CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT BOARD
Thursday, October 11, 2018 – 5:00 PM
Vincent E. Griego Chambers, Basement Level
City/County Government Center – One Civic Plaza NW
Albuquerque, New Mexico

Members Present:
Leonard Waites, Chair (in late)
Chantal M. Galloway, Vice-Chair
Dr. William Kass
Valerie St. John
Chelsea Van Deventer

Members Absent:
Joanne Fine

Others Present:
Edward Harness, CPOA
Katrina Sigala, CPOA
Jeff Hertz, City Council
Lynn Mostoller, Atty
Cdr. Michael Miller, APD
Jeramy Schmehl, Asst. City Atty
James Lewis, Mayor’s Office
Chris Sylvan, CPC
Rowan Wymark, CPC
Rod Kontny, CPC

Meeting Minutes

I. Welcome and call to order. Vice-Chair Galloway called to order the regular meeting of the Police Oversight Board at 5:06 p.m.

II. Pledge of Allegiance. Member St. John led the meeting in the Pledge of Allegiance.

III. Mission Statement. Vice-Chair Galloway read the Police Oversight Board’s mission statement.

IV. Approval of the Agenda.
   a) Motion. A motion was made by Member Van Deventer to approve the agenda. Member St. John seconded the motion. A second motion was made by Member Kass to change item VII to appear after item VIII on the agenda. Vice-Chair Galloway second the motion. The motion was carried by the following vote:
       For: 4 – Galloway, St. John, Kass, Van Deventer

V. Public Comments
   1. Tony Pirard
VI. Review and Approval of Minutes. For more information about minutes from prior POB meetings, please visit our website here: http://www.cabq.gov/cpoa/police-oversight-board/pob-agenda-meeting-minutes

a) Approval of the Minutes from September 13, 2018
   1. Copies of the draft minutes from the September 13, 2018 POB meeting were distributed to each member in their packets.
   2. Motion. A motion was made by Member Van Deventer to approve the minutes as written. Member St. John second the motion. The motion was carried by the following vote:
   For: 4 – Galloway, St. John, Kass, Van Deventer

b) Approval of the Minutes from September 21, 2018 – Special Board Meeting.
   1. Copies of the draft minutes from the September 21, 2018 POB Special Board meeting were distributed to each member in their packets.
   2. Motion. A motion was made by Member Kass to approve the minutes as written. Member St. John second the motion. The motion was carried by the following vote:
   For: 4 – Galloway, St. John, Kass, Van Deventer

VII. Reports from City Staff
a) APD – Commander Michael Miller with Internal Affairs gave the following report for APD:
   1. Statistical Data. Commander Miller read the Statistical Data for the month of September 2018. A document titled Police Oversight Board, APD Internal Affairs: Statistical Data for the Month of September 2018 was distributed to the POB members. (see attached)

b) City Council-
   1. City Council Representative. – Jeff Hertz presented his report.
   2. City Council Representative is to report back to the board if the deferral of the ordinance changes will affect Executive Directors contract.

c) Mayor’s Office-
   1. Mayor’s Office Representative. - James Lewis presented his report

d) Community Policing Council
   1. North Valley and Foothills CPC Chair Representatives Rowan Wymark and Rod Kontny gave a brief update of events in their area.
   2. Chris Sylvan presented his report.

e) City Attorney-
   1. Asst. City Atty. – Jeramy Schmehl presented his report
f) Albuquerque Police Officer’s Association
   1. There was no one from APOA present to give a report.

g) Civilian Police Oversight Agency
   1. Executive Director – Edward Harness presented his report (see attached)

*** Chair Waites arrived at 5:40pm ***

VIII. Meeting with Counsel re: Pending Litigation or Personnel issues:

Closed Discussion and Possible Action re: Pending Litigation or Personnel Issues

a) Matters subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant pursuant to NMSA 1978. Section 10-15-1(H)(7);

   i. Intervention into pending federal litigation

b) Limited personnel matters pursuant to NMSA 1978; Section 10-15-1(H)(2)

   i. Executive Director’s contract

   a) Motion. Motion by Member Van Deventer to take a member by member vote to move into a closed session for the limited purpose of discussing a personnel matter. Vice-Chair Galloway seconded the motion. The motion was carried by the following vote:

   b) Roll call vote by board members.
   For: 5– Waites, Galloway, St. John, Kass, Van Deventer

   ---- Meeting on Personnel issues began at 5:42 p.m. and the meeting reconvened at 6:35 p.m. ----

   a) Chair Waites stated that the only discussion in closed session were on the listed agenda items.

   b) Motion. Chair Waites motioned to reconvene the special meeting into regular session. Member Van Deventer seconded the motion. The motion was carried by the following vote:

   Roll call vote by board members.
   For: 5– Waites, Galloway, St. John, Kass, Van Deventer
IX. Reports from Subcommittees
   a) Community Outreach Subcommittee – Chantal Galloway–
      1. Met September 25, 2018 at 2:30pm
      2. Next meeting October 23, 2018 at 1:00pm
      1. Met September 27, 2018 at 1:00pm
      2. Kass gave an update on the process of APD Policies (see attached)
      3. Next meeting November 1, 2018 at 1:00pm
   c) Case Review Subcommittee – Valerie St. John –
      1. Met September 25, 2018 at 1:00pm
      2. CPC 053-18 filed for an appeal and was granted to be on the next CRC Agenda
      3. Next meeting October 23, 2018 at 2:30pm
   d) Personnel Subcommittee –
      1. Chair Waites mentioned that next week the sub-committee will be scheduling
         their next meeting to discuss personnel issues.

X. Discussion
   a) Police Oversight Boards Policy and Procedure.
      1. Review of draft of Policy and Procedure amendments. Board Members
         discussed potential changes.
      2. Motion. Member Van Deventer made a motion to recompile all changes to the
         draft that was discussed in tonight’s meetings and email to all board members for
         review and present a final draft at the next POB meeting scheduled for November
         8, 2018 and vote on. Member Kass seconded the motion. The motion was carried
         by the following vote:
         For: 5 – Waites, Galloway, St. John, Kass, Van Deventer
   b) Report on observations from the NACOLE Conference.
      1. Report. Board Members enjoyed the experience and exchanged information
         with other Oversight Agency’s.
   c) Juvenile Confidentiality recommendation.
      1. Letter. Member Van Deventer drafted a letter to Chief Geier making a
         recommendation of inclusion to the new section in Juvenile SOP 2-22.
      2. Motion. Motion by Member Van Deventer to send the letter to Chief Geier and
         the Policy Board. Member St. John second the motion. The motion was carried
         by the following vote:
         For: 3 – Waites, St. John, Van Deventer
         Against: 2 – Galloway, Kass
d) **Open Meetings Act Resolution.**
   1. **POB Resolution.** (see attached)
      
      **Motion.** Motion by Vice-Chair Galloway to read and to add into the record to be adopted by the board. Member Van Deventer second the motion. The motion was carried by the following vote:
      
      For: 5 – Waites, Galloway, St. John, Kass, Van Deventer

e) **IPRA/NEXT Request**
   1. Director Harness stated that it was already discussed in the CPOA Report.

f) **Public Involvement (Prospective Board Members)**
   
   **Motion.** Motion by Vice-Chair Galloway to withdrawal Item F until such time when the board is prepared to discuss it again so it will not appear on next month’s agenda. Member Van Deventer second the motion. The motion was carried by the following vote:
   
   For: 5 – Waites, Galloway, St. John, Kass, Van Deventer

g) **City Council Study Session Oversight Ordinance.**
   
   **Motion.** Motion by Member Kass to withdrawal agenda item g). Member Van Deventer second the motion. The motion was carried by the following vote:
   
   For: 5 – Waites, Galloway, St. John, Kass, Van Deventer

XII. **Consent Agenda Cases:** The CPOA’s findings in each case listed on the consent agenda are reviewed and approved by the POB. The findings become part of the officer’s file, if applicable. Copies of the full findings letters to the citizens are located at [http://www.cabq.gov/cpoa/findings-letters/civilian-complaints-pob-findings](http://www.cabq.gov/cpoa/findings-letters/civilian-complaints-pob-findings).

a) **Administratively Closed Cases**

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   **1. Motion.** Vice-Chair Galloway motioned to approve the Administratively Closed cases presented. Chair Waites seconded the motion and there was no discussion of any cases. The motion was carried by the following vote:
   
   For: 5 - Waites, Galloway, St. John, Kass, Van Deventer

XII. **Non-Consent Agenda.**

a) **132-18**

   **1. Motion.** Motion by Member Kass to table CPC 132-18 to the next Case Review Committee meeting. Second by Member St. John. The motion was carried by the following vote:
   
   For: 5 - Waites, Galloway, St. John, Kass, Van Deventer
XIII. Non-Concurrence Cases.  
   a) There was no Non-Concurrence Cases to present

XIV. Review of Appeals  
   a) There was no Review of Appeal Cases to present

XV. Serious Use of Force/Officer Involved Shooting Cases.  
   a) There was no Serious Use of Force/Officer Involved Shooting Cases.

   a) There was no Garrity Materials to present

XVII. Other Business.  
   No other business

XVIII. Adjournment – A motion was made by Member Kass to adjourn the meeting. Member St. John second the motion. The motion was carried by the following vote:  
   For: 5–Waites, Galloway, St. John, Kass, Van Deventer  
   The meeting adjourned at 8:34pm

Next Regularly scheduled POB meeting will be on November 8, 2018 at 5:00 p.m. in the Vincent E. Griego Chambers.
Attachments
POLICE OVERSIGHT BOARD

PUBLIC COMMENT

SIGN IN

DATE: 10/11/2018

NAME (PLEASE PRINT)

1. Tony Block

2. __________________________

3. __________________________

4. __________________________

5. __________________________

6. __________________________

7. __________________________

8. __________________________

9. __________________________

10. __________________________

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17. __________________________

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19. __________________________

20. __________________________

21. __________________________

22. __________________________

23. __________________________

24. __________________________
APD 911 Communications Center
Dispatched calls for Service for SEPTEMBER 2018: 42,970 (decrease from AUGUST 2,368)

INTERNAL CASES FOR THE MONTH OF SEPTEMBER 2018

I's

Total Internal Cases Completed the Month of SEPTEMBER: 6
Comprised of:
• 4-Internal Affairs Investigations
• 2-Area Command Investigated case

Internal Cases Administratively Closed: 0

Internal Cases Mediated: 0

Discipline imposed for Internal Cases SEPTEMBER 2018:
1: Counseling
1: Verbal Reprimand
1: Letter of Reprimand
1: Termination

EIRS FOR SEPTEMBER 2018: 27 alerts distributed

Pending IA Cases for the Month of SEPTEMBER 2018: 14

IA/IAC Cases opened in the month of SEPTEMBER 2018: 4
VIA EMAIL ONLY (Paul.Killebrew@usdoj.gov)
Paul Killebrew, Esq.
Civil Rights Division, U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

VIA EMAIL ONLY (elizabeth.marinez@usdoj.gov)
Elizabeth Martinez, Esq.
U.S. Attorney’s Office District of New Mexico
P.O. Box 607
Albuquerque, NM 87103

Civilian Police Oversight Agency Executive
Director Contract Renewal

Dear Mr. Killebrew and Ms. Martinez,

This firm represents both the Police Oversight Board (“POB”) and the Civilian Police Oversight Agency (“CPOA”). Enclosed for your reference as Exhibit A is our September 24, 2018 communication to City Council which sets forth the following information regarding the CPOA Executive Director’s contract renewal. During its May 16, 2018 POB meeting, the POB unanimously approved a request for the extension of Mr. EdwardHarness’ contract as CPOA Director—which expires on October 17, 2018. On June 1, 2018, the POB notified City Council that, following the POB’s evaluation of Director Harness, the POB was formally requesting that Direct Harness’ contract be extended for three years with minimal changes to the contract. (Interoffice Memorandum with accompanying attachments attached to Exhibit A as Exhibit 1.)

Despite the POB’s unanimous vote to renew Director Harness’ contract, City Council postponed a decision on this contract renewal until November 19, 2018, well after the current contract expires. (August 20, 2018 meeting agenda attached to Exhibit A as Exhibit 2.) City Council’s decision is in direct violation of the First Amended and Restated Court-Approved Settlement Agreement [Doc. 354-1] (“CASA”) filed in United States of America v. City of Albuquerque, 1:14-cv-1025-RB-SMV on March 5, 2018. Specifically, paragraph 279 of the CASA expressly provides that “[t]he Executive Director will be selected by and work under the supervision of the agency [CPOA].” Moreover, pursuant to paragraph 293 of the CASA, “[t]he
Paul Killebrew, Esq.
Elizabeth Martinez, Esq.
October 1, 2018
Page 2

City, shall not, through the City Attorney's office or other means, interpret the originating
ordinance of the agency [CPOA] in any way that contradicts the provisions of this Agreement [the
CASA]."

