzle as our community works together towards advancing constitutional policing and accountability for APD and the Albuquerque community.

## Section V. CPOA/Board Policy Activities, Policy Recommendations provided to APD & Legislative Amendments to Oversight Ordinance and Policies and Procedures

As defined in the oversight ordinance, an important role of the CPOA/Board is to *“Provide input, guidance and recommendations to the City Council, the Mayor and the Chief of Police for the development of policy for the Albuquerque Police Department”*. Ordinance requires the Board and the Agency to recommend policies related to training, programs, procedures and other matters to APD. The Oversight Ordinance stipulates *“The Board must dedicate a majority (more than 50%) of its time to policy recommendations”*. This section provides a snapshot of the activities that the Board dedicated to policy and other important matters related to APD during the current reporting period. During the first year of its existence the Board created a set of operating procedures designed to meet their obligations per the ordinance. To serve this mission, the Board created Policy and Procedures Review Sub-Committee (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 provide information regarding the APD policy processes to the public. This function is enhanced when CPOA/Board participates directly in the policy development process at APD and reports the results to the public. CPOA/Board recommendations are given serious consideration in the APD policy development and review process. Board members, the CPOA Executive Director and staff regularly participate in Policy and Procedure Unit (formerly Office of Policy Analysis OPA) meetings where new policies and modifications to existing policies are presented for review by APD subject matter experts. The members are presented with the opportunity to ask questions and recommend policy changes. The Board designee and the CPOA Executive Director also attend the Policy and Procedures Review Board (PPRB) meetings to finalize and vote on SOPs before they reach the CPOAB, the independent monitor (if it is CASA related policy) and are sent to the Chief of APD for approval.

Starting July 1<sup>st</sup> 2020 and ending December 31<sup>st</sup> 2020, CPOA/Board were involved in numerous policy related activities and other issues at the department. These activities are listed below:

- List of Policies that were presented at Office of Policy Analysis (OPA) includes the following:

<b>Policies presented at OPA/Policy and Procedure Unit</b>
SOP 1-27 Currently 5-3 (Cold Case Unit)
SOP 1-46 (Field Training and Evaluation Program FTEP)
SOP 2-21 (Apparent Natural Death and Suicide)
SOP 1-10 (Peer Support Program)
SOP 2-50 (Safety Review Board)
SOP 2-98 (Gunshot Detection Procedure)
SOP 1-1 (Personnel Code of Conduct)
SOP 1-15 Currently 5-2 (Air Support Unit)
SOP 1-35 Formerly 5-8 (Crime Scene Specialists Unit)
SOP 2-1 (Uniforms)
SOP 2-47 (Crashes Involving Police Vehicles)
SOP 3-13 (Officer's Duties and Conduct) <i>For Deletion</i>
SOP 1-3 (Grooming Standards)
SOP 1-28 Currently 4-3 (Downtown Unit)
SOP 1-56 Currently 6-12 (Horse Mounted Unit)
SOP 3-20 (Overtime, Compensatory Time, and Work Shift Designation)
SOP 2-37 Currently 4-16 (Meal Breaks)
SOP 2-84 (Body Cavity and Strip Searches)
SOP 2-105 Currently 4-26 (Destruction/Capture of Animals)
SOP 3-12 (Awards and Recognition)
SOP 3-29 Currently 4-12 (Issuance and Usage of Area Command Equipment)
SOP 2-65 (Language Access Procedure)
SOP 3-6 (Language Access Policy)

- List of Policies and forms that were presented at Policy and Procedures Review Board (PPRB) includes the following:

<b>Policies and Forms presented at PPRB</b>
SOP 1-13 Formerly 5-3 (Armed Robbery Unit)
SOP 1-37 (Crisis Intervention Section)
SOP 2-11 (Use of Tire Deflation Device)
SOP 2-13 (StarChase Pursuit Management)
SOP 2-19 (Response to Behavior Health Issues)
SOP 2-77 (Forfeiture of Monies and Property)
E-Trace
Juvenile Statement of Probable Cause
IAFD Forms
SOP 1-27 Currently 5-3 (Cold Case Unit)
SOP 2-68 (Interviews and Interrogations)
SOP 2-8 (Use of On-Body Recording Devices OBRD)
SOP 1-46 (Field Training and Evaluation Program)
SOP 1-53 (Homicide Unit)
SOP 1-81 (Proactive Response Team)
SOP 2-21 (Apparent Natural Death/Suicide)
SOP 2-50 (Safety Review Board)
SOP 2-66 (Victim and Witness Assistance)
APD Resource Card
Domestic Violence Packet
Resources and Information for Victims of Crime
SOP 1-10 (Peer Support Program)
SOP 2-23 (Use of Canine K-9 Unit)
Problem-Oriented Policing (POP) Projects Form
CIT Contact Sheet
SOP 1-1 (Personnel Code of Conduct)
SOP 1-15 Currently 5-2 (Air Support Unit)
SOP 1-35 Formerly 5-8 (Crime Scene Specialists Unit)
SOP 2-70 (Execution of Search Warrants)

Information for a Victim of a Misdemeanor Crime
SOP 3-13 (Officer's Duties and Conduct) <i>For Deletion</i>
SOP 1-28 Currently 4-3 (Downtown Unit)
SOP 2-47 (Crashes Involving Police Vehicles)

- City of Albuquerque Human Rights Board held a meeting with the CPOAB during the July 2020 meeting to discuss collaboration between the two Boards. Human Rights Board responsibility is to preserve, protect and promote human rights and human dignity for the residents across the city of Albuquerque. The meeting was held mainly as a result of events that happened across the city specifically in connection with BLM protests and George Floyd incident. Human Rights Board was concerned with APD response and actions connected with those events.
- Sub-committee changes were made during this reporting period. The Board approved to minimize sub-committee by one member due to limited Board membership to comply with Open Meeting Act guidelines. New membership includes: **Outreach Sub-committee** Members Chantal Galloway, Doug Mitchell and Eric Nixon. **Policy and Procedure Sub-committee** Members Dr. William Kass, Tara Armijo-Prewitt and Eric Olivas. **Case Review Sub-committee** Members Chantal Galloway, Tara Armijo-Prewitt and Eric Nixon. **Personnel Sub-committee** Members Eric Olivas, Dr. William Kass and Doug Mitchell.
- The Board approved a facilitated CPOA/Board strategic planning meeting and training session.
- Lieutenant Sanders and Lieutenant Meisinger from APD Crimes Against Children Unit gave presentation to the Board regarding Care officer's training and CACU Detectives training.
- Deputy Chief Michael Jay Smathers provided a report on the Use of Military Equipment at the Board's invitation due to the interest this topic gained in the community as a result of the George Floyd incident and demonstrations. Deputy Chief stated that APD has one MRAP (Man Resistant Ambush Protection) vehicle which APD received through 10-33 Department of Defense decommissioned vehicle program in 2014. He also stated that he is unaware whether this vehicle is ever being used in the streets of Albuquerque and APD

is in the process of returning this vehicle to the State of New Mexico. Other equipment includes unmanned robot that APD use for explosive ordinance disposal unit since 2014, static gunsights, utility truck, ballistic helmets and vests, tractor for horse mounted unit, few vehicles with ballistic protection (does not emit a projectile, used only for defense and standoff situations). He also noted that APD is no longer a signatory participatory in this federal program, it requires new agreements and APD has not renewed the contracts with the program. APD has no plans to procure additional military grade equipment.

- Administration reported to the Board that City has adopted Obama Pledge to include; 1- review use of force policies, 2-engage community by including diverse range of input, experiences in this review 3-report findings of the review back to the community and seek feedback and, 4- reform the use of force policies. APD is currently reviewing its use of force policies.
- State legislature passed senate bill 8 governing the use of on-body recording devices. This law went into effect on 20<sup>th</sup> September 2020 and require revisions to APD policy 2-8 Use of OBRD. APD revised its OBRD policy to comply with the requirements outlined in the bill. The revised policy was sent to CPOAB, monitor, DOJ and APOA for review and approval.
- Paragraph 184 of the CASA is suspended and new court stipulation allowed CPOA to conduct mediation for one year. City ADR will be utilized to conduct mediations and is able to facilitate mediations during covid-19 environment with phone calls and zoom meetings.
- Evaluation of the Executive Director was discussed by the Board during this reporting period. The Board approved to adopt the Executive Director's evaluation form that was used in 2018 to be also used in 2019. Survey was provided to staff members and Board members who are still employed and were employed during 2019 and it also requires the independent monitor to be included in the evaluation process.
- Board members discussed the processes for appropriate response to public inquiries. The Board made a motion to discuss this issue more at the Outreach sub-committee and develop a policy pertinent to Board member's response to public inquiries.

- A special meeting was held on August 27<sup>th</sup> 2020 to approve policies and procedures review sub-committee recommendations for APD SOP 2-8 Use of On-Body Recording Devices (*see Appendix III-10*). Recommendations include:
  - i. SOP section 2-8-9 Retention and Release, Paragraph B requires that OBRD video be retained for a period of 120 days. Board recommended that the non-evidentiary OBRD video be retained for a period of one year.
  - ii. Minor language editing recommendations that would clarify the policy. In Section 2-8-7 Discretionary Recording paragraph B, “Discretionary recording is allowed” at the beginning of the section.
  - iii. Under section 2-8-8-A. 7 add a sub-section with the language “Supervisors shall prohibit officers from reviewing OBRD video before writing the incident report if they were involved in a critical incident or if the supervisor suspects the officer of policy violations.
  - iv. Supports the protection of privacy rights of individuals by informing them when recording is occurring.
  - v. Given the importance of maintaining OBRD records and assessing their value, the Board recommend that a department unit be tasked with the responsibility to collect, maintain access and analyze OBRD program data. The Board suggest the analysis consist of: frequency of identified policy violations and exonerations in cases involving citizen complaints, APD imposed discipline as a result of violations of this policy, Additional training resulting from deficiency of use, review or analysis, need for additional resources such as hardware software & data storage, estimate of the number of hours of evidentiary video that are reviewed, and any other data that would enhance the ability of APD to evaluate and improve the policy.
  - vi. Data and Analysis should be made available to members and stakeholders of the OPA policy development process described in SOP 3-52. A summary of any relevant data should be presented at the appropriate OPA meetings.
- Lieutenant Michael Meisinger with APD Training Academy presented to the Board on Interview and Interrogations as it relates to officer training.



