

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

Thursday, April 9, 2015

Vincent E. Griego Chambers, Basement Level  
City/County Government Center - One Civic Plaza NW  
Albuquerque, New Mexico

### Members Present:

Leonard Waites (By Phone)  
Beth Mohr (Acting Chair)  
Jeffrey Scott Wilson (Co-Vice Chair)  
Dr. Moira Amado-McCoy  
Dr. Jeanette Baca  
Eric Cruz  
Joanne Fine  
Rev. David Ring III

### Others Present:

Robin Hammer  
Paul Skotchdopole  
Diane McDermott  
Chris Davidson  
Erin O'Neil  
Paul Cash  
Michelle Contreras  
Lt. Jennifer Garcia, APD Internal Affairs  
Sgt Mike Medrano, APD Internal Affairs  
Nicholas Bullock, City Attorney  
Julian Moya, City Council

### MINUTES

- PO Box 1293  
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www.cabq.gov
- I. WELCOME AND CALL TO ORDER:** Acting Chair Beth Mohr called the meeting to order at 5:01 p.m.
- II. PLEDGE OF ALLEGIANCE:** Board Member Ring led the Board in the Pledge.
- III. APPROVAL OF AGENDA -** Acting Chair Mohr requested that a dinner break be added to the Agenda. Board Member Baca suggested the dinner break and Executive Session be combined. Acting Chair Mohr requested that discussion on process of how complaints will be handled ~~to~~ <sup>be</sup> be put back on the agenda, as well as Item VII(C), training of board, and VII(D), discussion of subcommittees by Board Member Baca. Acting Chair Mohr also requested that discussion be held regarding the City Council Resolution to hold part of the Board's duties in abeyance. Board Member Fine moved the motion. Co-Chair Wilson seconded the motion. Passed.  
For: 8 – Waites, Mohr, Wilson, Amado-McCoy, Baca, Cruz, Fine, Ring
- IV. APPROVAL OF MINUTES –** Acting Chair Mohr noted that the March minutes should reflect that the meeting adjourned at 8:55 p.m. Board Member Ring moved for the approval of the minutes. Board Member Baca seconded the motion. Passed.  
For: 8 – Waites, Mohr, Wilson, Amado-McCoy, Baca, Cruz, Fine, Ring

## V. PUBLIC COMMENTS –

**CHARLES ARASIM** – Mr. Arasim informed the Board that he has been addressing the POC for many years. He also stated that if the Subcommittee to select the new Executive Director conducts interviews in executive session, then that would constitute a violation of the Open Meetings Act. Mr. Arasim requested that the Board reject the application of Acting Executive Director Hammer as the permanent Executive Director, stating that when he previously filed a complaint, Acting Executive Director Hammer sat on the complaint for over a year.

**TAD NIEMYJSKI** – Mr. Niemyjski stated that he is from Poland, and was originally living in Chicago before coming to Albuquerque. He stated that he is familiar with the POC process and wanted to know if the Board is for the people. Mr. Wynosky felt that the Board should be comprised of real citizens free from politics.

**DON SCHRADER** - Mr. Schrader stated that all police should be tested for unhealed PTSD, and that if officers have unhealed PTSD, they should have desk jobs or work outside APD. Mr. Schrader stated that all officers should be trained to resolve situations in a non-violent manner, and that officers who have never shot or beaten a citizen should be given a special honor. Mr. Schrader stated that drug tests should be given to officers to test for drugs or steroids after being involved in any incident. Mr. Schrader stated that officers should not stalk protestors or victims' families, and that police should be respected and not feared by citizens.

**ANDRES VALDEZ** - Mr. Valdez stated that he is associated with an organization by the name of Vecinos United. Mr. Valdez stated that he has sued the former POC for meetings held behind closed doors, and that the Board will be in violation of the Open Meetings Act if they select the new Executive Director in a closed meeting.