Albuquerque’s City Council has rejected the POB’s request that City Council reconsider
its actions in light of the CASA’s express terms. (September 28, 2018 Letter from Albuquerque
City Council as Exhibit B.) Because time is of the essence, the POB respectfully requests that
you raise this issue with the Court as promptly as possible.

Very truly yours,

SUTIN, THAYER & BROWNE
A Professional Corporation

By

Christina Muscarella Gooch

cc via email w/s encls: Esteban A. Aguilar Jr., Esq. (eaj@cabq.gov)
Fred Mower (fmowrer@smdlegal.com)
Dr. James Ginger (pmrinc@mac.com)
September 28, 2018

VIA ELECTRONIC DELIVERY
Lynn Mostoller
Christina Muscarella Gooch
Sutin Thayer & Browne
P.O. Box 1945
Albuquerque, NM 87103

Re: Civilian Police Oversight Agency Executive Director Contract Renewal

Dear Counsel:

Thank you for your September 24, 2018 letter to President Ken Sanchez of the Albuquerque City Council.

Nothing within the First Amended and Restated Court-Approved Settlement Agreement [Doc. 354-1] in United States v. City of Albuquerque, 14-CV-1025 requires the City Council to reconfirm the CPOA Director immediately upon the expiration of his three-year contract. Pursuant to Albuquerque City Ordinance Section 9-4-1-7(B)(2), the incumbent Executive Director may continue to serve as Director until such time as he is either reconfirmed or a new Director is selected and approved by the City Council.

Moreover, as you note in your letter, at its meeting of August 20, 2018, the Council voted to postpone this matter to the date specific of November 19, 2018. The Council will take this matter up again at that time.

Best regards,

[Signature]
Esteban A. Aguilar Jr.
City Attorney

cc: Ken Sanchez, President of the Albuquerque City Council
September 24, 2018

VIA EMAIL ONLY (kensanchez@cabq.gov)
Albuquerque City Council
Attention: President Ken Sanchez

Civilian Police Oversight Agency Executive Director Contract Renewal

Dear President Sanchez:

This firm represents both the Police Oversight Board (“POB”) and the Civilian Police Oversight Agency (“CPOA”). During its May 16, 2018 POB meeting, the POB unanimously approved a request for the extension of Mr. Edward Harness’ contract as CPOA Director—which expires on October 17, 2018. On June 1, 2018, the POB notified City Council that, following the POB’s evaluation of Director Harness, the POB was formally requesting that Director Harness’ contract be extended for three years with minimal changes to the contract. (Interoffice Memorandum with accompanying attachments enclosed as Exhibit 1.)

Our clients are disappointed that, despite the POB’s unanimous vote to renew Director Harness’ contract, City Council postponed a decision on this contract renewal until November 19, 2018, well after the current contract expires. (August 20, 2018 meeting agenda attached as Exhibit 2.) Even more troubling, however, is that City Council’s decision is in direct violation of the First Amended and Restated Court-Approved Settlement Agreement [Doc. 354-1] (“CASA”) filed in United States of America v. City of Albuquerque, 1:14-cv-1025-RB-SMV on March 5, 2018. Specifically, paragraph 279 of the CASA expressly provides that “[t]he Executive Director will be selected by and work under the supervision of the agency [CPOA].” Moreover, pursuant to paragraph 293 of the CASA, “[t]he City, shall not, through the City Attorney’s office or other means, interpret the originating ordinance of the agency [CPOA] in any way that contradicts the provisions of this Agreement [the CASA].”

The CPOA, through its POB, has selected Director Harness. Therefore, the POB expects that City Council will ensure that this contract approval is included on City Council’s agenda for its upcoming October 1, 2018 meeting.
Very truly yours,

SUTIN, THAYER & BROWNE
A Professional Corporation

By

Lynn Mostoller
Christina Muscarella Gooch

TMG:mcg

Enclosures as noted

cc via email w/encl: Chris Melendrez, Esq.
    Julian Moya, Esq.
    Elizabeth Martinez, Esq.
INTEROFFICE MEMORANDUM

TO: Ken Sanchez, President, City Council
FROM: Julian N. Moya, Special Projects Analyst
SUBJECT: Renewal of Contract with Mr. Edward Harness, Director, Civilian Police Oversight Agency
DATE: June 15, 2018

Pursuant to the provisions of §9-4-1-7 of the Police Oversight Ordinance, the Police Oversight Board (POB) is recommending to City Council, the reconfirmation of the incumbent Civilian Police Oversight Agency (CPOA) Director, Mr. Edward Harness.

At the May 16, 2018 Police Oversight Board Meeting, the Board unanimously approved a request for the extension of Mr. Harness' contract as CPOA Director.

On June 1, 2018, the City Council Office received a letter from the POB notifying the City Council that following the Board’s evaluation of Director Harness, they formally request to extend the contract of Director Harness for three years and that the following contract modifications be made:

1. Annual salary be adjusted for current cost-of-living rates, or as negotiated between the City and Director Harness.
2. A retention incentive of $15,000.00
3. A contract provision be added that allows the POB to make a recommendation to City Council for a potential, annual one-time bonus, not to exceed 5% of annual salary, to be awarded to Mr. Harness for exceptional execution of duties. This bonus will be contingent on Mr. Harness’ annual evaluation which includes input from the POB, CPOA staff, and valued stakeholders.

Attachments:
- Letter from Police Oversight Board
- May 16, 2018 POB Meeting Minutes
CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board
Leonard Waites, Chair

Eric H. Cruz
Joanne Fine

Valerie St. John
Chelsea Van Deventer

Edward Harness, Executive Director

Chanial M. Galloway, Vice Chair
Dr. William J. Kass

May 30, 2018

Subject: Request for Renewal of CPOA Director Contract

Honorable Council Members,

I am writing you to express the Police Oversight Board’s (POB) satisfaction with the performance of Director Edward Harness, and formally requesting that his contract be extended for another three-year term. Since 2015, Director Harness has met or exceeded the expectations outlined in the Director’s duties. Additionally, he led the push to amend the CASA to allow for mediation of complaints as required under city ordinance. His leadership has repaired a once fractured relationship with APD, while increasing access to the complaint process. He continues to ensure fair and impartial investigations, while increasing efficiencies with the agency to handle the increasing caseload.

In evaluating Director Harness’ performance, scored and unscored feedback was solicited from the POB, CPOA, and the public; the input we received is consistent with the excellent work Director Harness does and supports our recommendation for contract extension. The POB also asks that several contract modifications be made: (a) annual salary be adjusted for current cost-of-living rates, or as negotiated between the City and Director Harness, (b) a retention incentive of $15,000.00, and (c) a provision be added that the POB can make a recommendation City Council for a potential, annual, one-time bonus, not to exceed 5% of annual salary, be awarded for exceptional execution of duties contingent on the annual evaluation send to the POB, CPOA staff, and valued stakeholders.
May 30, 2018
Page 2

If you have any questions, please contact Chair Waites lwaites.pob@cabq.gov, or myself
cgalloway.POB@cabq.gov or phone (505) 924-3770.

Respectfully,

/s/Chantal M. Galloway

Chantal M. Galloway
Vice Chair, Police Oversight Board
CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT BOARD

Wednesday, May 16, 2018 – 5:00 PM
Vincent E. Griego Chambers, Basement Level
City/County Government Center – One Civic Plaza NW
Albuquerque, New Mexico

Members Present:
Chantal M. Galloway, Vice-Chair
Eric Cruz
Joanne Fine
Dr. William Kass
James A. Larson

Members Absent:
Leonard Waite, Chair
Valerie St. John
Chelsea Van Deventer

Others Present
Edward Harness, CPOA
Katrina Sigala, CPOA
Deputy Chief Garcia, APD
Cdr. Michael Miller, APD
Lt. Languit, APD
Matt Jackson, Attorney
Jeramy Schmehl, Asst. City Atty

Meeting Minutes

I. Welcome and call to order. Vice-Chair Galloway called to order the regular meeting of the Police Oversight Board at 5:02 p.m.

II. Pledge of Allegiance. Member Cruz led the meeting in the Pledge of Allegiance.

III. Mission Statement. Member Dr. Kass read the Police Oversight Board’s mission statement.

IV. Approval of the Agenda.
   a) A motion was made by Member Cruz to approve the agenda Member Dr. Kass 2nd. Also, adding to include a vote to suspend Article IV, Section 5A of the Policy and procedures. The motion vote: Unanimous. Motion Vice-Chair Galloway, Member Dr. Kass 2nd.

V. Discussion: None

VI. Review and Approval of Minutes. For more information about minutes from prior POB meetings, please visit our website here: http://www.cabq.gov/cpoa/police-oversight-board/pob-agenda-meeting-minutes
   a) Approval of the Minutes from April 12, 2018
      1. Motion to approve minutes by Member Larson, Member Fine 2nd; vote unanimous

VII. Public Comments. 1 comment

Civilian Police Oversight Board
Minutes – May 16, 2018
Albuquerque – Making History 1706-2006
Page 1
VIII. Reports from City Staff
   a) APD –
      1. Commander Miller presented monthly statistics from 1A (see attached)
      2. Lt. Languit with 1A Force Division answered Member Larson question on
         APD monitor report of 500 Use of Force Pending Investigation. Pending
         cases have been reduced to about 250.
   b) Mayor’s Office – None
   c) City Attorney
      1. Asst. City Atty. - Jeramy Schmehl presented his report
   d) City Council - None
   e) Community Policing Councils - None
   f) CPOA
      1. Executive Director Edward Harness presented his report

IX. Reports from Subcommittees
   a) Community Outreach Subcommittee – Chantal Galloway
      1. Met on April 27, 2018
      2. Next meeting May 22, 2018 at 2:30pm
      1. Met April 19, 2018
      2. Presentation ALCU information on cell site simulator technology APD owns
         and has been asked to write policy
      3. Next meeting May 24, 2018 at 5:00pm, APD will give presentation on OPA
         policy review process
      4. Motion to table Amended Agenda VII-b.-ii-1-4 (Further Amending the
         Ordinance) and iii(Exit interview to Chief) for next POB, Dr. Kass, Cruz 2nd
   c) Case Review Subcommittee – Fine
      1. Met May 8, 2018
      2. Concerns and discussions on Administratively Closed Cases.
      3. Next meeting May 31, 2018 at 3:00pm
   d) Personnel Subcommittee – Eric Cruz-
      1. Met May 11, 2018 at 4:00pm
      2. Reviewed Attorney Applications and motion vote: Unanimous. Member
         Larson to move forward with Sutin Thayer & Browne Member Fin 2nd
      3. Draft request for Extension of CPOA Director Contract (see attached) motion
         vote: Unanimous. Member Larson, Member Cruz 2nd
X. Consent Agenda Cases: The CPOA’s findings in each case listed on the consent agenda are reviewed and approved by the POB. The findings become part of the officer’s file, if applicable. Copies of the full findings letters to the citizens are located at [http://www.cabq.gov/cpoe/findings-letters/civilian-complaints-pob-findings](http://www.cabq.gov/cpoe/findings-letters/civilian-complaints-pob-findings).

a) Administratively Closed Cases

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For: Unanimous

b) Cases Investigated

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For: Unanimous

XI. Non-Consent Agenda

228-17 063-18 069-18 084-18 090-18

Case 228-17 removed from Non-Consent Agenda to be sent back to CPOA for further investigation. Motion by Member Fine, Member Larson 2nd

Cases 063-18, 069-18, 084-18 and 090-18 For: Unanimous

XII. Non-Concurrence Cases - None

XIII. Serious Use of Force/Officer Involved Shooting Cases

a) There were no Use of Force materials to discuss.

XIV. POB’s Review of Gavelity Materials

a) There were no additional gavelity materials to discuss.