- Administration updated the Board on Albuquerque Community Safety (ACS) department which will be a cabinet level department to serve alongside APD and AFR in delivering public health approach to public safety. Mayor proposed budget include \$7 million for ACS personnel, equipment and contractual services. To help reduce violent crimes city, Mayor also proposed fully funding violence intervention program with over \$1 million. The budget keeps the administration on track to hire 100 police officers every year with \$2.5 million allocated to bring new officers on board. \$600,000 is allocated for OBRD and related technology. \$5.2 million for compliance of CASA. \$627,000 to acquire additional electronic control weapons with audit trail to monitor the usage and compliance for use of force policies and \$2.5 million to prevent homelessness.
- AMICI meetings were held during the month of September 2020.
- Mediators and Facilitators Philip Crump and Jocelyn Torres presented information on the CPOA/Board team building project and mission. Facilitators held two meetings with the Board and the Agency during this reporting period.
- On September 21<sup>st</sup> 2020, Director Harness took part in a TV interview with Diane Kinderwater from KCHF tv to discuss ongoing issues with Law Enforcement and Reforms and to discuss the work of the CPOA.
- The CPOA Semi-Annual report for July to December 2019 was approved by the Board and the City Council.
- The Board approved to extend invitation to APD training academy leadership or their designees to provide regular updates to the Board every 6 months on areas of interest to the Board or Albuquerque community including CACU, special victim's unit starting the month of February 2021 regular meeting of the Board.
- During September 2020 meeting, Board approved to send a letter to the City Council (*See Appendix III-11*) to address three issues:
  - i. The recruitment and retention of board members remains a central challenge facing the board. The board has not been at full 9-member capacity in recent memory. In many cases, by the time a vacancy is filled, another occurs. We ask that the council work with the CPOAB to proactively recruit and fill vacancies.

- ii. The requirement board members are asked to meet per ordinance often hinders the ability of the board to attract and retain a diverse membership. The council should revisit some of these requirements to carefully weigh the need for an educated membership of the board with the need for a diverse board membership that reflects the diversity of our community.
- iii. The changes made to the CPOA budget process in the ordinance rewrite have not been beneficial for the Agency and have resulted in exacerbating the backlog of cases with the Agency. The Agency needs additional investigators to complete high-quality investigations in compliance with timelines laid out in the ordinance. We urge the council to implement an analysis-based percentage funding model. The original police oversight ordinance tied the CPOA budget to the APD budget, and this process ensures that oversight can grow with the department. More importantly, tying the CPOA budget to the APD budget shows the commitment of the City Council to treating civilian oversight as an equal and independent authority on constitutional policing in Albuquerque.

A follow-up letter was also sent by the Board in November 2020 (*See Appendix III-12*)

- Board member proposed a memorial to urge the Chief of Police, City Council, Bernalillo County Commission, The Legislature of the State of New Mexico, the Mayor of Albuquerque and the Governor of New Mexico to immediately act to address the following issues:
  - i. Special Independent Prosecutors must be the only deciding voice on whether to bring charges on any and all allegations of police misconduct, including but not limited to officer involved shootings.
  - ii. To require the rapid public release of OBRD video footage after upload to the department data repository.
  - iii. Restrict the imposition of arbitrary timelines on the resolution of complaints against officers that would result in officer discipline and/or removal.

The Board did not approve the memorial letter as written and voted to appoint three members along with the legal counsel to draft a new letter at the Ad-Hoc committee.

- Chief Michael Geier was removed from the position and Harold Medina was made Interim Chief of Police. Mayor's office reported to the Board at October meeting that a nationwide search has started to hire the new Chief of Police. Administration emphasized on community input, contracted a specialist and formed a search committee to find the candidate for this position.
- Status conference for the stakeholders of CASA and members of the public with the court was scheduled for October 6<sup>th</sup> 2020. Technical issues led to cancellation of the hearing. IMR 12 report was published on November 11<sup>th</sup> 2020.
- Community Policing Councils (CPCs) ordinance went into effect on October 7<sup>th</sup> 2020. CPCs are now under the supervision of the CPOA and the CPCs liaison and administrative position were funded. The expected start date for the liaison will be January 2<sup>nd</sup> 2021.
- Two new investigative positions were filled at the Agency. The total number of investigators from the start to the end of this reporting period increased from *two* to *four* investigators.
- NACOLE live training webinars were concluded on 22<sup>nd</sup> September 2020, the recorded webinar remained for viewing till the end of the year. The Executive Director notified the Board about the necessity to participate in this training and to complete a testing component in order to remain compliant with the provisions of the CASA.
- Board member Cathryn Starr remained absent for three consecutive Board meetings. As per policies and procedures "*The appointment of any Board member who has been absent and not excused from three consecutive regular or special meetings shall automatically expire effective on the date the Board reports such absence to the City Clerk. The City Clerk shall notify any member whose appointment has automatically terminated and report to the City Council that a vacancy exists requiring an appointment for the length of the unexpired term.*" The Board voted to authorize the Chair to notify City Clerk regarding this matter.

- Changes were proposed to the order of business as a result of facilitated meeting between the Agency and the Board. Starting October 6<sup>th</sup> 2020 meeting, Board approved to move Review of Cases up in the line as an agenda item moving forward.
- The Board extended an invitation to then Chief (now former) to present a report on staffing issues. With the removal of the former Chief from the position, the Board approved to extend the invitation to the Interim Chief Harold Medina.
- The Board special meeting was held on October 6<sup>th</sup> 2020 to meet with Legal Counsel regarding personnel issues pursuant to NMSA 1978, Section 10-15-1 (H)(2).
- At November 12<sup>th</sup>,2020 Board meeting, Interim Chief Harold Medina presented on the direction of APD moving forward and the status of department staffing. He stated that currently there are 995 officers with the department aim to increase the number to 1100 officers by June 30<sup>th</sup> 2020. Currently 34 officers are at the APD police academy, 18 at the CNM academy and 9 laterals receiving training at the APD academy. He stated there were *two* retirements in the last 3 weeks and APD averages 30-35 retirements every six months. There is an increase in applicants during the covid-19 period. Interim Chief notified department added Video Review Unit to the FRB to increase the effectiveness of that program. Area commands impact teams were decreased from *six* to *three*. *Two* additional detectives were added to Homicide Unit. For Special Investigative Unit, there is downsize from *three* to *one* team. For Tactical section, he emphasized on adding a *second* K-9 Unit due to amount of overtime and strain this unit is facing and to add SWAT officers to have *two* fully staffed team. He went on to state that there is a need to double the size of the Traffic section, due to racing and speeding problem in the city. APD is also in the process of developing ‘zero experience law enforcement academy’. Currently the department requires minimum of two years’ experience for laterals to join the department. Interim Chief stated the department is focused to recruit young officers and to bring officers early in their career to Albuquerque so we can expand their ranks. He also stated that primary focus is to recruit individuals from within the community. APD is competitive in term of pay scale compared to other departments and the 2018 Collective Bargaining Agreement made APD one of the most attractive department in the southwest.

- At the City Council meeting on November 12<sup>nd</sup> 2020, O-20-28 Pawn Brokers ordinance was approved providing police another tool to fight crime in the City. The City Council also notified about starting interview process for three prospective Board members.
- Administration reported that the former Chief was actively working against the reform, and mayor took swift action to replace the Chief and the Commander of the Academy and others who were working against the reform effort. Administration emphasized that any transformational efforts is long and challenging and department is committed with renewed energy in complying with the DOJ agreement.
- On October 23<sup>rd</sup> 2020, APD published its four years Use of Force Report covering the period from 2016 through 2019.
- The Board approved a letter regarding recommendations for Chief of Police qualifications to be sent to the Mayor and the City Council. (*See Appendix III-13*)
- The Board approved to delegate the counsel, Board Chair and the Executive Director of the Agency to submit a letter to the Court at December 4<sup>th</sup> 2020 status conference raising three concerns; 1- CPOA Board member vacancies 2- CPOA budget to be tied to a specific percentage of APD's budget 3- Desire to fully participate in any changes that are made to the CASA.
- At December 10<sup>th</sup> 2020 meeting, the City Council President Pat Davis addressed the concerns related to CPOA Board member appointments/unfilled positions. This was in response to two letters which Board voted to send to the City Council in September and November addressing concerns related to CPOA budget and CPOAB unfilled positions.
- The Mayor office reported that both monitor and the DOJ considers it a positive step to replace the former Chief at the federal court status conference on December 4<sup>th</sup> 2020. Administration noted the City increased the budget for the Agency and the Board by 30% in a year when most departments budget remained flat, in order to move CPCs responsibility under the CPOA and to add additional support for the CPOA/Board. Mayor's office also introduced Pastor David Walker at the December 10<sup>th</sup> 2020 Board meeting as the new Community and Outreach Reform Advisor for the APD who will be reporting to the Board on behalf of the Mayor's Office going forward.
- The Board approved policies and procedures review sub-committee recommendations for APD SOP 1-15 (Currently 5-2) Air Support Unit. The concern raised with the revision of

this policy was the removal of section that required an evaluation of the efficiency and performance of this unit. The Board recommended that “the department reinsert (from CPOAB version 11/19/20) Section. M “Unit Evaluation of Performance Effectiveness” back into the SOP to ensure that this unit is effectively evaluated and managed accordingly. (See Appendix III-14)

### Policy Recommendations provided to APD

The oversight ordinance states “*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*”. (§ 9-4-1-4-C-5-a). The PnP sub-committee is tasked with reviewing APD policies and procedures and make recommendations to the full Board on suggested changes.