## VI. SETTLEMENT AGREEMENT DISCUSSION/TRAINING

Acting Executive Director Hammer reiterated the history of the DOJ Settlement Agreement to the Board and also explained the status of the Settlement Agreement and its requirements. She further advised the Board that Mr. Ginger, the DOJ Monitor, has requested that the Board receive training prior to hearing any complaints.

*Resolution: To hold in abeyance POB review of Citizen Police Complaint and Officer Involved Shooting cases until mandated training is completed and Rules are adopted*

The Board had an extended discussion encompassing the following concerns.

1. The POB was not communicated with as a whole about any concerns held by the City Council or the Monitor. Board Members Mohr and Wilson who were invited to a meet and greet with Dr. Ginger reported that the event turned into a complaint session about the POB's action in March 2015. It was noted that City Council members were NOT at this meeting.
2. As a result of that event a resolution was requested of the City Council by the Monitor that the POB not review any citizen complaints until all training described

in the Ordinance had been completed by a quorum of the POB and the new POB rules had been written and voted on successfully. The vote on that resolution is to be held on April 20, 2015.

3. McCoy expressed concerns regarding how this moving target of "training" for the board unavoidably raises a fundamental question about the legitimacy of neutral, third-party, civilian review boards (non-subject matter experts) as a whole: If we agree that any manner of training can be enriching for such a board, does this also mean that a civilian board cannot perform their mandated functions without it?
4. McCoy argued that any further discussion of training must be focused, purposeful, and with an end product in mind, identifying which particular training should be a prerequisite to our ability to review cases after a full investigation by the CPOA. Assembling such training cannot be a casual wish-list compiled on the fly by a single stakeholder. McCoy identified the fact that the board has already put in approximately 648 cumulative hours in training with APD, and that this relationship building within a program whose top two stated goals are to "Understand and appreciate APD" and to "Hear positive comments about APD" (47th Citizen Police Academy, "Goals"), could be considered inappropriate by the standards of other stakeholders.
- 5. Dr. McCoy and others expressing<sup>ed</sup> confusion about what had made the POB qualified to hear complaints in March and not in April. Was the POB less qualified than they were the previous month? What changed? Several members seemed convinced that the POB was being reigned in for reasons not apparent to the Board.
6. McCoy expressed concern that though the resolution has yet to be passed by the Council, our agenda for April included no cases for us to address. Fine expressed concern that this would further delay communication with citizens who have filed complaints some of which are seriously backlogged already. Delay further hurts the person who has a complaint and the officer who is being complained about.
7. Ring referred to the Ordinance which says the POB should operate as independently as possible.
8. Baca asked what the status was of the cases the POB heard in March and was told by Hammer that those decisions remain in place.
9. Fine brought up the seemingly competing missions of hearing all the cases [and not mediating any of them] and having 51% of the POB output be policy recommendations. Clarification is needed to describe success of the work of the POB as the Ordinance, the Settlement Agreement as drafted and the Union rules are in some ways in conflict with one another.
10. Wilson asked if the Union Contract which comes up for renewal this summer might include a way to reach agreement on some of the disparities which have fallen into the path of the POB by way of the Ordinance, the Settlement Agreement and the Union Contract.

Overall, the board expressed multifaceted concerns that the Council and the Monitor have agreed among themselves to delay the start date of our work without the communication

courtesy, if not inclusion, of the POB. The central theme of the discussion was if we were not to hear cases until we were fully trained, why did we receive cases to hear in March?

**Action:** McCoy moved and Cruz seconded a motion to have Mr. Moya arrange a meeting with Councilors Garduno and Winter prior to April 20, 2015 to discuss the concerns of the POB relative to the resolution and to hear directly from the Councilors their concerns. Dr. Moira Amado McCoy agreed to attend that meeting and to also attend the April 20<sup>th</sup> City Council Meeting. Passed. For: 8- Waites, Mohr, Wilson, Amado-McCoy, Baca, Cruz, Fine, Ring.