XV. Meeting with Counsel re: Pending Litigation or Personnel Issues:

Closed Discussion and Possible Action re: Pending Litigation or Personnel Issues

a) Matters subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant pursuant to NMSA 1978, Section 10-15-1(II)(7); and

b) Limited personnel matters pursuant to NMSA 1978, Section 10-15-1(II)(2)

c) There were no issues to discuss.
XVI. **Other Business.**

a) Member Larson wanting CPOA Director Harness to have daily contact with investigator on incident with 7 year old girl sex trafficking victim. Crimes Against Children’s Unit Policies was updated on October 25, 2017 that the dispatch officers responsibility of criminal sexual contact under the age of 13 CACU will be notified immediately. Juvenile Section Policy 5 4 was also updated on October 25, 2017 it describes the duties and responsibility of detectives of personal assigned to juvenile section. These policies are current not out of date. CPOA is to monitor should investigate all civilian complaints relating to police conduct monitor and report on Police Internal Affairs matters. CPOA Director should report directly to POB and lead the administratively office independently investigate and supervise all investigations civilian complaints and audit all IA Investigations and complaints.

b) Member Larson Motion for CPOA to immediately monitoring IA to the investigation into what is happening so POB doesn’t get left behind and knows what is going on now. Have more real-time insight. Vice-Chair Galloway 2nd

c) Member Larson withdrawals Motion

XVII. **Adjournment – Motion to Adjourn** by Member Fine, Dr. Kass 2nd.

**Vote: unanimous**

The meeting adjourned at 7:19pm.

*Next Regularly scheduled POB meeting will be on June 14, 2018 at 5:00 p.m. in the Vincent E. Griego Chambers.*
City of Albuquerque

Action Summary

City Council
Council President, Ken Sanchez, District 1
Vice-President, Don Harris, District 9

Isaac Benton, District 2; Klarissa J. Peña, District 3
Brad Winter, District 4; Cynthia D. Borrero, District 5
Patrick Davis, District 6; Diane G. Gibson, District 7
Trudy E. Jones, District 8

Monday, August 20, 2018 5:00 PM
Vincent E. Griego Chambers
One Civic Plaza NW
Albuquerque/Bernalillo County Government Center

TWENTY-THIRD COUNCIL - SIXTEENTH MEETING

1. ROLL CALL

Present 8 - Ken Sanchez, Isaac Benton, Klarissa Peña, Brad Winter, Cynthia Borrego, Patrick Davis, Diane Gibson, and Trudy Jones

Excused 1 - Don Harris

2. MOMENT OF SILENCE

Pledge of Allegiance - Ken Sanchez, President, District 1

3. PROCLAMATIONS & PRESENTATIONS

4. ECONOMIC DEVELOPMENT DISCUSSION

5. ADMINISTRATION QUESTION & ANSWER PERIOD

6. APPROVAL OF JOURNAL

August 6, 2018

7. COMMUNICATIONS AND INTRODUCTIONS

8. REPORTS OF COMMITTEES

Finance and Government Operations Committee - August 13, 2018
Land Use, Planning and Zoning Committee - August 15, 2018

Deferrals/Withdrawals

a. **EC-18-194**  
Mayor's Appointment of Mr. Philip A. Snyder to the Lodgers' Tax Advisory Board  
A motion was made by President Sanchez that this matter be Postponed to September 5, 2018. The motion carried by the following vote:  
For: 8 - Sanchez, Benton, Peña, Winter, Borrego, Davis, Gibson, and Jones  
Excused: 1 - Harris

9. **CONSENT AGENDA: {Items may be removed at the request of any Councilor}**

a. **EC-18-133**  
Mayor's Appointment of Ms. Kara Grant to the Lodgers' Tax Advisory Board  
A motion was made by President Sanchez that this matter be Withdrawn by Administration. The motion carried by the following vote:  
For: 8 - Sanchez, Benton, Peña, Winter, Borrego, Davis, Gibson, and Jones  
Excused: 1 - Harris

b. **EC-18-170**  
Mayor's Appointment of Ms. Audrey C. Brunner to the Youth Advisory Council  
A motion was made by President Sanchez that this matter be Confirmed. The motion carried by the following vote:  
For: 8 - Sanchez, Benton, Peña, Winter, Borrego, Davis, Gibson, and Jones  
Excused: 1 - Harris

c. **EC-18-171**  
Mayor's Appointment of Mr. Evan J. O'Connell to the Youth Advisory Council  
A motion was made by President Sanchez that this matter be Confirmed. The motion carried by the following vote:  
For: 8 - Sanchez, Benton, Peña, Winter, Borrego, Davis, Gibson, and Jones  
Excused: 1 - Harris

d. **EC-18-172**  
Mayor's Appointment of Mr. Shane M. Conley to the Youth Advisory Council  
A motion was made by President Sanchez that this matter be Confirmed. The motion carried by the following vote:
e. **EC-18-173**  
Mayor's Appointment of Ms. Atlanta R. Taylor-Campagna to the Youth Advisory Council  
A motion was made by President Sanchez that this matter be Confirmed. The motion carried by the following vote:  
For: 8 - Sanchez, Benton, Peña, Winter, Borrego, Davis, Gibson, and Jones  
Excused: 1 - Harris

f. **EC-18-174**  
Mayor's Appointment of Mr. Isaac D. Castillo to the Youth Advisory Council  
A motion was made by President Sanchez that this matter be Confirmed. The motion carried by the following vote:  
For: 8 - Sanchez, Benton, Peña, Winter, Borrego, Davis, Gibson, and Jones  
Excused: 1 - Harris

g. **EC-18-175**  
Mayor's Appointment of Ms. Analise A. Granados to the Youth Advisory Council  
A motion was made by President Sanchez that this matter be Confirmed. The motion carried by the following vote:  
For: 8 - Sanchez, Benton, Peña, Winter, Borrego, Davis, Gibson, and Jones  
Excused: 1 - Harris

h. **EC-18-176**  
Mayor's Appointment of Ms. Eileen V. McFadden to the Youth Advisory Council  
A motion was made by President Sanchez that this matter be Confirmed. The motion carried by the following vote:  
For: 8 - Sanchez, Benton, Peña, Winter, Borrego, Davis, Gibson, and Jones  
Excused: 1 - Harris

i. **EC-18-177**  
Mayor's Appointment of Mr. Mahdi Hossaini to the Youth Advisory Council  
A motion was made by President Sanchez that this matter be Confirmed. The motion carried by the following vote:  
For: 8 - Sanchez, Benton, Peña, Winter, Borrego, Davis, Gibson, and Jones  
Excused: 1 - Harris
j. **EC-18-178**  
Mayor’s Appointment of Mr. Fernando M. Barrios to the Youth Advisory Council  
A motion was made by President Sanchez that this matter be Confirmed. The motion carried by the following vote:  
For: 8 - Sanchez, Benton, Peña, Winter, Borrero, Davis, Gibson, and Jones  
Excused: 1 - Harris

k. **EC-18-179**  
Mayor’s Appointment of Ms. Mary Moskal to the Library Advisory Board  
A motion was made by President Sanchez that this matter be Confirmed. The motion carried by the following vote:  
For: 8 - Sanchez, Benton, Peña, Winter, Borrero, Davis, Gibson, and Jones  
Excused: 1 - Harris

l. **EC-18-180**  
Mayor’s Appointment of Ms. Lisa Huval to the Affordable Housing Committee  
A motion was made by President Sanchez that this matter be Confirmed. The motion carried by the following vote:  
For: 8 - Sanchez, Benton, Peña, Winter, Borrero, Davis, Gibson, and Jones  
Excused: 1 - Harris

m. **EC-18-181**  
Mayor’s Reappointment of Mr. John A. Carey to the Accountability in Government Oversight Committee  
A motion was made by President Sanchez that this matter be Confirmed. The motion carried by the following vote:  
For: 8 - Sanchez, Benton, Peña, Winter, Borrero, Davis, Gibson, and Jones  
Excused: 1 - Harris

n. **EC-18-182**  
Mayor’s Appointment of Ms. Isis I. Lopez to the Youth Advisory Council  
A motion was made by President Sanchez that this matter be Confirmed. The motion carried by the following vote:  
For: 8 - Sanchez, Benton, Peña, Winter, Borrero, Davis, Gibson, and Jones  
Excused: 1 - Harris

o. **EC-18-183**  
Mayor’s Appointment of Mr. Fermin C. Gonzales to the Youth Advisory Council  
A motion was made by President Sanchez that this matter be Confirmed. The motion carried by the following vote:  
For: 8 - Sanchez, Benton, Peña, Winter, Borrero, Davis, Gibson, and Jones
Excused: 1 - Harris

p. EC-184

Mayor's Reappointment of Ms. Meghan E. Ferguson Mraz to the Arts Board

A motion was made by President Sanchez that this matter be Confirmed. The motion carried by the following vote:

For: 8 - Sanchez, Benton, Peña, Winter, Borrego, Davis, Gibson, and Jones

Excused: 1 - Harris

q. EC-185

Mayor's Appointment of Mr. Ryan Centerwall to the Albuquerque Energy Council

A motion was made by President Sanchez that this matter be Confirmed. The motion carried by the following vote:

For: 8 - Sanchez, Benton, Peña, Winter, Borrego, Davis, Gibson, and Jones

Excused: 1 - Harris

r. EC-186

Mayor's Appointment of Ms. Margaret A. (Peg) Cronin to the Arts Board

A motion was made by President Sanchez that this matter be Confirmed. The motion carried by the following vote:

For: 8 - Sanchez, Benton, Peña, Winter, Borrego, Davis, Gibson, and Jones

Excused: 1 - Harris

s. EC-187

Mayor's Appointment of Ms. Juli Hendren to the Arts Board

A motion was made by President Sanchez that this matter be Confirmed. The motion carried by the following vote:

For: 8 - Sanchez, Benton, Peña, Winter, Borrego, Davis, Gibson, and Jones

Excused: 1 - Harris

t. EC-188

Mayor's Appointment of Ms. Maria Griego-Raby to the Albuquerque Museum Board of Trustees

A motion was made by President Sanchez that this matter be Confirmed. The motion carried by the following vote:

For: 8 - Sanchez, Benton, Peña, Winter, Borrego, Davis, Gibson, and Jones

Excused: 1 - Harris

u. EC-189

Mayor's Reappointment of Dr. Alan B. Reed to the Open Space Advisory Board

A motion was made by President Sanchez that this matter be Confirmed. The motion carried by the following vote:
For:  8 - Sanchez, Benton, Peña, Winter, Borrego, Davis, Gibson, and Jones
Excused:  1 - Harris

v.  **EC-18-190**  
Mayor's Appointment of Mr. Rene C. Fernandez to the Para Transit Advisory Board
A motion was made by President Sanchez that this matter be Confirmed. The motion carried by the following vote:
For:  8 - Sanchez, Benton, Peña, Winter, Borrego, Davis, Gibson, and Jones
Excused:  1 - Harris

w.  **EC-18-191**  
Mayor's Appointment of Ms. Jae Lihua R. Salazar to the Youth Advisory Council
A motion was made by President Sanchez that this matter be Confirmed. The motion carried by the following vote:
For:  8 - Sanchez, Benton, Peña, Winter, Borrego, Davis, Gibson, and Jones
Excused:  1 - Harris

x.  **EC-18-192**  
Mayor's Appointment of Ms. Heather Brewer to the Library Advisory Board
A motion was made by President Sanchez that this matter be Confirmed. The motion carried by the following vote:
For:  8 - Sanchez, Benton, Peña, Winter, Borrego, Davis, Gibson, and Jones
Excused:  1 - Harris

y.  **EC-18-193**  
Mayor's Appointment of Mr. Robert J. Bacon to the Balloon Museum Board of Trustees
A motion was made by President Sanchez that this matter be Confirmed. The motion carried by the following vote:
For:  8 - Sanchez, Benton, Peña, Winter, Borrego, Davis, Gibson, and Jones
Excused:  1 - Harris

z.  **EC-18-195**  
Mayor's Appointment of Ms. Kristin L. McGrath to the Balloon Fiesta Park Commission
A motion was made by President Sanchez that this matter be Confirmed. The motion carried by the following vote:
For:  8 - Sanchez, Benton, Peña, Winter, Borrego, Davis, Gibson, and Jones
Excused:  1 - Harris
aa. **EC-18-196**

Mayor's Appointment of Dr. Kimberly M Pruett to the EMS Medical Control Board

A motion was made by President Sanchez that this matter be Confirmed. The motion carried by the following vote:

For: 8 - Sanchez, Benton, Peña, Winter, Borrego, Davis, Gibson, and Jones

Excused: 1 - Harris

ab. **EC-18-197**

Mayor's Reappointment of Mr. Jason P. Hackett to the EMS Providers Advisory Committee

A motion was made by President Sanchez that this matter be Confirmed. The motion carried by the following vote:

For: 8 - Sanchez, Benton, Peña, Winter, Borrego, Davis, Gibson, and Jones

Excused: 1 - Harris

ac. **EC-18-198**

Mayor's Appointment of Mr. Enrique J. Cardiel to the Indicators Progress Commission

A motion was made by President Sanchez that this matter be Confirmed. The motion carried by the following vote:

For: 8 - Sanchez, Benton, Peña, Winter, Borrego, Davis, Gibson, and Jones

Excused: 1 - Harris

ad. **EC-18-200**

Mayor's Appointment of Ms. Jacqueline H. Smith to the Para Transit Advisory Board