Establishing and implementing sound policies are important to guide officers in making good decisions in critical situations. The quality of a department’s policy impacts the quality of services delivered to the 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 encounter<sup>1</sup>. Accountability encourages departments to build trust in the communities they serve. 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/Board recognizes that a good policy recommendation has several features:

- It identifies a problem and proposes a solution,
- It is supported by data,

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

- 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.

There were *two* policy recommendation letters (SOP 2-8 & SOP 1-15 Currently 5-2) sent to APD by the CPOA/Board. Extensive discussions also took place at the Policy and Procedures review Sub-Committee, APD Policy and Procedure Unit (formerly Office of Policy Analysis) and APD Policy and Procedures Review Board. Many concerns were raised with the Subject Matter Experts (policy owners), and several comments and suggestions were provided at these meetings to bring changes in the SOPs early in the process.

### Legislative Amendments to Oversight Ordinance and/or Policies and Procedures

Section § 9-4-1-10-F of the Oversight Ordinance states *“The CPOA shall be responsible for regularly informing Mayor, the City Council, and the Public by submitting semi-annual report that include; Identification of any matters that may necessitate the City’s Council consideration of legislative amendments to this Police Oversight Ordinance”*. During this reporting period, there were no legislative amendments that were proposed by the CPOAB to the City Council regarding the Oversight Ordinance. However, significant changes to the Policies and Procedures governing the CPOA/Board were approved by the Board during this reporting period which includes:

- Changes made in the CPOA Policies and Procedures to add; the Board’s policy governing ‘Conduct and Ethics’.

ARTICLE III -- ORGANIZATION OF THE CIVILIAN POLICE OVERSIGHT AGENCY BOARD to add ***Ethics*** (5):

*The Board shall promote a spirit of accountability and communication between civilians and the Albuquerque Police Department while improving community relations and enhancing public confidence. The Board shall also promote a spirit of impartiality in its review of police conduct, which includes independent review of all citizen complaints, serious uses of force, and officer-involved shootings by APD, and shall ensure that officer*

*conduct is judged fairly and objectively. This means the Board shall ensure that it does not engage in conduct that demonstrates actual or imputed bias, impartiality, or otherwise impacts fair review of complaint. This includes, but is not limited to:*

### ***Conduct and Ethics Considerations***

***Trust:*** *Building trust with the community and APD* *Timely and accurate responses to appropriate requests for information from the public are necessary to build and maintain trust with the community. When requested, and part of its outreach function(s), it is the duty of Board members to, when appropriate, convey knowledge of the mission and scope of the CPOA to the public and APD.*

*Maintaining trust with the Agency and support for Board actions* *Members should recognize that decisions made by majority vote of the Board are the decision of the entire Board. Actions by Board members to undermine those decisions outside a Board meeting are not acceptable.*

*Leaks of confidential information* *Required testimony of police officers which is protected by their Garrity rights may not be publicly divulged. Materials created by the Independent Monitor Team are not considered public information nor are they subject to IPRA until they are released by the IMT. Divulging the contents of draft IMRs or any other information deemed confidential is not allowed.*

***Conduct:*** *Teamwork* *Working as a team member requires that members attend all meetings in which the rest of the team relies on them for participation. Submission of meeting agendas and supplemental materials is required to allow other members to participate efficiently. Teamwork requires working with CPOA staff to schedule meetings, publish the agenda in compliance with Open Meetings Act, and provide supplemental materials. Performance of defined duties is essential.*

*Training* *The knowledge necessary to perform Board duties is gained by receiving training in oversight practices, police procedures and policies, the CPOA mission, understanding applicable laws and guidelines. It is the responsibility of each Board member to remain current with their training requirements set forth in the CASA and the Ordinance.*



***Impartiality: Public statements*** *Public statements must be presented as the view of the individual when they touch on Board activities and responsibilities. It is not appropriate to publicly comment on cases before the Board. Factual, informative public presentations on police policy are part of a Board member’s duties. Social media posts must be considered in light of their ability to undermine trust in the oversight process or the impartiality of members.*

***Case review*** *Members’ -decisions should be based on objective criteria found from reading the case investigation when they review investigative findings and/or recommendations. Findings associated with case review should be based on the evidence that was presented and evaluated. An appeal would be the proper place for additional items to be considered.*

***Ex-parte communication*** *Referring someone to the CPOA for answers to their questions is not ex parte. Members should not discuss the issues of a case, solicit or engage in dialog about a case with complainants or investigative personnel while a Board decision is pending.*

Independent Monitoring team recommended several changes to ethics policy concerning the Board. These changes include:

- i. “The Board shall also promote a spirit of impartiality in its review of police conduct, *which includes independent review of all citizen complaints, serious uses of force, and officer-involved shootings by APD*, and shall ensure that officer conduct is judged fairly and objectively.
- ii. Divulging the contents of draft IMRs *or any other information deemed confidential is not allowed.*
- iii. *It is the responsibility of each Board member to remain current with their training requirements set forth in the CASA and the Ordinance.*
- iv. *Concerning removal of members, to add “At any meeting of the Board where discipline or removal of the Board member is on the agenda, Board members may remove the review from the agenda according to the appropriate governing rules of parliamentary procedure.”*

The Board approved the changes as recommended by the Independent Monitoring team to incorporate in CPOA Policies and Procedures.

- ARTICLE III -- ORGANIZATION OF THE CIVILIAN POLICE OVERSIGHT AGENCY BOARD (2). to add:

*(13) Conduct a periodic review of members' training and conduct utilizing the report produced by the Executive director in Paragraph III.6.E. New members will receive a review six months from their appointments. Subsequently all members will receive an annual review. The review team will consist of the Board Chairperson (or his/her designee), and the Executive Director.*

*(14) Lead the Board in an annual self-assessment of Board member performance.*

- ARTICLE III -- ORGANIZATION OF THE CIVILIAN POLICE OVERSIGHT AGENCY BOARD (6). to add:

*B. It is the attendance policy of the Board that all members shall attend 75% of Board and subcommittee meetings. If a member appears to have violated this policy over a three-month period, the Board will review, and validate by majority vote, the attendance record of the member in question. If a member is found to have violated this policy, the Board may vote to remove the member pursuant to Article III (6). (A). The Board shall notify the City Clerk of the Board's decision. The City Clerk shall report to the City Council that a vacancy exists requiring an appointment for the length of the unexpired term.*

*C. The appointment of any Board member who has been absent and not excused from three consecutive regular or special meetings shall automatically expire effective on the date the Board reports such absence to the City Clerk. The City Clerk shall notify any member whose appointment has automatically terminated and report to the City Council that a vacancy exists requiring an appointment for the length of the unexpired term.*

*D. Member Special Review and Discipline Process*

- (1) The Chairperson can choose to initiate a member review based on the Chairperson's review of the member's record or if a critical incident occurs regarding a Board member's conduct.*
- (2) The Chairperson shall initiate a member review if three members support a call for review.*
- (3) Should a member review process be initiated, the Chairperson shall ask the Executive Director for a current report of that member's status regarding required member training, Board related performance or conduct deficiencies and public complaints received. The Executive Director has five business days to deliver the report to the Chairperson and the 8 Revised 10/2020 member in review.*
- (4) After the report is delivered, the member in review has five business days to request a meeting with the Chairperson to discuss the facts and allegations in the report and, if agreed by both the Board member and the Chairperson, create an improvement plan. This improvement plan shall be reported to the Board at the next Board meeting. If an improvement plan is not agreed upon the Chairperson shall schedule a special Board meeting to hear the case for Board member discipline resulting from the member review process.*
- (5) If it is the judgement of the Chairperson that an improvement plan is failing after specified and agreed upon intervals, the Chairperson shall schedule a special Board meeting to hear the case for Board member discipline.*
- (6) At any meeting of the Board where discipline or removal of the Board member is on the agenda, Board members may remove the review from the agenda according to the appropriate governing rules of parliamentary procedure.*
- (7) During any meeting of the Board where discipline or removal of the Board member is on the agenda each member shall have no more than five minutes to question or comment and shall have no more than two substantive opportunities to hold the floor. The member in review shall have the opportunity to respond to all questions and comments of each Board member with equal time.*

(8) Upon completion of review discussion during the Board meeting where the Board member review is on the agenda, the Board may: a. Close the review with no action (majority vote); b. Leave the review open with no action, after 60 days review is automatically closed (majority vote); c. Leave the review open with request for additional information (majority vote); d. Close the review with member censure (majority vote); e. Close the review with member suspension (2/3 vote); or f. Close the review with member removal (2/3 vote).

*The Chairperson will publicly announce the action of the Board at the conclusion of the vote and the reasons therefore.*

- The Board approved changes in the policies and procedures.