## **VII. DISCUSSION OF ROLE OF CPOA AND POB**

The Board discussed that there is and will increasingly, due to delays, be a backlog of cases. Acting Executive Director Hammer indicated that once the board has completed its training and a strategic plan put in place, she would present pending CPC cases to the Board Members. The Board requested that an ongoing state-of-the-agency report be sent to the Case Review Subcommittee, to include a summary of where the CPCs (including Officer-Involved Shootings) are in the process, what information the CPCs are waiting on, and a breakdown of SOP violations. Board Member Fine made a motion that an ongoing report be made to the Case Review Subcommittee. Co-Chair Wilson seconded the motion. Passed. For: 8 – Waites, Mohr, Wilson, Amado-McCoy, Baca, Cruz, Fine, Ring.

Acting Chair Mohr spoke about an ABA Webinar being presented on April 16, 2015, on Strategies for Success: Implementing and Improving Citizen Police Oversight of Law Enforcement.” Acting Executive Director Hammer suggested the Webinar would be helpful to the Board. Acting Chair Mohr spoke about training called Foundation on Open Government being held on April 29, 2015. The City Attorney will observe the training and will provide further details on the time and location. Board Member Amado-McCoy requested that Acting Executive Director Hammer inquire of APD about special training events, and that should be a priority.

Board Member Baca spoke regarding a Policy and Procedure Subcommittee, and made a motion that the discussion be held open to the next meeting. Co-Chair Wilson seconded the motion. Discussion was had and the Board discussed creating a Policy and Procedure Subcommittee. Members will be Co-Chair Wilson, Co-Chair Mohr, and Board Member Amado-McCoy. Board Member Baca made a motion to create the Policy and Procedure Subcommittee. Co-Chair Wilson seconded the motion. Passed. For: 8 – Waites, Mohr, Wilson, Amado-McCoy, Baca, Cruz, Fine, Ring.

## **VIII. REPORTS FROM SUBCOMMITTEES**

**A. Outreach Subcommittee** Acting Executive Director Hammer requested that guest speaker Adrian Carver be heard out of order before the dinner break. Mr. Carver made a presentation on behalf of the New Mexico Forum for Youth. Mr. Carver felt that young people should be involved with the policy-making process at many levels of government, and that young people have voices and need to be heard. Mr. Carver felt that the Youth Alliance could provide data to the Board regarding young people. He also discussed that the Youth Alliance could act in an advisory capacity to the Board, and work with the Outreach Subcommittee. The Board indicated that it would welcome input from the

Youth Alliance, which will continue to work with Board Member Ring and the Outreach Subcommittee.

Board Member Fine made a motion to break for dinner. Co-Chair Wilson seconded the motion. Passed. For: 8 – Waites, Mohr, Wilson, Amado-McCoy, Baca, Cruz, Fine, Ring. The Board was in recess at 7:15 p.m.

The Board reconvened at 7:49 p.m.

## **VIII. REPORTS FROM SUBCOMMITTEES**

**A. Outreach Subcommittee** – Board Member Baca reported on the Outreach Subcommittee. Board Member Baca was selected to Chair the Subcommittee. Chair Waites and Board Member Ring also sit on the Subcommittee. Board Member Baca discussed the New Mexico Forum for Youth, the Outreach Coordinator position, and neighborhood associations. Board Member Baca explained how she has approached the neighborhood associations, and that the Board should become active with the neighborhood associations.

**B. Personnel Subcommittee** – Acting Chair Mohr discussed the search process to select the new Executive Director. The Board is bound by a Court Order to conduct interviews in an open meeting. The Board will select three names to be sent to the City Council and a CPOA staff member will assist the Board in delivery of the names to the City Council. The City Council will make the decision on who becomes the Executive Director.

Board Member Ring made a motion to accept this process to select the Executive Director as outlined. Board Member Fine seconded the motion. Passed. For: 8 – Waites, Mohr, Wilson, Amado-McCoy, Baca, Cruz, Fine, Ring.

Acting Chair Mohr further discussed the task of the Personnel Subcommittee to select the Executive Director.

Board Member Amado-McCoy made a motion that the Personnel Subcommittee should begin their work. Board Member Baca seconded the motion. Passed. For: 8 – Waites, Mohr, Wilson, Amado-McCoy, Baca, Cruz, Fine, Ring.