A motion was made by President Sanchez that this matter be Confirmed. The motion carried by the following vote:

For: 8 - Sanchez, Benton, Peña, Winter, Borrego, Davis, Gibson, and Jones

Excused: 1 - Harris

ae. **EC-18-201**

Mayor's Appointment of Ms. Kelly J Garvin to the EMS Providers Advisory Committee

A motion was made by President Sanchez that this matter be Confirmed. The motion carried by the following vote:

For: 8 - Sanchez, Benton, Peña, Winter, Borrego, Davis, Gibson, and Jones

Excused: 1 - Harris

af. **EC-18-202**

Mayor's Appointment of Dr. Chelsea C White, IV to the EMS Medical Control Board

A motion was made by President Sanchez that this matter be Confirmed. The motion carried by the following vote:
For:  8 - Sanchez, Benton, Peña, Winter, Borrego, Davis, Gibson, and Jones

Excused:  1 - Harris

ag.  OC-18-9
citizens' Independent Salary Commission

A motion was made by President Sanchez that this matter be Receipt Be Noted. The motion carried by the following vote:

For:  8 - Sanchez, Benton, Peña, Winter, Borrego, Davis, Gibson, and Jones

Excused:  1 - Harris

*ah.  OC-18-10
Certification of Petitions for Charter Amendment

A motion was made by President Sanchez that this matter be Receipt Be Noted. The motion carried by the following vote:

For:  8 - Sanchez, Benton, Peña, Winter, Borrego, Davis, Gibson, and Jones

Excused:  1 - Harris

13. APPROVALS: {Contracts, Agreements, and Appointments}

b.  EC-18-203
Appointment of Katy Duhigg to the Position of City Clerk

A motion was made by President Sanchez that this matter be Confirmed. The motion carried by the following vote:

For:  8 - Sanchez, Benton, Peña, Winter, Borrego, Davis, Gibson, and Jones

Excused:  1 - Harris

14. FINAL ACTIONS

c.  R-18-59
To Acquire Property, Plan, Design And Construct A Single-Site Supportive Housing Project For Persons Who Are Suffering From Behavioral Health Issues And In Need Of Housing, And Adjusting Department Of Family And Community Services Fiscal Year 2018 City Housing Fund Appropriations (Benton)

A motion was made by Councillor Benton that this matter be Amended. Councillor Benton moved Amendment No. 1. The motion carried by the following vote:

For:  8 - Sanchez, Benton, Peña, Winter, Borrego, Davis, Gibson, and Jones

Excused:  1 - Harris

A motion was made by Councillor Benton that this matter be Passed as Amended. The motion carried by the following vote:

For:  5 - Sanchez, Benton, Peña, Borrego, and Gibson
10. GENERAL PUBLIC COMMENTS

11. ANNOUNCEMENTS

12. PUBLIC HEARINGS: {Appeals, SAD Protest Hearings}

13. APPROVALS: {Contracts, Agreements, and Appointments}

   c. OC-18-8

      Renewal of Contract with Mr. Edward Harness, Director, Civilian Police
      Oversight Agency

      A motion was made by Councillor Jones that this matter be Postponed to
      November 19, 2018. The motion carried by the following vote:

      For:  5 - Sanchez, Winter, Borrego, Davis, and Jones

      Against:  3 - Benton, Peña, and Gibson

      Excused:  1 - Harris

14. FINAL ACTIONS

   a. Q-18-24

      Approving A Project Involving Advanced Network Management Inc.
      Pursuant To The Local Economic Development Act And City Ordinance
      F/S O-04-10, The City's Implementing Legislation For That Act, To
      Support The Acquisition And Renovation Of A Commercial Building
      Located At 4001 Jefferson Plaza, Ne In Albuquerque In Which To
      Provide Information Technology Services, Including Engineering,
      Software Development, And Infrastructure Monitoring And Support, As
      Well As Serving As Corporate Headquarters; Authorizing The Execution
      Of A Project Participation Agreement And Other Documents In
      Connection With The Project; Making Certain Determinations And
      Findings Relating To The Project; Ratifying Certain Actions Taken
      Previously; And Repealing All Actions Inconsistent With This Ordinance
      (Winter, by request)

      A motion was made by Councillor Winter that this matter be Passed. The
      motion carried by the following vote:

      For:  8 - Sanchez, Benton, Peña, Winter, Borrego, Davis, Gibson, and Jones

      Excused:  1 - Harris
b.  **R-18-56**


A motion was made by Councillor Benton that this matter be Passed. The motion carried by the following vote:

For:  8 - Sanchez, Benton, Peña, Winter, Borrego, Davis, Gibson, and Jones

Excused:  1 - Harris

d.  **C-18-25**

F/S An Ordinance Authorizing The Execution And Delivery Of A Loan Agreement And Intercept Agreement By And Between The City Of Albuquerque (The "City") And The New Mexico Finance Authority (The "Finance Authority"), Evidencing A Special, Limited Obligation Of The City To Pay A Principal Amount Of Up To $2,740,000, Together With Interest Thereon, For The Purpose To Acquire, Renovate, Equip And Furnish A Fleet Maintenance Facility For The Benefit Of The City Fire Department To Be Located Within The City And Paying A Loan Processing Fee And Expenses; Providing For The Payment Of The Principal Of, And Interest On The Loan Agreement Solely From A Pledge Of Distributions Of Fire Protection Fund Revenues Distributed By The State Treasurer To The City Pursuant To Section 59A-53-7 NMSA 1978; Providing For The Distributions Of Fire Protection Fund Revenues To Be Redirected By The State Treasurer To The Finance Authority Or Its Assigns For The Payment Of Principal And Interest Due On The Loan Agreement Pursuant To An Intercept Agreement; Approving The Forms Of The Loan Agreement And Intercept Agreement; Ratifying Actions Heretofore Taken; Repealing All Action Inconsistent With This Ordinance; And Authorizing The Taking Of Other Actions In Connection With The Execution And Delivery Of The Loan Agreement And Intercept Agreement (Sanchez, Winter)

A motion was made by Councillor Winter that this matter be Substituted. The motion carried by the following vote:

For:  8 - Sanchez, Benton, Peña, Winter, Borrego, Davis, Gibson, and Jones

Excused:  1 - Harris

A motion was made by Councillor Winter that this matter be Passed as Substituted. The motion carried by the following vote:

For:  8 - Sanchez, Benton, Peña, Winter, Borrego, Davis, Gibson, and Jones

Excused:  1 - Harris
*e.   O-18-26

F/S Relating To The Redevelopment, Leasing And Sale Of A Metropolitan Redevelopment Project And The Issuance Of Metropolitan Redevelopment Revenue Bonds Payable From Rental Payments Therefor; Approving The Metropolitan Redevelopment Application Entitled "Bank Of The West Metropolitan Redevelopment Bond Application"; Authorizing The Acquisition Of Land And Existing Improvements And Construction Of A Building Within The Downtown 2025 Metropolitan Redevelopment Area; Authorizing The Disposition By Lease And Sale Of The City's Interest In Such Project To Roma Fourth Capital, LLC, Its Successors And Assigns; Authorizing The Issuance And Sale Of The City Of Albuquerque, New Mexico Metropolitan Redevelopment Revenue Bonds (Bank Of The West Center Project) Series 2018 In The Maximum Principal Amount Of $30,000,000 To Provide Funds To Finance A Portion Of The Costs Of The Acquisition And Construction Of The Project; Authorizing The Execution And Delivery Of An Indenture, Lease Agreement, Bond Purchase Agreement, The Bonds, And Other Documents In Connection With The Issuance Of The Bonds And The Project; Making Certain Determinations And Findings Relating To The Bonds And The Project; Ratifying Certain Actions Taken Previously; And Repealing All Actions Inconsistent With This Ordinance (Benton, by request)

A motion was made by Councillor Benton that this matter be Substituted. The motion carried by the following vote:

For:  8 - Sanchez, Benton, Peña, Winter, Borrego, Davis, Gibson, and Jones

Excused:  1 - Harris

A motion was made by Councillor Benton that this matter be Passed as Substituted. The motion carried by the following vote:

For:  8 - Sanchez, Benton, Peña, Winter, Borrego, Davis, Gibson, and Jones

Excused:  1 - Harris

*f.   R-18-57

F/S Making Findings In Connection With The Lower Petroglyphs Public Improvement District's Resolution Authorizing The Issuance And Sale Of Special Levy Revenue Bonds; Ratifying And Approving The Issuance And Sale Of The Lower Petroglyphs Public Improvement District Special Levy Revenue Bonds, Series 2018, As Substantially Consistent With The Requirements Of City Ordinance Enactment No. O-2003-12 And City Council Resolution No. R-2012-47, Enactment No. R 2012-35; Amending The Development Agreement And Formation Resolution (Sanchez, by request)

A motion was made by President Sanchez that this matter be Substituted. The motion carried by the following vote:

For:  8 - Sanchez, Benton, Peña, Winter, Borrego, Davis, Gibson, and Jones
Excused:  1 - Harris

A motion was made by President Sanchez that this matter be Passed as
Substituted. The motion carried by the following vote:

For:  8 - Sanchez, Benton, Peña, Winter, Borrego, Davis, Gibson, and Jones

Excused:  1 - Harris

**g.  R-18-58**

F/S Making Findings In Connection With The Saltillo Public Improvement
District’s Resolution Authorizing The Issuance And Sale Of Special Levy
Refunding Revenue Bonds; Ratifying And Approving The Issuance And
Sale Of The Saltillo Public Improvement District Special Levy Refunding
Revenue Bonds, Series 2018, As Substantially Consistent With The
Requirements Of City Ordinance Enactment No. O-2003-12 And City
Council Resolution Enactment No. 169-2003 (Borrego, by request)

A motion was made by President Sanchez that this matter be Substituted. The
motion carried by the following vote:

For:  8 - Sanchez, Benton, Peña, Winter, Borrego, Davis, Gibson, and Jones

Excused:  1 - Harris

A motion was made by President Sanchez that this matter be Passed as
Substituted. The motion carried by the following vote:

For:  8 - Sanchez, Benton, Peña, Winter, Borrego, Davis, Gibson, and Jones

Excused:  1 - Harris
Albuquerque Police Department
Compliance Section/Implementation Unit
Contract Proposal for Research Analyst

Scope of Work: The Contractor will assist members of the Albuquerque Police Department to review, analyze and provide recommendations on current policies and/or the development of new policies which summarize the Department’s position on specific matters, and expected practices and standards.

The City/APD will:

- Identify and assign specific policies to the Contractor to conduct research on best practices as it relates to APD’s mission, vision and strategic goals.
- Meet with the Contractor to identify and prioritize the specific policies and processes requiring research and analysis during the term of the Contract.

The Contractor will assist in the following manner:

- Collaborate with APD staff to draft policies in support of the APD’s mission, vision, and strategic goals to include consideration of processes and methods to evaluate the effectiveness of the policy.
- Conduct research and provide recommendations to improve APD’s policy development process.
- Provide guidance on best practices as it relates to the specific policy undergoing amendment.
- Assist with appropriate language for a clearly written and concise policy and set of procedures.
- Facilitate meetings with stakeholders such as the Police Oversight Board or the Mental Health Response Advisory Committee to solicit input on policies and incorporate accepted changes where applicable.
- Attend Office of Policy Analysis meetings to gain an understanding of the issues and concerns regarding proposed policy changes from a diverse group of internal and external stakeholders.