ARTICLE V -- INVESTIGATION AND REVIEW OF CIVILIAN COMPLAINTS, SERIOUS USES OF FORCE, AND OFFICER INVOLVED SHOOTINGS. (6) (J) to add

*(1) "Utilize a randomizer tool to select a minimum of 3 or up to 10% of investigations, whichever is greater, conducted by the agency in the previous quarter"*

- The Board approved changes in the policies and procedures. ARTICLE V -- INVESTIGATION AND REVIEW OF CIVILIAN COMPLAINTS, SERIOUS USES OF FORCE, AND OFFICER INVOLVED SHOOTINGS. (6) to add (E)

*(E)" As part of its review the full investigation file shall be made available to the Board for its review subject to the limitations on access and confidentiality set forth in Article VII below, along with the complaint, and the proposed findings and recommendations."*

- The Board approved changes in relation to the Executive Director evaluation. ARTICLE III -- ORGANIZATION OF THE CIVILIAN POLICE OVERSIGHT AGENCY BOARD. SECTION 9 (C) to add:

- (1) The annual review period for the Executive Director shall run from January 1st of a given year until December 31st of year end.*
  - (2) The goals for a new evaluation period shall be approved by the Board no later than September of the year prior to the evaluation period. Goals shall be drafted with input from stakeholders including: CPOA staff, Board members, and the Executive Director.*
  - (3) Evaluation materials shall be prepared and approved in final form by the Board no later than November of the year preceding the evaluation period.*
  - (4) A mid-year informal evaluation update meeting shall occur between the Executive Director and the Personnel Subcommittee during the month of June in the year of the evaluation period. This meeting shall allow the executive director to communicate any concerns or difficulties in achieving goals to the Board.*
  - (5) The Board or a representative of the Board shall present and discuss the draft completed evaluation matrix and evaluation summary with the Executive Director prior to final Board approval.*
  - (6) The final evaluation summary shall be approved by the Board no later than April of the year following the evaluation period.*
- The Board approved adding the following language as amended in the CPOA Policies and Procedures. ARTICLE V -- INVESTIGATION AND REVIEW OF CIVILIAN COMPLAINTS, SERIOUS USES OF FORCE, AND OFFICER INVOLVED SHOOTINGS. Section 6. (C) & (J) to read as follows:

*C. The Agency will continue to process investigations as they do currently.*

*(1) Upon the Director's review and approval, Findings Letters will be sent to 20 Revised 10/2020 complainants only after Board members individually review complaints and findings letters and approve of the Agency's findings at a properly noticed meeting.*

*a) All investigative materials will be made available for Board review no less than ten (10) calendar days prior to a regularly scheduled or special meeting in which the case is scheduled to be heard.*

*b) All questions/concerns regarding complaint findings must be received by the Executive Director no later than two (2) business days prior to the Board meeting at which they are to be approved or not by the Board.*

*J. In the months of January, April, July and October, members of the Case Review Subcommittee (CRC) will:*

- (1) Utilize a randomizer tool to select a minimum of 3 or up to 10% of investigations, whichever is greater, conducted by the agency in the previous quarter, and*
- (2) Review the investigative file and all pertinent evidence and report to the full Board their findings no later than the next quarterly interval.*

*The CRC will present their findings and any recommendations or concerns at the next regularly scheduled meeting of the full Board for approval of the quarterly audit or for further action deemed necessary.*

*It is important to keep in mind that the complainants' rights remain unaltered under this proposed new functionality of CRC. Should the complainant believe that the findings in their case were in error and their reasoning fits one of the criteria for an appeal, the Board may grant that appeal. A notice of a complainant's request for an appeal will be provided by the Executive Director and relevant information uploaded to SharePoint in advance of the meeting at which the Board would vote to grant or deny the appeal. It will be the responsibility of individual Board members to review that information and be prepared to decide at the meeting where a Request for Appeal is to be heard.*

*Additionally, a more thorough review of the case file and evidence, if found to have contained errors, will provide the Agency and Director the opportunity to review and revamp processes as needed.*

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## Appendix

### **I. Civilian Police Oversight Agency (CPOA) Staff**

**Edward W. Harness, Esq.**

Executive Director

**Diane L. McDermott**

Assistant Lead Investigator

**Erin E. O’Neil**

Investigator

**Antonio Coca**

Investigator

**Katrina Sigala**

Senior Administrative Assistant

**Amanda Bustos**

Community Outreach Engagement Specialist

**Ali Abbasi**

Data Analyst

**Valerie Barela**

Administrative Assistant



## **A. CPOA Executive Director**

**EDWARD W. 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, officer involved shootings and serious uses of force 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.
- Investigation of all civilian complaints filed with the CPOA shall begin immediately after complaints are filed and proceed as expeditiously as possible, and if an investigation exceeds a timeframe of nine months the Director must report the reasons to the Board.
- 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.
- 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 agreement, the mediation is considered successful and no investigation will occur.
- 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.
- The Director shall maintain and compile all information necessary to satisfy the CPOA's semi-annual written reporting requirements in § 9-4-1-10.
- 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.
- The Director 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.
- 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.

- 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.
- 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.

## **II. Civilian Police Oversight Agency Board (CPOAB)**

### **A. Volunteer Board Members**

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 Sub-Committee. 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.

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.

Eric Olivas - Mr. Eric Olivas currently owns and manages his own landscaping and maintenance business. Mr. Olivas' education includes a M.S. in Biology from the University of New Mexico. Mr. Olivas was the Chairman of the Northeast Community Policing Council. His other community work includes serving as President of the Quigley Park Neighborhood Association. Mr. Olivas' interest in serving on the Board comes from his experience with the NE CPC and his belief that the City needs a strong police force focused on constitutional community policing, that includes civilian oversight.

Tara Armijo-Prewitt - Ms. Tara Armijo-Prewitt grew up in Albuquerque, graduated from Albuquerque High School, and graduated with honors with a B.S. in Biology from the University of New Mexico before attending graduate school at the University of California Davis, where she earned an M.S. in Entomology. Ms. Armijo-Prewitt is currently working for Catholic Charities of NM in the Center for Educational Opportunities. Ms. Armijo-Prewitt's interest in serving on the CPOA Board comes from her desire to be an engaged citizen and to contribute to the improvement of her community.

Douglas Mitchell - Mr. Douglas Mitchell is retired after a long career working in the Juvenile Justice System in Albuquerque and New Mexico. Mr. Mitchell's interest in serving comes from being a lifelong resident of Albuquerque and wants to contribute to assure that the City thrives. He understands the Police Department has to reflect the values the community represents and wants to move that forward. He believes his years of experience working within the judicial, legislative, and executive branches of government would be an asset to the CPOA Board. Mr. Mitchell has Bachelors of Arts, Social Science and Master of Arts, Public Administration from UNM.

Eric Nixon - Mr. Eric Nixon is currently a Project Manager for the Department of Homeland Security. Mr. Nixon's interest in serving comes from having immersed himself in learning about social justice and equity issues that occur in the community. Mr. Nixon has served as a member of the NW Area Command CPC. This experience has given him a background for voting on and advocating the CPC's recommendations regarding policing activities and policy changes at APD. Mr. Nixon is dedicated to performing the tasks of the Board as a resolute Board Member and impartial voice intent on finding the best solutions for ensuring APD integrity and accountability.

## **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 officer involved 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 Sub-Committees**

**Case Review Sub-Committee:** Reviews Civilian Complaints alongside the CPOA Executive Director.

**Members:**

Chantal Galloway (chair)

Tara Armijo-Prewitt

Eric Nixon

**Policy and Procedures Review Sub-Committee:** 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)

Eric Olivas

Tara Armijo-Prewitt

**Community Outreach Sub-Committee:** Members of the Civilian Police Oversight Agency Board discuss community outreach and engagement efforts.

Members:

Chantal Galloway (chair)

Eric Nixon

Douglas Mitchell

**Personnel Sub-Committee:** Discuss business regarding Civilian Police Oversight Agency administrative human resource decisions.

Members:

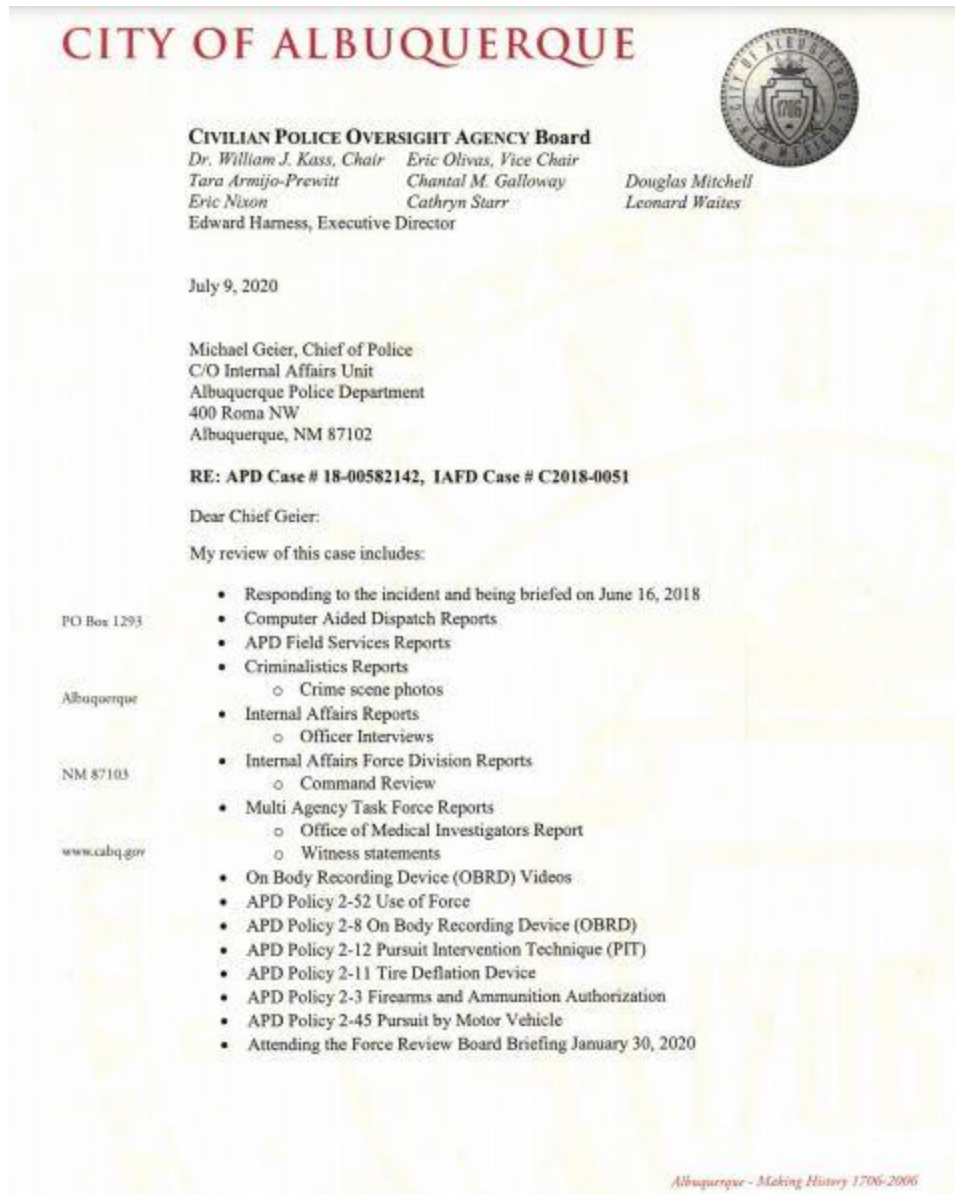
Eric Olivas (chair)