At 8:20 p.m., the Board and Assistant City Attorney Bullock met in Executive Session.

## **IX. DISCUSSION OF CONTRACT FOR INDEPENDENT LEGAL COUNSEL**

The Board reconvened at 8:47 p.m. to discuss the contract for the Independent Legal Counsel position. There are funds available until end of fiscal year 2015. The Personnel Subcommittee should fast track the search for Independent Legal Counsel. Funds are also available beginning fiscal year 2016 for Independent Legal Counsel. Acting Chair Mohr placed an ad for the April 22, 2015, Bar Journal.

Co-Chair Wilson made a motion that the search for Independent Legal Counsel should move forward expeditiously. Board Member Amado-McCoy seconded the motion. Passed. For: 8 – Waites, Mohr, Wilson, Amado-McCoy, Baca, Cruz, Fine, Ring.

The next meeting of the Personnel Subcommittee and the Outreach Subcommittee would be on April 27, 2015.

**X. DISCUSSION OF CITY COUNCIL'S BUDGET QUESTIONS POSED TO CPOA** – Acting Executive Director Hammer presented general questions from the City Council, and provided a flow chart. Acting Executive Director Hammer discussed the process of selecting the Executive Director, the Independent Legal Counsel, and the Outreach Coordinator. Contract service for a paralegal position was also discussed. Training and Travel was also discussed.

**XI. DISCUSSION OF DRAFT CPOA RULES** – Co-Chair Wilson made a motion to defer this item to a future date. Board Member Amado-McCoy seconded the motion. Passed. For: 8 – Waites, Mohr, Wilson, Amado-McCoy, Baca, Cruz, Fine, Ring.

**XII. REPORTS FROM CITY STAFF:**

**A. Acting Executive Director Hammer** – Acting Executive Director Hammer reported March 2015 statistics as follows:

**March 2015:**

17 new Citizen Police Complaints

16 Job Well Done Letters

14 Cases Resolved

A bid was placed to have the fall 2016 NACOLE conference in Albuquerque. A decision should be made in May 2015. Acting Executive Director Hammer discussed the Talk-to-a-Cop program which brings citizens and officers together. A new database being worked on, IA-PRO, will help to identify officers who may have issues.

**B. SOP Update** – CPOA Lead Investigator Paul Skotchdopole had nothing to report and has not attended any APD meetings as there have been no meetings of the Policy and Procedure Committee. It was discussed that Chief Eden will place Mr. Skotchdopole on the attendee list for future meetings. Board Member Amado-McCoy indicated that the Board would like the staff's input regarding the SOPs.

**C. Mayor's Staff** – No one was present to report.

**D. City Council Staff** – Mr. Moya stated that on April 20, 2015, the City Council will appoint Sue Ann Brown to serve on the Board.

**E. City Attorney's Staff** – City Attorney Bullock had nothing to report.

**F. APD** – Lt. Garcia from APD Internal Affairs presented the report for March 2015.

APD Calls for Service: 40,663  
Internal Affair cases for March 2015  
Received - 21            Inactivated - 0            Completed -12  
Mediated - 0            Pending - 16

Discipline imposed in March 2015  
3 verbal reprimands            5 letters of reprimands  
1 32-hour suspension            1 40-hour suspension  
1 160-hour suspension  
0 termination

**XIII. OTHER BUSINESS** – No other business.

**XIV. ADJOURNMENT** - *Next POB meeting will be on Tuesday, May 19, 2015, at 4:00 PM in the Vincent E. Griego Chambers. Note the change from Thursday to Tuesday for next month's meeting.* The meeting adjourned at 9:19 p.m.

**APPROVED:**



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**Beth Mohr, Acting Chair**  
**Civilian Police Oversight Agency**

DATE

                          
JUNE 11, 2015

CC:     Julian Moya, City Council  
         Trina Gurule, Acting City Clerk  
         Rey Garduno, City Council President