The term of the Contract is through June 30, 2018 not to exceed $40,000.
<table>
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<tr>
<th>IDKB</th>
<th>Activity Date</th>
<th>Contact Name</th>
<th>Stage Act</th>
<th>Comments</th>
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<td>221</td>
<td>6/21/2016</td>
<td>Bill Slauson</td>
<td>Public Comment</td>
<td>Old use of force policy - public comment at OPA</td>
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<td>7/18/2017</td>
<td>Gordon Eden</td>
<td>Chief Review</td>
<td>under use of force awareness memo</td>
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<tr>
<td>150</td>
<td>4/18/2018</td>
<td>Best Practices</td>
<td></td>
<td>Baltimore PD use of force policy</td>
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<td>151</td>
<td>4/22/2018</td>
<td>Development</td>
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<td>Earliest Draft available Doc #152 revision of draft</td>
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<td>5/1/2018</td>
<td>Elizabeth Martinez</td>
<td>Development</td>
<td>Telecon to discuss POB recommendation process for SOP UoF suite</td>
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<tr>
<td>153</td>
<td>5/3/2018</td>
<td>James Ginger</td>
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<td>Cover email from Ginger plus draft comments on use of force suite</td>
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<td>Ginger comments on 2-52, 2-53, 2-54, 2-55, doc # 154</td>
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<td>Jeramy Schmehl</td>
<td>Development</td>
<td>Cover email with use of force policies</td>
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<td>5/8/2018</td>
<td>Elizabeth Martinez</td>
<td>monitor monthly meeting - Ryals description, APOA reaction</td>
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<td>5/9/2018</td>
<td>William Kass</td>
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<td>Stephen Ryals</td>
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<td>higher standard for use of force</td>
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<td>158</td>
<td>5/15/2018</td>
<td>Elizabeth Martinez</td>
<td>DOJ review</td>
<td>Meeting at US AO, DOJ, amici, APD, POB present, main issue explained by Steve Ryals that reasonable force to deal with the situation would be the standard not max allowable force re Graham.</td>
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<tr>
<td></td>
<td>5/16/2018</td>
<td>William Kass</td>
<td>POB Review</td>
<td>Presentation of status wrt to use of force rewrite, reported shift in paradigm re Stephen Ryals 5/10/18 email (above)</td>
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<tr>
<td>220</td>
<td>5/23/2018</td>
<td>Jeramy Schmehl</td>
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<td>email marked use of force</td>
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<td>5/24/2018</td>
<td>William Kass</td>
<td>PnP Review</td>
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<td>review criteria</td>
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<td>Stephen Ryals</td>
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<td>draft of 2-52</td>
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<td>5/24/2018</td>
<td>Cara Garcia</td>
<td>OPA review</td>
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<td>audit need</td>
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<tr>
<td>162</td>
<td>5/29/2018</td>
<td>Jeramy Schmehl</td>
<td>Publish SOP</td>
<td>City Draft as of May 29</td>
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<tr>
<td></td>
<td>5/31/2018</td>
<td>Fred Mowrer</td>
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<td>email APOA policy changes</td>
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<td>161</td>
<td>6/2/2018</td>
<td>Jeramy Schmehl</td>
<td>CABQ Review</td>
<td>use-of-force, City Versions, also see docs # 162, #163</td>
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<tr>
<td>148</td>
<td>6/5/2018</td>
<td>Elizabeth Martinez</td>
<td>DOJ review</td>
<td>use of force policy suite, APOA objected to lack of Graham verbiage.</td>
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<td>6/6/2018</td>
<td>Robby Heckman</td>
<td>Public Comment</td>
<td>Comments submitted on 6/26 on OPA comment form</td>
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<td>5/14/2018</td>
<td>Robert Middleton</td>
<td>POB Review</td>
<td>Presentation to POB highlights of SOP 2-52, community input</td>
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# PPRB Meetings

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<td>discussion of feasible, what is a hard object, immediate vs imminent, discussion of training, officers need to read the policy, level 1 is a review, level 2 and 3 are investigations, what are percentages</td>
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<td>Joshua Brown</td>
<td>raised issue of effectiveness, 90% stick rate, 85% apprehension rate, value of property recovered exceeds cost of system?</td>
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<td>Timothy Espinosa</td>
<td>PPRB review - Officers deployed with ERT will be assigned a specific role so they are prepared to do that job. Mutual aid agreement governs interagency cooperation. MOU was raised, EH suggested that APD make it part of their tactical plan. Wjk raised question of version control - Michelle Campbell said they are looking at that re issues raised at 8/9 POB meeting</td>
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<td>Arturo Sanchez</td>
<td>Re-write of old SOP that AS found was not easily readable, had not previously been published. Done on own initiative. Removal of priority of life, which included evidence as the last priority, now everything is removed, EH pol - deals with too many things, there are other models, APD current practice is not to do dynamic entry for the purpose of seizing evidence. - recent DEA example, they asked for swat entry, APD said no.</td>
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<td>9/8/2015</td>
<td>Leonard Waites</td>
<td>Chief Review</td>
<td>Letter to Berry and Eden re shutting community and POB out of policy review process - APD wants to finalize CASA related policies without providing the POB or community an opportunity to review and comment. CABQ goal in CASA was to ensure APD delivers c</td>
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<td>Beth Mohr</td>
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<td>Email to Elizabeth Martinez re: 1-The Chief has failed to respond to the POB regarding findings and disciplinary recommendations. as required: 2-APD provided the CPOA/POB only with redacted version of the monitor’s report, 3-APD is withholding data from t</td>
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<td>11/28/2016</td>
<td>Gordon Eden</td>
<td>Chief Review</td>
<td>SOP 3-1 will be sent to OPA for review, ... but does not reflect agreement with ... changes. ...it does not seem appropriate dor restrictions on the mayor’s appointment poweres to be legislated through APD policy, Response to 9/8/16 letter: SOP 3-29 (policy o</td>
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<td>Gordon Eden</td>
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<td>Need to report suspected violation of NCIC and NMLETS to NM DPS, NCIC then reports APD misuse of data to fbi</td>
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<td>Letter Chief Eden to POB re OPA - lengthy rejection of a larger role for the CPOA / POB. APD will add personnel to deal with problem and will have POB /CPOA get in line with the rest of the public ... have expanded OPA efforts from CASA policies to all poli</td>
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<td>Joanne Fine</td>
<td>IMT review</td>
<td>Letter to Ginger re APD shutting CPOA out of policy process ... APD did not start CASA process seeking civilian input...CPOA/POB have sought meaningful ways to participate, value of POB members input and requirements of CASA are in contention POB proposed a</td>
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<td>Jolene Luna</td>
<td>OPA review</td>
<td>OPA agenda 18-12, SOP 2-20 Hostage, suicidal...SOP 2-23 use of a canine unit, SOP 2-25 bomb threats, SOP 2-70 execution of search warrants, SOP 6-7 explosive ordinance disposal, SOP 6-8 specialized tactical units, SOP 6-9 K-9 Unit</td>
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<tr>
<td>8/10/2018</td>
<td>Jolene Luna</td>
<td>Public Information</td>
<td>Pursuant to Department SOP 3-52, the attached policies, 2-54 Intermediate Weapon Systems and SOP 2-55 Use of Force – De-Escalation, were approved by the Policy and Procedures Review Board (PPRB) on Friday, August 10, 2018. These policies are being provid</td>
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<td>8/10/2018</td>
<td>Jeramy Schmehl</td>
<td>Public Information</td>
<td>Attached you will find the City’s drafts of what are SOP 2-56 Use of Force—Reporting by Dept Personnel and 2-57 Use of Force—Review and Investigation by Department Personnel. The City and Department look forward to collaborating with you all on the revi</td>
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<td>8/10/2018</td>
<td>Michelle Campbell</td>
<td>PPRB Review</td>
<td>SOP 2-54 Intermediate Weapons, SOP 2-55 De-escalation, SOP 2-29 Emergency Response Team</td>
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<tr>
<td>8/16/2018</td>
<td>Jolene Luna</td>
<td>OPA review</td>
<td>SOP 2-23 use of canine unit, SOP 2-25 bomb threats and bomb emergencies, SOP 1-8 Naloxone policy, SOP 2-26 Law enforcement center evacuation plan</td>
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<td>8/23/2018</td>
<td>Amanda Tapia</td>
<td>OPA review</td>
<td>SOP 1-46 separated from 6-1 field training officer program,</td>
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<td>8/23/2018</td>
<td>Jolene Luna</td>
<td>OPA review</td>
<td>OPA agenda 18-14 SOP 1-12 internship program, 1-46 field training and evaluation, 2-3 firearms and ammunition, 2-9use of computer systems, 6-1 training division dept to have cell phones by december for all officers, address sanctions futher discussion wi</td>
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<td>Michelle Campbell</td>
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<td>8/30/2018</td>
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<td>8/30/2018</td>
<td>William Kass</td>
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<td>9/13/2018</td>
<td>Jolene Luna</td>
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<td>194</td>
<td>9/20/2018</td>
<td>Jolene Luna</td>
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<td>10/3/2018</td>
<td>Michelle Campbell</td>
<td>PPRB Review</td>
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| 0         | 10/4/2018| Jolene Luna   | OPA review      | agenda 18-20
SOP 1-31 Court Services unit (new), 8-14 court services;
False alarm Reduction Unit new SOP 1-44, old 8-12;
SOP 2-5 use of police vehicles;
SOP 2-97 Harm reduction act and needle exchange program;
SOP 2-98 methadone distribution centers |
Civilian Police Oversight Agency
Policies and Procedures

ARTICLE I – PURPOSE

1. Recognizing that a properly conceived and functioning police oversight system is
necessary to promote accountability of police officers and protect the rights of citizens, the City
Council adopted the Police Oversight Ordinance, § 9-4-1-1 to 9-4-1-14.

2. Through the Police Oversight Ordinance, the City Council created the Civilian
Police Oversight Agency ("CPOA") as an independent agency of City Government, not part of
either the City Administration or City Council. The CPOA is overseen by the Police Oversight
Board ("POB") and operates through an Administrative Office. The Executive Director of the
CPOA leads the Administrative Office and reports to the POB.

3. These policies and procedures set forth the structure of the POB and CPOA and
the manner in which they will operate. The policies and procedures may be supplemented by
office policies the POB may approve related to internal operations of the Administrative Office.

ARTICLE II – MEETINGS

1. Regular Meetings. The POB will hold regular monthly meetings, which it
currently schedules at 5:00 p.m. on the second Thursday of every month in the Vincent L. Griego
Chambers, Albuquerque/Bernalillo County Government Center.

2. Special Meetings. Special meetings may be called by the Chairperson or a
majority of the members upon three days notice. On the petition of 1,000 or more civilians in the
City of Albuquerque, the POB also shall hold a special meeting for the purpose of responding to
the petition, and hearing and inquiring into matters identified therein as the petitioners' concern.

3. Emergency Meetings. Notwithstanding any provision contained in these policies
and procedures, the Chairperson may, in the event of an emergency, call with whatever notice is
possible under the circumstances, a meeting of the POB to consider any matter. "Emergency"
for the purpose of this section refers to unforeseen circumstances that, if not addressed
immediately by the POB, will likely result in injury or damage to persons or property or
substantial financial loss to the City and/or the CPOA specifically. Within ten days of taking
action on an emergency matter, the POB shall report to the New Mexico Attorney General’s
Office the action taken and the circumstances creating the emergency, unless a state or national
emergency has been declared.

4. Open Meetings. Except as may otherwise be provided in the Constitution of the
State of New Mexico or the Open Meetings Act, all meetings of a quorum of members of the
POB held for the purpose of formulating public policy, discussing public business or taking any
action within the POB’s authority or the delegated authority of the POB, are to be public meetings open to the public at all times. Each year, the Chairperson of the POB shall introduce, and the POB shall adopt, a resolution establishing procedures to provide reasonable notice of POB meetings to the public. Meetings will be conducted with a prepared, timely posted agenda, and, except for emergency matters, the POB shall take action only on items included in the agenda. Regularly scheduled meetings will be televised live on the appropriate government access channel, if it is operating. Special meetings shall be videotaped and aired on the appropriate government access channel.

5. **Quorum.** A majority of the appointed and approved members of the POB serving at any time shall constitute a quorum thereof.

6. **Public Comment and Addressing Meetings.**

   A. The POB will provide an opportunity for public comment at the beginning of each meeting and for each agenda item during a meeting. Public comment shall be limited to three minutes, unless extended by the Chairperson.

   B. When an individual civilian police complaint is on the agenda for the POB to review, the complainant or complainant’s authorized representative will be provided with a minimum of five minutes to address the POB relating to the complaint and investigation.

   C. Public comment must be directed to the POB through the Chairperson or presiding Board member, not at staff members or members of the audience.

   D. The POB may invite representatives of the City, other government bodies, or the public to speak on matters relevant to the POB’s work.

   E. Items displayed during an individual’s public comment must be removed at the end of that person’s public comment.

   F. No signs, props, posters, or banners will be allowed in the meeting chambers other than those that are 8½” x 11” or smaller. Such material shall not be held or waived in a manner that blocks the view of others or creates a distraction from the speaker or the business at hand.

7. **Records.** The CPOA Analyst shall serve as the custodian of records for the POB and shall retain the minutes and records of all POB proceedings.

8. **Attendance.** Board members shall attend all meetings of the POB unless excused by the Chairperson.

9. **Disturbing Meetings.** It shall be unlawful to disturb any meeting of the POB or any of its subcommittees, or to behave in a disorderly manner at any such meeting. There will be no tolerance for disruptive public outbursts or disruptions that impede the orderly progress of a meeting. The Chairperson or presiding Board member will provide one warning to anyone who

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causes a disruption. Upon a second or continued disruption, the Chairperson or presiding Board member will ask that person to leave the Chambers, and, if necessary, will ask that security escort that person out of the Chambers. Such removal from the Council Chambers or Committee Room will be effective for the remainder of that meeting. If continued disruptions occur, the Chairperson or presiding Board member may recess the meeting until order is restored, and, if necessary, may clear the Chambers or Committee Room of persons participating in the disturbance.