Douglas Mitchell

Dr. William J. Kass

### III. Attachments

1- APD SUOF Case # 18-00582142





My review of the evidence shows on June 16, 2018 the victim (Mr. R) of this shooting committed an Armed Robbery at a cell phone store. Because he stole recently activated cell phones, officers were able to electronically trace the stolen phones to a van he operated.

APD officers attempted a traffic stop and the van fled. Officers deployed a spike belt, deflating the left front tire. The van continued its flight from officers. A vehicle pursuit was authorized. Mr. R continued to flee from officers in the van and began shooting at officers with a handgun from the driver side window.

A PIT maneuver was executed by Sergeant 1. The PIT failed to stop the vehicle. After the failed PIT maneuver, the van continued moving in the direction of Sergeant 1. Officer 1 exited his police squad and fired his department issued rifle at Mr. R. Those shots failed to stop Mr. R as he continued to operate his van in flight of police.

A second PIT maneuver was executed by Sergeant 1; that PIT also failed to stop the vehicle. Mr. R continued his flight from officers.

A third PIT maneuver was executed by Officer 1; that PIT disabled the vehicle. Mr. R exited the van and fled on foot. Officer 1 gave pursuit also on foot. Mr. R entered a grocery store parking lot. Officer 1 gave him lawful commands to "stop or you're going to get shot". Mr. R continued to flee stating "I've got a gun" and reaching towards his waist. Mr. R continued to flee. Officer 1 discharged his department issued handgun. APD officers attempted life saving measures, but Mr. R died at the scene.

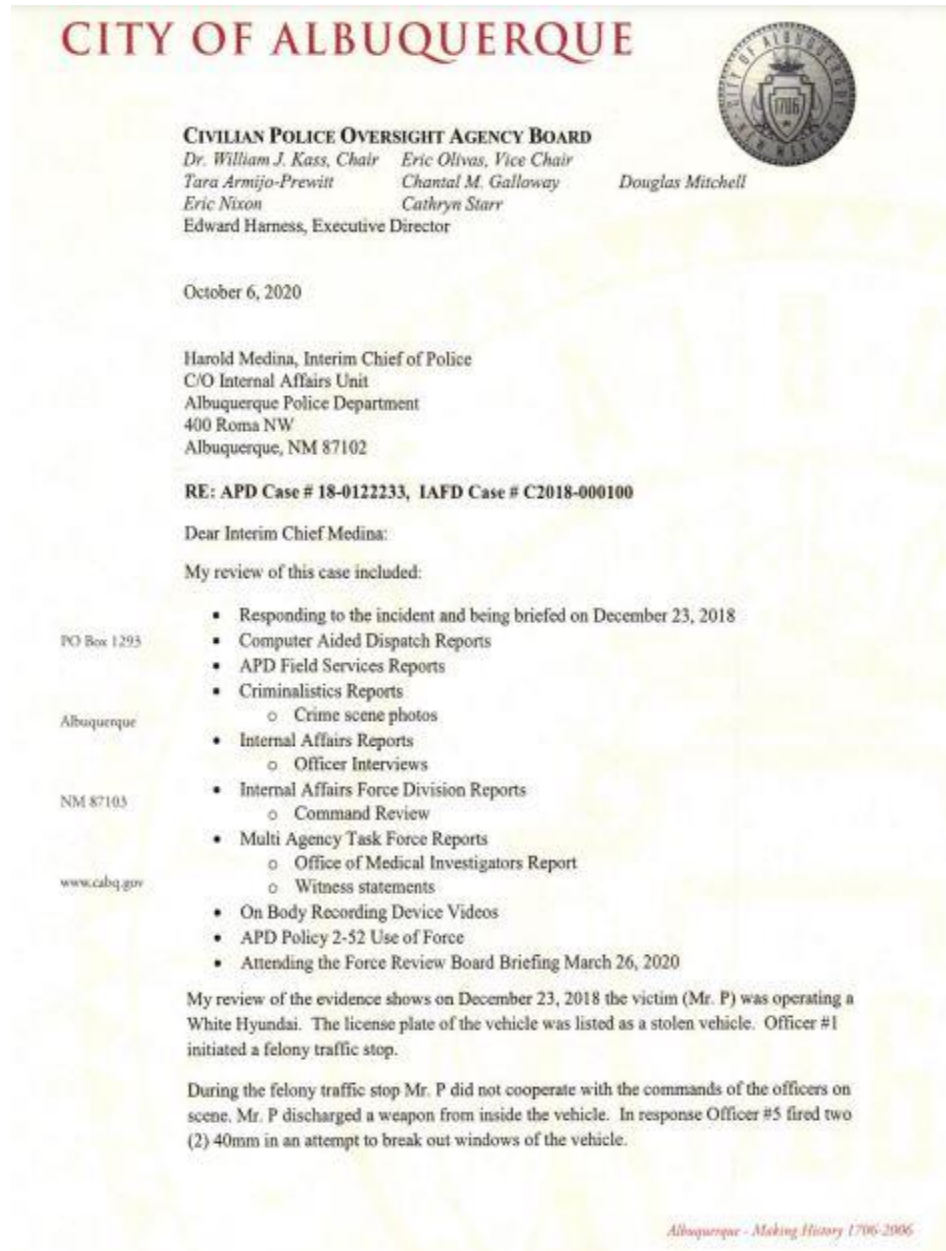
**Finding:** The CPOA finds Officer 1's conduct "**Exonerated**," regarding the allegation of a violation of this SOP, which means the investigation determined, by preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

**Finding:** The CPOA finds Sergeant 1's conduct "**Exonerated**," regarding the allegation of a violation of this SOP, which means the investigation determined, by preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

Sincerely,

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

2- APD SUOF Case # 18-0122233



Mr. P discharged his weapon a second time causing the rear window to shatter. Officers 1, 2, 3, 4, and 5 discharged their service weapons at Mr. P. Mr. P exited the vehicle and collapsed. Officers attempted life saving measures, but Mr. P died at the scene.

**Finding:** The CPOA finds Officer 1's conduct "**Exonerated**," regarding the allegation of a violation of this SOP, which means the investigation determined, by preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

**Finding:** The CPOA finds Officer 2's conduct "**Exonerated**," regarding the allegation of a violation of this SOP, which means the investigation determined, by preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

**Finding:** The CPOA finds Officer 3's conduct "**Exonerated**," regarding the allegation of a violation of this SOP, which means the investigation determined, by preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

**Finding:** The CPOA finds Officer 4's conduct "**Exonerated**," regarding the allegation of a violation of this SOP, which means the investigation determined, by preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

**Finding:** The CPOA finds Officer 5's conduct "**Exonerated**," regarding the allegation of a violation of this SOP, which means the investigation determined, by preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

Sincerely,

/s/Edward Harness  
Edward Harness, Esq.  
Executive Director  
Civilian Police Oversight Agency  
(505) 924-3770

3- APD SUOF Case # 18-0118590

## CITY OF ALBUQUERQUE



### CIVILIAN POLICE OVERSIGHT AGENCY BOARD

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

August 13, 2020

Michael Geier, Chief of Police  
C/O Internal Affairs Unit  
Albuquerque Police Department  
400 Roma NW  
Albuquerque, NM 87102

**RE: APD Case # 18-0118590, IAFD Case # C2018-000097**

Dear Chief Geier:

My review of this case included:

PO Box 1293

Albuquerque

NM 87103

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

- Responding to the incident and being briefed on December 12, 2018
- Computer Aided Dispatch Reports
- APD Field Services Reports
- Criminalistics Reports
  - Crime scene photos
- Internal Affairs Reports
  - Officer Interviews
- Internal Affairs Force Division Reports
  - Command Review
- Multi Agency Task Force Reports
  - Office of Medical Investigators Report
  - Witness statements
- On Body Recording Device Videos
- APD Policy 2-52 Use of Force
- Attending the Force Review Board Briefing February 20, 2020

My review of the evidence shows on December 12, 2018 the victim (Mr. R) approached Ms. H. with a handgun and tried to rob her. He fled that scene in the arroyo near San Mateo and Montgomery. Ms. H gave responding officers a description, while a Mr. W who observed the attempted robbery called 911 and gave officers details on Mr. R's escape route.