[10] POB Motions and Actions. To effectively insure consistency in governance, the CPOA shall post on its website, under one link, all motions made and approved, all motions tabled, and all motions that fail.

ARTICLE III – ORGANIZATION OF THE POLICE OVERSIGHT BOARD

1. **Election of Chairperson and Vice-Chairperson.** The POB shall elect one of its members as the Chairperson and one as the Vice-Chairperson. No officer shall be eligible to immediately succeed himself or herself in the same office. The POB shall select the Chairperson and Vice-Chairperson at the first meeting in the month of March of each calendar year or upon vacancy of an office to fill the remaining term. The Chairperson and Vice-Chairperson shall serve at the pleasure of the POB until March 1st of the next year or until their successors have been selected.

2. **Powers and Duties of the Chairperson and Vice-Chairperson.**

A. The Chairperson shall:

   (1) Call the POB to order and, upon a quorum being present, proceed to business;

   (2) Preserve order and decorum and, during POB meetings, have general direction of the Vincent E. Griego Chambers or any location where the meeting is held;

   (3) Have the responsibility for preparation of the agenda and dissemination of the agenda with the public notice for the meeting;

   (4) Decide all questions of order, subject to a Board member’s right to appeal to the POB as a whole;

   (5) Have the right to speak, as other Board members, on general questions from his or her chair;

   (6) Vote upon all questions in the same manner as other Board members;

   (7) Announce the result promptly on the completion of every vote;

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(8) Appoint all subcommittees, subject to the approval of the POB;

(9) Sign all resolutions, letters, and official documents on behalf of the POB;

(10) Receive all formal messages and communications from the Mayor, City Council, and others;

(11) Hold over or refer to the appropriate subcommittee any issue of interest to the POB;

(12) Have the authority to sign all agreements for professional technical services entered into by the POB to facilitate its functions pursuant to applicable procurement statutes and requirements.

B. In the absence of the Chairperson, upon the Chairperson’s inability to act, or upon request of the Chairperson, the Vice-Chairperson shall preside and shall have all the powers and authority of the Chairperson.


A. The POB may create such subcommittees as it deems necessary or desirable in performing the authorized functions it is authorized to perform provided that membership on such subcommittees shall be limited to POB members. Subcommittees shall consist of any number of Board members fewer than a quorum.

B. Subcommittees only shall conduct business when a quorum of the subcommittee is present. A Board member may designate an alternate Board member to attend a subcommittee meeting when the Board member regularly assigned to the subcommittee is unable to attend. A majority of the members of the POB assigned to a subcommittee and designated alternates shall constitute a quorum of a subcommittee.

C. The subcommittee shall elect a Chairperson who shall Chairperson of a subcommittee shall vote on all matters before the subcommittee in the same manner as other members of the subcommittee. The Chairperson also may make or second motions.

D. At each regular POB meeting following a subcommittee meeting, the subcommittee Chairperson shall give an oral report from the subcommittee meeting. The regular meeting minutes shall contain a summary of the subcommittee report.

E. The POB Chairperson may request that subcommittee reports be submitted in writing and provided to the full POB. If written reports are submitted, reports of the minority of the subcommittee may be also included.

F. Subcommittees shall report on all matters referred to them without
unnecessary delay. If a subcommittee refuses or neglects to report on any matter referred to it, the Chairperson may take the matter from the subcommittee.

G. A subcommittee may be designated to review civilian police complaints and related matters. Any subcommittee designated responsibility for reviewing civilian police complaints may recommend that specific complaint cases be placed as a consent agenda item for a POB meeting. At such meeting, any Board member may request that a complaint case on the consent agenda be removed and placed instead on the non-consent agenda.

H. The policies and procedures of the POB apply to all subcommittees, except as otherwise provided and except that subcommittees may establish their own time limitations for witnesses addressing the subcommittee and for debate by members of the subcommittee, and except that notice to the public, including an agenda, shall be given for any regular or special meeting of a quorum of the members of any subcommittee.

4. **Conflicts of Interest.** A Board member shall withdraw from any proceeding in which he or she has a direct or indirect conflict of interest, or does not believe he or she can provide a fair and impartial hearing. Board members should err on the side of caution and withdraw from any proceeding in which there is an appearance of a conflict of interest.

5. **Removal of Members.** Any POB member may be removed for cause by a two-thirds vote of either the POB or the City Council. The appointment of any POB member who has been absent and not excused from three consecutive regular or special meetings shall automatically expire effective on the date the POB 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.

6. **Orientation and Training.** Upon appointment, POB members shall complete an orientation and training consisting of the following:

   A. **Required Orientation:** Prior to participating, members must first:

   1. Be trained by the CPOA staff or CPOA legal counsel on CPOA and Albuquerque Police Department ("APD") rules, policies, and procedures; and

   2. Attend at least one POB meeting as an observer.

   B. **Required Training:** Each POB member shall complete a training program within the first six months of the member’s appointment that consists, at a minimum, of the following:

   

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(1) Completion of the APD Civilian Police Academy. For purposes of this training requirement, APD may offer an abbreviated, two-day weekend Civilian Police Academy available only to POB members.

(2) Civil rights training, including the Fourth Amendment right to be free from unreasonable searches and seizures, including unreasonable use of force.

(3) At least two APD ride-alongs.

(4) Annual firearms simulation training.

(5) Internal Affairs training.

(6) Training provided to APD officers on use of force, including a review and familiarization with all APD policies related to use of force, and including policies related to APD's internal review of force incidents.

(7) Equity and Cultural Sensitivity training.

(8) Training on the 2014 Department of Justice ("DOJ") Settlement Agreement with the City of Albuquerque (or any subsequent agreements), and Findings Letter of April 10, 2014 (or any subsequent findings letters).

(9) Training on the Police Oversight Ordinance.

(10) Training on state and local laws regarding public meetings and the conduct of public officials.

(11) A briefing that identifies and explains the curriculum of all training received or to be received by APD officers, including any outside training not provided by the City.

C. Required On-Going Training. POB members shall receive eight hours of annual training on any changes in law, policy, or training, as well as developments in the implementation of the 2014 DOJ Settlement Agreement (or any subsequent agreements) until such time as the terms of the agreement are satisfied.

D. POB members shall participate in at least two police ride-alongs for every six months of service on the POB.

E. CPOA investigators shall receive at least 40 hours of initial training in
conducting misconduct investigations within the latter of one year of the operational date of the DOJ Settlement Agreement or one year of hire. CPOA investigators also shall receive at least eight hours of training each year thereafter. The training shall include instruction on APD's policies and protocols on taking compelled statements and conducting parallel administrative and criminal investigations.

7. **CPOA Staff.** CPOA employees shall staff, coordinate, and provide technical support for all scheduled POB meetings, publicize all findings and reports, recommendations, and/or suggested policy changes. The POB also may consult with CPOA staff for relevant information that will aid the POB in its work.

8. **Executive Director**

   A. Selection and removal of the Executive Director shall be governed by the CASA and, when not in conflict with the CASA, the Police Oversight Ordinance. The term of the Director shall be for three years. Once confirmed, the Director may be removed only upon:

   1. a recommendation of removal to the City Council by the affirmative vote of two-thirds of the members of the POB, and
   2. acceptance of the POB's recommendation by a simple majority vote of the City Council. The Director shall be responsible for regular timely informing the Mayor, the City Council, and the public by submitting semi-annual written reports approved by the POB and shall maintain and compile all information necessary to satisfy the semi-annual written reporting. The Director shall schedule and provide a quarterly oral report to the City Council at a regular or special meeting and shall notify the POB at least 10 days prior to the scheduled meeting so members may attend.

   B. In the event of the prolonged absence of the Executive Director, or during a period after the Executive Director has ended contractual obligations with the City and a temporary appointment has not yet been completed, complaints will be assigned to CPOA investigators subject to the Chairperson's direction, including with regard to determining any need for outside independent investigators. In such circumstances, CPOA investigators shall continue preparing proposed findings and recommendations for civilian complaints. The Chairperson may designate an acting Executive Director for purposes of presenting civilian complaints to the POB during any such period of time.

   C. The POB shall annually review the performance of the CPOA Executive Director taking into consideration the obligations and duties prescribed by the Police Oversight Ordinance and the performance of the CPOA Administrative Office.

   D. The POB shall provide its annual review of the Executive Director to the City Council upon completion.

   E. The Executive Director is responsible for sending responsive replies to emails and communications from members of the public. Unless the communication is a civilian complaint, responses shall be sent within 48 hours.

9. **Independent Counsel.** The CPOA may retain or employ independent legal...
counsel on a contractual basis to advise and represent the CPOA. If so retained, the CPOA’s legal counsel shall represent the CPOA in the courts, and shall advise the CPOA as to any legal matters relating to the Police Oversight Ordinance and the CPOA’s duties, responsibilities, and procedures except for CPOA personnel matters, which shall remain under the authority of the City Attorney’s Office.

10. **Indemnification of CPOA Staff and POB.** The City shall hold harmless, indemnify, and defend the Executive Director, CPOA staff, and POB members when liability is sought for conduct allegedly committed within the scope of the relevant individual’s duties, responsibilities, and service to the CPOA. This shall include providing the impacted individual with legal representation including, where appropriate, outside counsel.

**ARTICLE IV- PROCEDURES**

1. **Definitions.**

   A. "Use of Force" is defined by the DOI Settlement Agreement as may be amended from time to time, means physical effort to compel compliance by an unwilling subject above resisted handcuffing, including pointing a firearm at a person.

   B. "Serious Use of Force" means: (1) all uses of lethal force by an APD officer; (2) all critical firearm discharges by an APD officer; (3) all uses of force by an APD officer resulting in serious physical injury or requiring hospitalization; (4) all head, neck, and throat strikes with an object or neck holds; (5) all uses of force by an APD officer resulting in a loss of consciousness; (6) all canine bites; (7) more than two 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, or an ECW application for longer than 15 seconds, whether continuous or consecutive; (8) any strike, blow, kick, ECW application, or similar use of force against a handcuffed subject; and (9) more than three strikes with a baton. The term "serious use of force" is defined differently in the Memorandum of Understanding for the Multi-Agency Task Force in which APD participates to investigate officer involved shootings, serious uses of force (as defined in the Memorandum of Understanding), and in-custody deaths. The definition of "serious use of force" in this Agreement is not intended to substitute or alter in any way the definition in the Memorandum of Understanding.

2. **General Rules.** Any matter not covered by these rules shall be governed by Roberts’ Rules of Order (latest edition), or, if not covered by Roberts’ Rules of Order, by a decision of the Chairperson, subject to the right of appeal.

3. **Amendment of Rules.** These rules, or any part thereof, may be amended, repealed, altered or rescinded by a vote of a majority of all POB members.

4. **Suspension of Rules.** These rules, or any part thereof, may be temporarily suspended by a vote of two-thirds of the Board members present. The following shall apply if fewer than nine board members are present:

   8  2015.9.10
When the suspension of a rule is requested and no objection is offered, the Chairperson shall announce the rule suspended, and the POB may proceed accordingly.

4. **Time Computation.** In computing any period of time prescribed or allowed by these rules or the Police Oversight Ordinance, the day of the act, event, or default from which the designated period of time begins to run shall not be included. Unless otherwise specified, any period prescribed or allowed by these rules that is longer than (10) days shall be calculated as calendar days. If the last day of any designated period is a Saturday, Sunday, or legal holiday, the period will end on the next business day.

5. **Order of Business.**

   A. The POB shall consider business in the following order:

   (1) Welcome and Call to Order
   (2) Pledge of Allegiance
   (3) Public Comment
   (4) Review/Approval of Minutes
   (5) Hearings on Requests for Reconsideration
   (6) Findings by POB
   (7) Reports from Sub-Committees
   (8) Reports from CPOA or City staff, including the CPOA Executive Director, Independent Counsel, Mayor, City Council, City Attorney, and Albuquerque Police Department.
   (9) Other Business

   B. The Chairperson shall have the discretion to proceed out of order to any order of business or return to any prior order of business.

6. **Motions.** No motions shall be entertained or debated until announced by the Chairperson, and every motion shall be seconded prior to debate.

7. **Debate.**

   A. Any Board member wishing to speak, debate, make a motion, submit a report, or conduct other business shall address the Chairperson and shall not proceed further until recognized by the Chairperson.
B. If two or more Board members seek recognition at the same time, the Chairperson shall name the one who shall speak first.

C. The Board member who sponsors a motion shall have the privilege of opening and closing debate. A Board member may direct an inquiry and receive a response without yielding the floor.

D. No Board member shall be permitted to speak more than once on any motion until every Board member desiring to be heard has been allowed to speak. Nor shall any Board member except the sponsor of the motion speak more than a total of ten minutes on any motion.

E. No Board member shall be interrupted when speaking, nor shall any motion be in order until the Board member has concluded.

F. No question shall be asked of the Board member except those directed through the Chairperson with the consent of the Board member.

8. **Voting.**

   A. Voting shall be in the form of "Yes" or "No." Any action on a question is lost by a tie vote. Every Board member who is within the room shall vote upon each question, except those who have disqualified themselves due to a conflict of interest.

   B. A Board member shall be allowed to change his or her vote but only before the result has been announced.

   C. A Board member may request to vote by telephone or other similar device when a medical or emergency situation exists. Such voting can only take place upon the approval of the Chairperson and provided that the Board member can be heard on a speaker to enable the PBO and the public to determine when the Board member is speaking and casting a vote.

   D. Reconsideration. Any Board member who voted with the prevailing side on any question may move at the same meeting to reconsider the question. A motion to reconsider shall require the affirmative vote of a majority of Board members present.

   E. An appeal may be made on any decision of the Chairperson. The Board member appealing the Chairperson's decision will speak and the Chairperson may respond. Such appeals shall be acted upon immediately, and no other motions
shall be entertained until the question has been decided. A vote of the majority of the Board members present shall be required to sustain an appeal.

F. Any Board member may move to end debate. A majority of the Board members present must agree to end the debate or it may continue.

G. A Board member may be permitted to explain his or her vote, but only after the roll call has been completed and the result has been announced.

9. **Decorum.** Board members or other speakers shall confine their remarks to the question under discussion or debate, avoiding personal attacks. No Board member shall engage in private discourse or commit any act tending to distract the attention of the POB from the business before it.

10. **Early Departure.** Any Board member leaving a POB meeting early shall make the Chairperson aware of such departure as early as possible, so that allowances in scheduling business can be made. Any Board member leaving a subcommittee meeting when the departure will cause a loss of quorum shall make every effort to secure an alternate Board member to sit on the subcommittee.

**ARTICLE V – INVESTIGATION AND REVIEW OF CIVILIAN COMPLAINTS, SERIOUS USES OF FORCE, AND OFFICER INVOLVED SHOOTINGS**

1. **Civilian Complaints.**

A. Any person claiming to be aggrieved by the actions of the APD may file a complaint against the department or any of its officers or employees. Anonymous and third-party complaints shall be accepted, and there is no time limitation on when a complaint may be filed with the CPOA.

B. Complaints may be made in writing or verbally, in person or by mail, telephone (or TDD), facsimile, or electronic mail. Any Spanish-speaking individual with limited English proficiency who wishes to file a complaint about APD personnel shall be provided with a complaint form in Spanish. Efforts will be made to accommodate other non-English speakers. All such complaints will be investigated in accordance with policies and procedures set forth herein and associated policies.

C. The CPOA will receive and process all civilian complaints directed against the APD and any of its officers or employees. The Executive Director shall independently investigate, or cause to be investigated, all civilian police complaints and prepare findings and recommendations for review by the POB. The Executive Director shall oversee, monitor, and review all investigations and findings prepared for complaints assigned to staff or an outside investigator. For all investigations, the Executive Director shall make recommendations and give advice to the POB regarding APD policies and procedures as the Executive Director deems advisable.
D. All civilian complaints filed with other offices within the City authorized to accept civilian complaints, including the APD, shall be referred by the recipient to the Executive Director for investigation within three business days of receipt.

E. The Executive Director shall ensure that the investigation of all civilian complaints filed with the CPOA begin immediately after the complaints are filed and proceed as expeditiously as possible. The Executive Director shall be prepared to brief the POB on the status of any investigations that were not, or are not on track to be completed in sufficient time for the POB to make disciplinary recommendations in advance of the deadline for the Chief of Police ("Chief") to impose discipline.

F. The Executive Director shall ensure that investigations of civilian complaints are as thorough as necessary to reach reliable and complete findings, and are objective, fair, impartial, and free from political influence. In addition to other information and evidence the CPOA obtains through investigation, investigators shall review records provided by the City that reflect:

1. the complete disciplinary history of the officers involved in incidents under review;

2. where their inclusion will aid the investigation, documents, reports, and other materials for incidents related to those under review, such as incidents involving the same officer(s);

3. all APD policies and training; and

4. where their inclusion will aid the investigation, documents, reports, and other materials for incidents that may evince an overall trend in APD’s use of force, internal accountability, policies, or training.

G. After the investigation of a civilian complaint is completed, the Executive Director shall analyze all relevant and material circumstances, facts and evidence that investigators gathered during the investigation related to the issues raised in the complaint and potential collateral violations of APD policies and procedures, or criminal law. The Executive Director shall then prepare investigation reports with proposed findings and recommendations for each investigation, and submit them to the POB for its review and consideration. In cases in which clear evidence suggests misconduct involved a different officer, a second investigation should be opened relating to the second officer’s actions.

H. The Executive Director shall explicitly identify and recommend to the POB one of the following dispositions for each allegation of misconduct in a civilian complaint:

1. "Unfounded," where the investigation determines, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officerAPD Employee.
(2) "Sustained," where the investigation determines, by a preponderance of the evidence, that the alleged misconduct did occur;

(3) "Not Sustained," where the investigation is unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred;

(4) "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;

(5) "Sustained violation not based on original complaint," where the investigation determines, by a preponderance of the evidence, that misconduct did occur that was not alleged in the original complaint but that was discovered during the misconduct investigation; or

(6) "Administered 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. Administrative closing of the complaint investigation shall be used only for the most minor policy violations that do not constitute a pattern of misconduct, duplicate allegations, or allegations that even if true would not constitute misconduct. Administratively closed complaints may be re-opened if additional information becomes available. In such cases, the deadlines for investigation and review described above shall run from when the complaint is re-opened.

I. The burden of proof is not imposed on any party to a civilian complaint but instead rests with the investigating agency.

J. All investigations of civilian complaints shall be completed within 90 days of 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. 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. The Chief has 30 days from completion of the investigation to impose discipline. Investigations shall be submitted to the POB with sufficient time for Board members to determine the appropriate disposition and submit any recommendation related to discipline to the Chief for consideration before the deadline for imposing discipline expires. The POB may make findings and recommendations on complaints that are not resolved within these timelines despite any limitations it may have on the purposes for which APD may use the POB's findings and recommendations.

K. If at any time during a misconduct complaint intake or investigation a CPOA investigator determines that there may have been criminal conduct by any APD personnel, the investigator shall immediately notify the Internal Affairs Bureau commanding officer and transfer the investigation to the Internal Affairs Bureau Division.
L. The Executive Director, CPOA staff, and POB members may file complaints against APD personnel pursuant to the Police Oversight Ordinance in the same manner as any other citizen. Such complaints shall be addressed as follows:

(1) Any Board member who is a complainant or witness for a civilian police complaint shall be recused from participating in any findings, votes, or recommendations concerning the complaint.

(2) Where a member of the CPOA staff is a complainant or witness for a civilian police complaint, the Executive Director shall retain an independent outside investigator to investigate the complaint. Absent a conflict of interest that precludes forming a quorum, the POB will process and decide the complaint in the same manner it decides other civilian complaints. If there is a conflict of interest that precludes forming a quorum, the POB will refer the investigative file to the Chief for his consideration of possible discipline.

(3) If the Executive Director is a complainant or witness for a civilian police complaint, or if the Executive Director otherwise determines that a conflict precludes the Executive Director from participating in the investigation and presentation of a civilian police complaint to the POB, an independent investigator shall perform the functions of the Executive Director for purposes of that complaint.

2. **Serious Uses of Force and Officer Involved Shootings.**

   A. The Executive Director shall receive all APD reports of serious uses of force (as defined in DOJ Settlement Agreement — as may be amended from time to time) and officer involved shootings. The Executive Director shall timely review these materials and assign them for investigation or review by the investigative staff.

   B. The Executive Director will oversee, monitor, and review all investigations or reviews of serious uses of force and officer-involved shootings, and make findings for each. All findings will be made available to the public on the CPOA website as soon as practicable.

   C. Before taking action related to a serious use of force or officer involved shooting, the Executive Director shall confer with the relevant prosecuting agency and/or federal law enforcement agency to assess the likelihood of an officer being criminally prosecuted based on the incident. The Executive Director may delay or decline to proceed with any action related to a serious use of force or officer involved shooting until completion of the criminal investigation unless, after consultation with the prosecuting agency, the Executive Director determines that proceeding is appropriate and will not compromise a criminal investigation. If the Executive Director seeks to proceed with investigating or presenting to the POB a serious use of force or officer involved shooting despite a prosecuting agency or federal law enforcement
agency indicating that doing so would interfere with a criminal investigation, the Executive Director only may proceed after obtaining approval to do so through a 2/3 vote of the POB.

3. **Investigation Protocol.**

A. CPOA investigators only shall advise APD personnel of their Fifth Amendment rights where there is a reasonable likelihood of a criminal investigation or prosecution of the subject employee.

B. In each investigation the CPOA conducts, the Executive Director and assigned investigator shall consider all relevant evidence, including circumstantial, direct, and physical evidence.

1. There will be no automatic preference for an APD officer or APD Employee’s statement over a non-officer’s statement, nor will the Executive Director or investigator disregard a witness’s statement merely because the witness has some connection to the complainant or because of any criminal history or any concern regarding mental illness.

2. During its investigation, the CPOA shall take into account any convictions for crimes of dishonesty of a civilian complainant or any witness, but only as relevant to credibility.

3. The CPOA shall take into account the record of any involved officers who have been determined to have been deceptive or untruthful in any legal proceeding, misconduct investigation, or other investigation. The investigator shall, at a minimum, obtain from Internal Affairs all information related to such prior determinations for any officer whose credibility is at issue in any investigation.

C. Any findings and recommendations the Executive Director prepares shall indicate whether within the past year there were any IA investigations or supervisor generated complaints against the officer(s) involved in the incident being investigated or that are otherwise relevant to the subject matter of the investigation, the general nature of the prior investigations or complaints, and whether they resulted in any discipline.

D. In addition to determining whether APD personnel engaged in misconduct, investigations shall assess and document whether the action(s) under review were in compliance with training and legal standards, and whether the incident suggests the need for a change in policy, procedure, or training.

4. **Access to APD Documents and Subpoenas.**

A. The City shall provide reasonable access to APD premises, files, documents, reports, and other materials for inspection by POB members, CPOA investigative staff, and the
Executive Director upon reasonable notice.

B. The POB may issue subpoenas on its own initiative. When the POB issues a subpoena, a showing of relevance is not required and an appeal need not be pending.

C. The subpoena shall be issued by the City Clerk's Office and signed by the Chair or his/her designee.

D. Any applicable witness and travel fees and costs associated with service of process shall be paid by the CPOA.

5. POB Review.

A. The POB shall review the proposed findings and recommendations the Executive Director prepares, and shall by majority vote of members present:

(1) Approve the findings and recommendations as proposed;

(2) Approve other findings and recommendations as the POB determines are supported by the investigation file;

(3) Defer action on the matter to allow for further investigation or analysis by the Executive Director.

(4) Return the findings correspondence to the CPOA for editing, proofreading, or other requested improvements to the draft.

(5) Findings correspondence returned to the CPOA pursuant to subsection 4 or this subsection will be returned to the POB for review of the final work product pursuant to this section.

B. The full investigation file shall be available to the POB for its review subject to the limitations on access and confidentiality set forth in Article VII below.

C. In reviewing completed investigations, the POB shall assess and document whether:

(1) the incident suggests that APD should revise strategies and tactics;

(2) the incident indicates a need for additional training, counseling, or other non-disciplinary corrective measures;

(3) the incident suggests revisions to policy or procedures.

D. For civilian complaints, the Executive Director shall prepare and submit a public record letter to the civilian complainant, with a copy to the Chief, that outlines the findings and recommendations the POB approved. The Executive Director shall transmit that
letter the next business day following the meeting during which the POB took action on the complaint.

E. Unless the civilian complainant requests a hearing, within 30 days of receipt of the decision of the POB, the Chief shall notify the POB and the original civilian complainant of his or her final disciplinary decision related to the complaint in writing, by certified mail.

F. The Executive Director may share any disciplinary recommendations with the Chief in advance of submitting those recommendations to the POB only as necessary to help ensure timeliness pursuant to any applicable personnel or union contract requirements.