*Albuquerque - Making History 1706-2006*

As Mr. R continued to flee the robbery scene he is confronted by Officer #2. Mr. R disregards the commands of Officer #2 to stop and get on the ground. Instead Mr. R continues to flee eastbound, climbing a wall and jumping into the back yard of a residence on Kiowa Ave NE.

A civilian, Mr. H. contacts APD Officer #4 stating Mr. R jumped into the back yard where his children were home. Also, that Mr. R had shot and killed the family dog. Officer #4 advises other officers on the scene of these details.

Officers #1 and #2 enter an adjacent backyard to search for Mr. R. Officers announce their presence in the backyard and command Mr. R to show himself. Mr. R. is observed hiding behind a wheelbarrow, holding a handgun, pointed at Officer #1. Officers #1 discharges his duty weapon.

Officers render medical treatment, but Mr. R dies at the scene.

**Finding:** The CPOA finds Officer 1's conduct "Exonerated," regarding the allegation of a violation of this SOP, which means the investigation determined, by preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

The investigation of this case by Albuquerque Police Department Internal Affairs Division is deficient. It did not interview the officers involved in this force incident. It relied on the statements given to the MATF Detectives. APD IA must interview the officers involved because the standard being examined is an administrative review, different than a criminal review.

Sincerely,



Edward Harness, Esq.  
Executive Director  
Civilian Police Oversight Agency  
(505) 924-3770

4- APD SUOF Case # 19-0035838

## CITY OF ALBUQUERQUE



### 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

*Douglas Mitchell*

August 13, 2020

Michael Geier, Chief of Police  
C/O Internal Affairs Unit  
Albuquerque Police Department  
400 Roma NW  
Albuquerque, NM 87102

**RE: APD Case # 19-0035838, IAFD Case # C2019-000029**

Dear Chief Geier:

My review of this case included:

- Responding to the incident and being briefed on April 18, 2019
- Computer Aided Dispatch Reports
- APD Field Services Reports
- Criminalistics Reports
  - Crime scene photos
- Internal Affairs Reports
  - Officer Interviews
- Internal Affairs Force Division Reports
  - Command Review
- Multi Agency Task Force Reports
  - Office of Medical Investigators Report
  - Witness statements
- On Body Recording Device Videos
- APD Policy 2-52 Use of Force
- Attending the Force Review Board Briefing April 23, 2020

My review of the evidence shows on April 18, 2019 officers were dispatched to a home invasion robbery. Upon arrival officers observe Mr. D sitting on stairs outside of . Mr. D matches the description given of the offender.

Officers ask Mr. D to walk over and talk to them, and request he show them his hands. Mr. D fails to comply. Within a matter of minutes Mr. D raises and handgun and fires at the officers.

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Officers seek cover. Mr. D begins to flee on foot westward through a parking area. Officers #1, 2, and 3 discharge their duty weapons striking Mr. D.

Officers take Mr. D into custody, and render medical treatment. Mr. D is transported the UNMH for treatment.

Albuquerque Police Department SOP 2-52-4 (3)(A)(ii) states in the context of Lethal Force – “Officers will adhere to all firearms safety rules as outlined in department training.”

Department personnel are trained to consider the back drop and surroundings when discharging their duty weapons.

The MATF investigation details several rounds impacted and penetrated

**Finding:** The CPOA finds Officer 1's conduct “Sustained,” where the investigation determines, by a preponderance of the evidence, the alleged misconduct did occur.

**Finding:** The CPOA finds Officer 2's conduct “Sustained,” where the investigation determines, by a preponderance of the evidence, the alleged misconduct did occur.

**Finding:** The CPOA finds Officer 1's conduct “Sustained,” where the investigation determines, by a preponderance of the evidence, the alleged misconduct did occur.

The investigation of this case by Albuquerque Police Department Internal Affairs Division is deficient. It did not interview the officers involved in this force incident. It relied on the statements given to the MATF Detectives. APD IA must interview the officers involved because the standard being examined is an administrative review, different than a criminal review. The investigation also failed to identify additional victims of force.

**RECOMMENDATION:** IAFD open a Force Investigation to identify victims of Lethal Force at and evaluate the force used against those victims related to this incident.

Sincerely,



Edward Harness, Esq.  
Executive Director  
Civilian Police Oversight Agency  
(505) 924-3770

5- APD SUOF Case # 19-0051283

## CITY OF ALBUQUERQUE



### CIVILIAN POLICE OVERSIGHT AGENCY BOARD

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

October 6, 2020

Harold Medina, Interim Chief of Police  
C/O Internal Affairs Unit  
Albuquerque Police Department  
400 Roma NW  
Albuquerque, NM 87102

**RE: APD Case # 19-0051283, IAFD Case # C2019-000046**

Dear Interim Chief Medina:

My review of this case included:

- Computer Aided Dispatch Reports
- APD Field Services Reports
- Internal Affairs Reports
  - Officer Interviews
- Internal Affairs Force Division Reports
  - Command Review
- On Body Recording Device Videos
- APD Policy 2-23 Use of Canine, APD Procedural Order 6-9 K9 Unit
- Attending the Force Review Board Briefing March 12, 2020

PO Box 1293

Albuquerque

NM 87103

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

My review of the evidence shows on June 4, 2019 the victim (Mr. D) was observed by members of the Southeast Area Command Proactive Response Team at Officers approached Mr. D and advised him he was under arrest for an active felony warrant. Mr. D. fled on foot into the residence at \_\_\_\_\_, then out the backdoor and over a fence into a neighbor's yard. Additional officers were dispatched to establish a perimeter. A K9 Unit responded to conduct an area search. The K9 Unit arrived on the scene and began issuing pre-deployment warnings.

Mr. D was located in a city owned lot on San Pablo and Zuni. He was placed under arrest having been contacted and found by the K9. Mr. D was holding a soccer ball when contacted by the K9. Mr. D was using the soccer ball to engage the K9 with one and with the other attempting to control the K9 by it's collar. Officers were able to place Mr. D in custody and



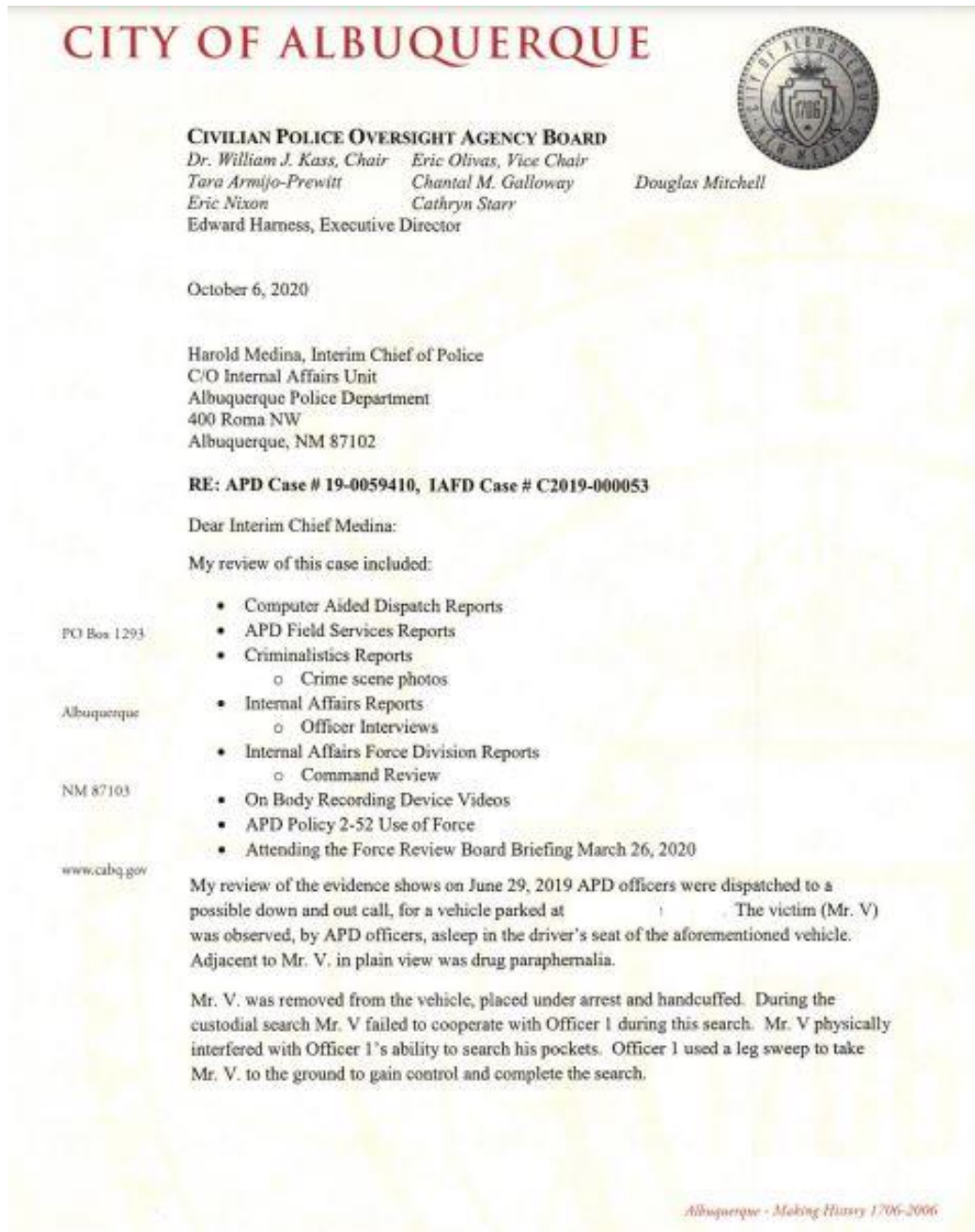
the K9 disengaged. Mr. D was transported to the hospital for treatment although he did not suffer a K9 bite.

**Finding:** The CPOA finds Officer 1's conduct "**Exonerated**," regarding the allegation of a violation of this SOP, which means the investigation determined, by preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

Sincerely,

/s/Edward Harness  
Edward Harness, Esq.  
Executive Director  
Civilian Police Oversight Agency  
(505) 924-3770

6- APD SUOF Case # 19-0059410



**Finding:** The CPOA finds Officer 1's conduct "**Exonerated**," regarding the allegation of a violation of this SOP, which means the investigation determined, by preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

Sincerely,

/s/Edward Harness  
Edward Harness, Esq.  
Executive Director  
Civilian Police Oversight Agency  
(505) 924-3770

7- APD SUOF Case # 19-0029519

## CITY OF ALBUQUERQUE



### CIVILIAN POLICE OVERSIGHT AGENCY BOARD

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

December 10, 2020

Harold Medina, Interim Chief of Police  
C/O Internal Affairs Unit  
Albuquerque Police Department  
400 Roma NW  
Albuquerque, NM 87102

**RE: APD Case # 19-0029519, IAFD Case # C2019-000023**

Dear Interim Chief Medina:

My review of this case included:

PO Box 1293

Albuquerque

NM 87103

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

- Computer Aided Dispatch Reports
- APD Field Services Reports
- Internal Affairs Reports
  - Officer Interviews
- Internal Affairs Force Division Reports
  - Command Review
- On Body Recording Device Videos
- APD Policy 2-23 Use of Canine, APD Procedural Order 6-9 K9 Unit
- Attending the Force Review Board Briefing December 5, 2019

My review of the evidence shows on March 30, 2019 the victim (Mr. E) was observed operating a silver truck matching the description of a truck used in an armed kidnapping the previous day. APD officers utilized a spike belt and Star Chase to stop the truck and conduct a traffic stop. Mr. E refused to exit the vehicle. A tactical activation was authorized.

An eCIT officer contacts Mr. E via telephone. During this phone conversation Mr. E states, he has a handgun on his lap. After approximately 30 minutes on the phone with the officer Mr. E exits the vehicle, but refuses to move away from the vehicle. He is standing directly next to the vehicle with the driver's side door open. He is commanded not to reach back into the vehicle. When officers observed him move back into the vehicle, the K9 was deployed,

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grabbing Mr E. on his left ankle and dragging him away from the vehicle. He was placed under arrest.

**Finding:** The CPOA finds Sergeant 2's conduct "**Exonerated**," regarding the allegation of a violation of this SOP, which means the investigation determined, by preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

Sincerely,

/s/Edward Harness  
Edward Harness, Esq.  
Executive Director  
Civilian Police Oversight Agency  
(505) 924-3770

8- APD SUOF Case # 19-0063551

## CITY OF ALBUQUERQUE



### CIVILIAN POLICE OVERSIGHT AGENCY BOARD

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

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

*Eric Nixon*

Edward Harness, Executive Director

*Douglas Mitchell*

December 10, 2020

Harold Medina, Interim Chief of Police  
C/O Internal Affairs Unit  
Albuquerque Police Department  
400 Roma NW  
Albuquerque, NM 87102

**RE: APD Case # 19-0063551, IAFD Case # C2019-000058**

Dear Interim Chief Medina:

My review of this case included:

- Computer Aided Dispatch Reports
- APD Field Services Reports
- Criminalistics Reports
  - Crime scene photos
- Internal Affairs Reports
  - Officer Interviews
- Internal Affairs Force Division Reports
  - Command Review
- On Body Recording Device Videos
- APD Policy 2-52 Use of Force
- Attending the Force Review Board Briefing January 9, 2020

My review of the evidence shows on June 29, 2019 APD officers were dispatched to a possible down and out call, for a vehicle parked at . The victim (Mr. V) was observed, by APD officers, asleep in the driver's seat of the aforementioned vehicle. Adjacent to Mr. V. in plain view was drug paraphernalia.

Mr. V. was removed from the vehicle, placed under arrest and handcuffed. During the custodial search Mr. V failed to cooperate with Officer 1 during this search. Mr. V physically interfered with Officer 1's ability to search his pockets. Officer 1 used a leg sweep to take Mr. V. to the ground to gain control and complete the search.

*Albuquerque - Making History 1706-2006*

**Finding:** The CPOA finds Officer 1's conduct "Exonerated," regarding the allegation of a violation of this SOP, which means the investigation determined, by preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

Sincerely,

/s/Edward Harness  
Edward Harness, Esq.  
Executive Director  
Civilian Police Oversight Agency  
(505) 924-3770

9- APD SUOF Case # 19-0068688

## CITY OF ALBUQUERQUE



### CIVILIAN POLICE OVERSIGHT AGENCY BOARD

*Dr. William J. Kass, Chair*     *Eric Oltvas, Vice Chair*

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

*Eric Nixon*

Edward Harness, Executive Director

*Douglas Mitchell*

December 10, 2020

Harold Medina, Interim Chief of Police  
C/O Internal Affairs Unit  
Albuquerque Police Department  
400 Roma NW  
Albuquerque, NM 87102

**RE: APD Case # 19-0068688, IAFD Case # C2019-000066**

Dear Interim Chief Medina:

My review of this case included:

- Computer Aided Dispatch Reports
- APD Field Services Reports
- Criminalistics Reports
  - Crime scene photos
- Internal Affairs Reports
  - Officer Interviews
- Internal Affairs Force Division Reports
  - Command Review
- On Body Recording Device Videos
- APD Policy 2-52 Use of Force
- Attending the Force Review Board Briefing January 9, 2020

My review of the evidence shows Mr. J was arrested after having been involved in an altercation that caused him injuries. Mr. J was transported to the hospital for treatment. While at the hospital Mr. J. became combative as officers attempted to handcuff him to a chair. Officers used force to restrain Mr. J and handcuff him to a chair while he awaited treatment.

**Finding:** The CPOA finds Officer 1's conduct "Exonerated," regarding the allegation of a violation of this SOP, which means the investigation determined, by preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

*Albuquerque - Making History 1706-2006*



**Finding:** The CPOA finds Officer 2's conduct "**Exonerated**," regarding the allegation of a violation of this SOP, which means the investigation determined, by preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

**Finding:** The CPOA finds Sergeant 1's conduct "**Exonerated**," regarding the allegation of a violation of this SOP, which means the investigation determined, by preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

Sincerely,

/s/Edward Harness  
Edward Harness, Esq.  
Executive Director  
Civilian Police Oversight Agency  
(505) 924-3770

10- SOP 2-8 Use of On-Body Recording Devices Recommendation

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*        *Doug Mitchell*  
*Eric Nixon*                    *Cathryn Starr*  
Edward Harness, Executive Director

August 27, 2020

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

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

Dear Chief Geier:

PO Box 1293    The Civilian Police Oversight Agency Board (CPOAB) is in receipt of SOP 2-8 Use of  
Albuquerque    On-Body Recording Devices which was advanced for further recommendations by the  
NM 87103        department's Policy and Procedure Review Board on August 17, 2020 and sent to the  
www.cabq.gov    CPOA Board on August 18, 2020.

Albuquerque    SOP 3-52 Policy Development Process describes the policy development process that  
NM 87103        APD follows. This SOP provides for a CPOA representative and a designated  
www.cabq.gov    representative from the Board. For CASA policies, of which this is one, a period of 45  
Mexico statue requiring on body recording device implementation throughout state law  
enforcement agencies.

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

*Albuquerque - Making History 1706-2006*

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

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

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

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

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

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

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

Upon receipt we look forward to hearing your response in accordance with the Civilian Police Oversight Agency Ordinance.

Sincerely,  
The Civilian Police Oversight Agency Board by



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

11- The Board approved letter to the City Council

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      Doug Mitchell  
Eric Nixon      Cathryn Starr  
Edward Harness, Executive Director

September 10, 2020

To Council President Davis and Members of the Albuquerque City Council,

On behalf of the Civilian Police Oversight Agency Board (CPOAB), thank you for your service to our community and your support for transforming the Albuquerque Police Department into a national model of constitutional community policing. At the CPOAB we strive to further the cause of advancing constitutional policing here in Albuquerque.

We appreciate the recent efforts of the council, including the creation of the public safety committee. We fully support the recently introduced Community Policing Council (CPC) ordinance. The CPC's are a critical component of ensuring high quality community policing and offer an ideal opportunity to bring the police and the community together. Enshrining the CPC's into ordinance reaffirms the commitment of the city to foster positive and proactive communication between the APD and the public.

PO Box 1293

The CPOAB and the CPOA currently face several challenges that we would like to solicit the assistance of the city council to address:

Albuquerque

NM 87103

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1. The recruitment and retention of board members remains a central challenge facing the board. The board has not been at full 9-member capacity in recent memory. In many cases, by the time a vacancy is filled, another occurs. We ask that the council work with the CPOAB to proactively recruit and fill vacancies.
2. The requirements board members are asked to meet per ordinance often hinder the ability of the board to attract and retain a diverse membership. The council should revisit some of these requirements to carefully weigh the need for an educated membership of the board with the need for a diverse board membership that reflects the diversity of our community.
3. The changes made to the CPOA budget process in the ordinance rewrite have not been beneficial for the agency and have resulted in exacerbating the backlog of cases with the agency. The agency needs additional investigators to complete high-quality investigations in compliance with timelines laid out in the ordinance. We urge the council to implement an analysis-based percentage funding model. The original police oversight ordinance tied the CPOA budget to the APD budget, and this process ensures that oversight can grow with the department. More

importantly, tying the CPOA budget to the APD budget shows the commitment of the city council to treating civilian oversight as an equal and independent authority on constitutional policing in Albuquerque.

In the current social climate, it is critical that the city council reaffirm its commitment to civilian police oversight by properly resourcing the agency. Citizens deserve high-quality investigations of police complaints that are completed in a reasonable amount of time.

We appreciate the attention of the council to these matters and we look forward to working with the council to advance constitutional community policing in Albuquerque. We look forward to providing additional information and to engaging in a dialogue about these matters.

Thank you,  
Civilian Police Oversight Agency Board

12- The Board approved letter to City Council President Pat Davis

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*    *Doug Mitchell*    *Eric Nixon*  
Edward Harness, Executive Director

November 12, 2020

Council President Davis,

In September, the Civilian Police Oversight Board (CPOAB) issued a letter to all members of City Council (Council) with three requests. The first of those requests discussed the need to improve the recruitment (and retention) process for Board members. Specifically, we asked that Council work proactively with the CPOAB to proactively recruit and fill vacancies. Since that letter was sent to Council, the Board has had no response from Council and no efforts have been made that we are aware of to work cooperatively with the CPOAB.

PO Box 1293

The idea for Council staff to work in collaboration with the CPOAB is not new. The Independent Monitoring Team highlighted the need for a full complement of the Board and encouraged the City to work with the CPOAB and consider its input regarding the qualification of applicants.

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[5/1/2019 IMR-9](#): There have been indications that POB's role in the oversight process and the reform process of the CASA is not being taken seriously enough by the City. The POB consists of 9 members, all of whom are needed to keep current with its challenging workload and tasks of the Board and its sub-committees. Three POB vacancies occurred in 2018, (March 2018; June 2018; and September 2018). None of these vacancies had been filled by the end of this IMR period (January 31, 2019). The monitoring team has learned that, after the close of this reporting period, three candidates have been selected to fill these vacancies and were to be presented to City Council for approval at its February 2019 meeting. Without reflecting on the qualifications of the candidates or their desire and commitment to serve, we have learned that the selection process was seriously wanting. No formal interview of the candidates took place before selection. There was no input from the POB or CPOA as to the background and qualifications of the three candidates, or for any applicants for that matter. It appears that they were selected solely from the information provided on their November 2017 website

*Albuquerque - Making History 1706-2006*

applications, pending an appropriate background check. Since these events occurred outside of this reporting period, they do not affect compliance levels for this report. We do however, encourage the City to pay careful attention to the requirements of the CASA when vetting and selecting new POB members.

***4.7.256a POB vacancies must be promptly filled. The City should consider carefully POB/CPOA input regarding the qualifications of applicants for vacant POB positions.***

**10/31/2019 IMR-10:** As we noted in IMR 9, the CPOA Board needs to be at full strength. Previously there were 3 openings and the Executive Director was without a working contract. We were encouraged to learn that this monitoring period 2 of the 3 vacancies were filled and the Executive Director now is working under a renewed contract.

***4.7.256a: CPOA Board vacancies must be promptly filled. City Council must implement an ongoing and serious screening process that considers CPOA and Board input regarding the qualifications of applicants for vacant Board positions.***

**5/3/2020 IMR-11:** As we have noted since IMR 9, the CPOA Board needs to be at full strength. We were encouraged to learn that this monitoring period the Board has seven of nine positions actively filled, and an additional applicant is in the vetting process. Once that applicant is actively participating, eight of the nine positions will be filled. The monitoring team expect that the Board will be at full strength by the end of the 12<sup>th</sup> monitoring period.

**11/1/2020 IMR-12:** Monitor's Note: CPOA Board vacancies need to be promptly filled. The City should continue its diligent and ongoing screening process that considers CPOA and Board input regarding the qualifications of applicants for vacant Board positions.

For most of the last two and a half years, there have been three vacancies. At the monthly meetings of the CPOAB, the Board inquires about the status of filling the vacancies that have existed since March of 2018. There have been several meetings with Council members and Council staff to try and brainstorm a solution to this problem. Unfortunately, there has been no resolution. Mr. Moya indicated several months back that there was not an issue of having enough applicants to choose from. In fact, he reported to the Board that there were more than 70 applicants available to be screened and vetted.

We have made some initial strides in the retention process for new Board members. The Outreach subcommittee of the Board along with the Executive Director of the Civilian Police Oversight Agency have met with all five of the newest appointees to the Board to provide them with more information regarding the requirements and amount of time a member of this body must commit to in order to fully serve. We recently lost one of those members due to health reasons, but the other four have proven to be strong additions to the Board.

President Davis, somewhere in the process, there is a breakdown in the efforts to fill the existing vacancies, as well as anticipate new Board vacancies that will inevitably occur, in a timely manner. The CPOAB respectfully, but urgently, requests that we be included in the process to select Board candidates at every point in the process. We request that City Council direct Council Staff to participate in a meeting with members of the CPOAB and the CPOA Executive Director before the Board meets again on December 10, 2020 in order to begin the process of developing a more robust recruitment process.

We look forward to working with Council on improving this critical function of the Oversight process.

Respectfully,

Civilian Police Oversight Agency Board



13- The Board approved letter of recommendation for Chief of Police Qualifications

## 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*    *Doug Mitchell*    *Eric Nixon*

Edward Harness, Executive Director

SUBJECT: Recommendation for Qualifications for the Chief of Police

Dear Mayor and City Councilors,

The Civilian Police Oversight Agency in accordance with City of Albuquerque City Ordinance Sec. 9-4-1-4 (5) which mandates: "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. ..."

After a careful review of the best practices and national trends for the selection of the Chief of Police, the Civilian Police Oversight Agency developed recommendations for the qualifications and evaluation of the chief that should be instituted.

The recommended qualifications and evaluation developed by the CPOA are below:

1. Certified law enforcement officer.
2. Progressive experience over at least 10 years with an additional 5 years of command level experience.
3. Master's degree from an accredited college or university preferred; bachelor's degree required.
4. No conviction of a felony, a misdemeanor crime of domestic violence, or other state or federal law that results in the prohibition of possession of a firearm.
5. Advanced Certification from the New Mexico Law Enforcement Academy or equivalent required, or ability to acquire within one year of hired date.
6. Completion of a law enforcement management program (e.g. FBI National Academy, PERF Senior Management Institute, Northwestern Police Staff and Command) required, or ability to acquire within one year of hired date.

www.cabq.gov Evaluation for the chief of police:

1. The mayor performs a written evaluation of the Chief of Police performance of duties annually and submits it to city council for consideration.

Thank you for your time and consideration of this recommendation. By implementing a thoughtful informed practice for hiring and evaluating the chief of police the Mayor and the City Council will be strengthening the Albuquerque Police Department for years to come.

Sincerely,

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

14- SOP 1-5 (Currently 5-2) Air Support Unit Recommendation

CITY OF ALBUQUERQUE



**CIVILIAN POLICE OVERSIGHT AGENCY**

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

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

*Eric Nixon*

Edward Harness, Executive Director

December 10, 2020

Harold Medina, Interim Chief of Police  
Albuquerque Police Department  
400 Roma NW  
Albuquerque, NM 87102

Re: Recommendation SOP 1-15 Air Support Unit

Dear Chief Medina:

PO Box 1293  
Albuquerque  
The air support unit is one of the most costly units in the department. The equipment, training, fuel, maintenance, etc. are vastly more expensive than the costs of many other units. The unit also poses privacy issues and quality of life issues to the Albuquerque community. However, the air support unit also makes pursuits and many other risky activities vastly safer for officers on the ground and the public at large. This tradeoff between costs and benefits of this unit and its activities is important for the department to frequently analyze.

NM 87103  
www.cabq.gov  
The most concerning issue with the revisions to this policy is the removal of Section M. of the policy that required an evaluation of the efficiency and performance of the unit. The removal of this section leaves the unit unable to evaluate itself and proactively identify policy and/or efficiency issues. With the high costs and quality of life issues associated with operating this unit, it is imperative that the unit frequently examine the costs and benefits of its activities.

The CPOAB recommends that the department insert (from CPOAB version 11/19/20) Section M. (page 11) "Unit Evaluation of Performance Effectiveness," back into this policy to ensure that this unit is effectively evaluated and managed accordingly. We recommend inserting the entirety of the former "Section M." including #1 through #5 under the section heading. Additions to this section should also be considered to make the evaluation more robust and effective.

Further, IMR12 recently noted the department's inability to proactively collect and use the data it collects to improve its performance. The removal of Section M. is concerning in a global sense in that it is indicative of a department unwilling or unable to analyze its

performance and seek improvements to benefit the department and the Albuquerque community.

Sincerely,  
The Civilian Police Oversight Agency Board by



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

cc: Mayor, Tim Keller  
Council President, Pat Davis  
City Attorney, Esteban A. Aguilar Jr.  
James Ginger Ph.D.  
United States Attorney, Elizabeth Martinez  
City Clerk, Ethan Watson  
APD, Commander Cori Lowe  
APD, Commander Cecily Barker