6. Requests for Reconsideration.

A. Any person who has filed a civilian complaint and who is dissatisfied with the findings and/or recommendations the POB approved may request reconsideration by the POB within thirty (30) calendar days (inclusive of weekends and holidays) of receipt of the public record letter.

B. The POB may grant a request for reconsideration only upon a showing by the complainant that:

1. a policy was misapplied in the evaluation of the complaint;

2. the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or

3. the findings and recommendations were not consistent with the record evidence.

C. The POB shall notify the Chief of the request for hearing and hold a hearing on the matter at its next regularly scheduled meeting provided that there is a period of at least ten (10) days between the receipt of the request for hearing and the next POB meeting.

D. The Executive Director shall ensure notice is provided to the complainant at least one week prior to a hearing on the request for reconsideration.

E. Reconsideration hearings shall be included in the POB agenda.

F. Complainants may submit a written request to delay a hearing on a request for reconsideration for up to two months. Failure to appear at a scheduled hearing or to request a delay in writing may result in the POB acting on the request for reconsideration without further input from the complainant.

G. Time for hearings on a request for reconsideration shall be divided as follows:

1. 15 minutes for the complainant or representative

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The POB may combine separate appeals of the same action, in which case each appeal will receive an equal share of the complainant's time. The Chairperson shall indicate in advance the division of time. The parties shall decide on the speakers to use the time.

H. New evidence may be accepted by the POB during the hearing on a request for reconsideration. Whether to accept new evidence is left to the discretion of the POB, and the POB may decide to rely on the evidence on the record. If the POB decides that additional evidence is necessary and appropriate for the proper disposition of the request for reconsideration, it may accept the evidence offered during the hearing or require the CPOA Executive Director to obtain such evidence for future presentation. New evidence which could have been put in the record during previous investigations or hearings is not favored for introduction during a hearing on a request for reconsideration. New evidence that clarifies evidence already in the record may be allowed. New evidence offered to contradict evidence in the record may be allowed if such evidence appears convincing and is material to the proper disposition of a complaint.

I. Board members may ask questions at any time of any witness present. When a Board member asks questions, the time limits set forth above are stayed until questioning is completed.

J. With regard to any request for reconsideration that has been filed with and is pending before the POB:

1. No Board member shall communicate outside a hearing with the complainant or the complainant’s representative.

2. No Board member shall knowingly communicate with a member of the public or an organization about the subject of the request for reconsideration. Information and correspondence that is not in the record at the time the request for reconsideration is submitted only may be considered in making a decision if it is accepted as new evidence as set forth above.

3. No Board member shall conduct their own investigations or add their own evidence to the record regarding any hearings on requests for reconsideration.
(4) Any correspondence regarding the subject of a request for reconsideration that is an ex parte communication and is inadvertently received by a Board member shall be delivered to the CPOA Executive Director and be available for review by the complainant.

(5) Notwithstanding the above, the CPOA Executive Director and CPOA staff may, upon the request of a Board member, communicate with that Board member at any time and by any means. Copies of any written materials from the CPOA Executive Director shall be distributed to all parties.

K. Upon close of the hearing on a request for reconsideration, the POB may modify or change the findings and/or recommendations of the public record letter and may make further recommendations to the Chief regarding the findings and/or recommendations and any discipline the Chief has imposed or proposed. Decisions on requests for reconsideration shall be determined by a majority of the Board members present. If the vote ends in a tie, the original findings and recommendations remain in place.

L. Within twenty (20) days of receipt of the POB's decision, the Chief shall notify the POB and the original civilian complainant of his or her final disciplinary decision in this matter in writing, by certified mail.

7. Appeals of Disciplinary Decisions to the Chief Administrative Officer. If any person who has filed a civilian complaint is not satisfied with the Chief's final disciplinary decision or any matter relating to the Chief's handling of his or her complaint, he or she may request that the Chief Administrative Officer review the complaint, the findings of the POB and the action of the Chief. The complainant must make such a request in writing within thirty (30) calendar days (inclusive of weekends and holidays) of receipt of the Chief's letter notifying the complainant of his or her final disciplinary decision related to the complaint. Upon completion of his or her review, the Chief Administrative Officer shall take any action necessary, including overriding the decision of the Chief regarding disciplinary action, to complete the disposition of the complaint. The Chief Administrative Officer shall notify in writing, by certified mail, the complainant, the individual against whom the complaint was filed, the Chief, and the Executive Director of the CPOA, the results of his or her review and any action taken.

8. Maintenance of Documentation Regarding Findings. The POB's final findings shall be placed with the Chief's findings and discipline imposed in the Internal Affairs Unit Discipline Status Sheet in the officer's Retention File, in IA Pro, and in any other electronic track system in which APD maintains records related to findings and discipline.


A. The POB may, in its discretion, recommend officer discipline from the Chart of Sanctions for investigations that result in sustained civilian police complaints. The POB also
may recommend discipline based on any findings that result from review of internal affairs investigations, including but not limited to officer involved shootings.

B. Imposing discipline the POB recommends is at the discretion of the Chief, but if the Chief does not follow the POB’s disciplinary recommendation, the Chief shall respond in writing within thirty (30) days, with the reason as to why the recommended discipline was not imposed.

10. **Audits.** The POB may, by majority vote, perform an annual audit, or direct that an audit be performed, on a random sample of up to 10% of individual civilian police complaint investigations involving allegations of use of force. In exceptional circumstances, for the purpose of promoting an enhanced measure of quality assurance in the most challenging cases, the POB may, by a vote of two-thirds of the members of the POB, perform an audit, or direct that an audit be performed, on any individual civilian police complaint investigation by the CPOA.

11. **Policy Recommendations.**

   A. The Executive Director will provide quarterly reports updating the POB on the results of the CPOA’s long-term planning process. Through the long-term planning process, the CPOA will identify major problems or trends, evaluate the efficacy of existing law enforcement practices in dealing with the same, and establish a program of resulting policy suggestions and studies each year. The POB shall review and analyze policy suggestions, analysis, studies, and trend data the CPOA has collected or developed supplemented by such additional data and information it obtains directly or instructs the CPOA to collect.

   B. By majority vote, the POB may recommend policies related to programs and procedures or other matters relating to APD.

   C. The Chief must respond to any policy recommendations from the CPOA in writing within forty-five (45) days. The Chief’s response must indicate whether the APD will follow the recommendations through standing operating procedures, whether the recommendations should be adopted as policy by the City Council, or whether the Department will not follow any of the policy recommendations and any reasons why they will not be followed.

   D. The POB must dedicate a majority of its time to policy recommendations.

12. **Monitoring.**

   A. The Executive Director shall monitor and periodically report to the POB on claims of excessive force. This shall include reporting to the POB on APD-related settlements in excess of $25,000 at the regularly scheduled POB meeting following each such settlement.

   B. The CPOA shall track allegations regarding misconduct involving individuals who are known to be homeless or have a mental illness, even if the complainant does not specifically label the misconduct as such.
C. The CPOA shall conduct an annual review of APD’s policies against retaliation and the implementation of those policies. This review shall consider the alleged incidents of retaliation that occurred or were investigated during the reporting period, the discipline imposed for retaliation, and supervisors’ performance in addressing and preventing retaliation. The CPOA shall coordinate this review with Internal Affairs, which is responsible for reviewing the same issues. Following such review, the City shall modify its policy and practice, as necessary, to protect individuals, including other AFD personnel, from retaliation for reporting misconduct.

13. **Reporting.** The Executive Director shall submit to the POB draft semi-annual written reports for the POB’s approval for submission to the Mayor and City Council. The reports shall include, but need not be limited to:

A. Data relating to the number, kind and status of all complaints received during the reporting period, including those complaints sent to mediation.

B. Discussion of issues of interest the POB has undertaken, which may include suggested policy and/or procedural changes, a listing of complaints and allegations by Council District, statistical ethnicity of subject officers, statistical ethnicity of complainants, other demographic category of complainants (if known, race, ethnicity, age, sex, gender expression or gender identity, sexual orientation, and limited English) and updates on prior issues and/or recommendations.

C. The CPOA’s findings and the Chief’s issuance of discipline on those findings, and the ongoing disciplinary trends of the APD.

D. Information on all public outreach initiatives the POB or Executive Director undertook during the reporting period, including speaking engagements, public safety announcements, and/or public information brochures on the oversight process.

E. The status of the long-term planning process, identifying major problems, policy suggestions, and studies.

F. Identification of any matters that may necessitate the City Council’s consideration of legislative amendments to the Police Oversight Ordinance.

G. The amount of time the POB dedicated to policy activities relative to its other activities over the preceding quarter.

H. Discussion, with supporting data, of whether the CPOA has a sufficient number of well-trained staff assigned and available to complete and review thorough and timely misconduct investigations in accordance with the requirements of the Settlement Agreement/Consent Decree between the City of Albuquerque and the DOJ.

**ARTICLE VI -- BUDGET**

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2015.9.10
1. Budget. CPOA staff shall present to the POB a budget at such a time as to provide the POB sufficient time to recommend and propose the CPOA budget to the Mayor and City Council during the City's annual budget process. The proposed budget shall provide for sufficient funding to carry out the powers and duties set forth in the Police Oversight Ordinance, including the funding for staff and all necessary operating expenses.

ARTICLE VII – CONFIDENTIALITY AND ACCESS TO INVESTIGATION MATERIALS

1. POB Hearings.

A. The POB hearing process shall be open to the public to the extent legally possible so that it does not conflict with state or federal law.

B. The CPOA’s attorney may designate details of investigations privileged or confidential when the law so requires.

C. Compelled statements given to the Executive Director or a designated independent investigator will not be made public.

D. The Executive Director may summarize conclusions reached from a compelled statement for the report to the POB and the Chief, and in the public record letter sent to the complainant.

E. Nothing in these policies and procedures or the Police Oversight Ordinance affects the APD's ability to use a compelled statement in a disciplinary proceeding.

2. POB Access to Investigation Materials.

The POB shall have reasonable access to the following documents and information:

A. Redacted personnel records for APD personnel, including those of the Internal Affairs Unit, shall be made available to the POB on demand.

B. Information that could be construed to be covered by Garrity v. New Jersey, 385 U.S. 493, 500 (1967) will be made available to the POB on application submitted in writing pursuant to a majority vote of the POB. Where the POB votes to review such material, it shall do so only in a closed session to the extent permitted under the New Mexico Open Meetings Act.

C. The POB shall maintain the confidentiality of any Garrity material or records that are made confidential by law. The POB is subject to the same penalties as the custodian of those records for violating confidentiality requirements. In addition to any other penalty, any POB member or other person who violates his or her confidentiality obligations shall be removed from the POB and shall be subject to
prosecution for a misdemeanor subject to the penalty provisions set forth in § 1-1-99.
October 11, 2018

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


Re: Confidentiality of records law for juveniles, standard operating procedure proposal.

Dear Chief Michael Geier,

Currently, APD’s Standard Operating Procedure 2-22 on Juvenile Delinquency fails to include a section that brings the department into compliance with New Mexico’s confidentiality of records laws for juveniles. Failure to incorporate New Mexico’s confidentiality laws often results in violations of NMSA 1978 § 32A-2-32, which prohibits all disclosure of records pertaining to a child—including records relating to a child’s delinquent offenses.

Violating this statute is a misdemeanor offense and may open the department up to costly civil liability. New Mexico’s confidentiality rules seek to protect children from prohibitive stigmas and were passed unanimously. Typically, this statute is violated when the department releases information like names, alleged delinquent offenses, and status information of juveniles—like whether they have warrants or are in the custody of CYFD. This type of information is not uncommonly released to news stations, newspapers, and websites like Nextdoor.

SOP 2-22, the SOP within which these confidentiality laws would likely appear, is up for annual review. As such, the Police Oversight Board asks that APD develop this SOP by incorporating a section that aids the department’s compliance with this important confidentiality statute. Given that 2-22 is set to be examined, at this time the POB asks for your assistance in ensuring the Office of Policy Analysis receives and considers this recommendation. Likewise, the POB will also provide the Office of Policy Analysis a copy of this letter.

In the event that SOP 2-22 makes its way through the review process absent addressing this issue, the POB asks that then you respond within the delegated 45 day period as to why this recommendation was rejected.

Sincerely,

Police Oversight Board

CC: City Council President Ken Sanchez
     Mayor Tim Keller
     City Attorney Esteban Aguilar, Jr
     James Ginger Ph.D.
     United States Attorney John C. Anderson
     City Clerk Katy Duhigg
ALBUQUERQUE POLICE OVERSIGHT BOARD RESOLUTION NO. ______

WHEREAS, the Albuquerque Police Oversight Board met in regular session in the City Council Chambers on October 11, 2018, at 5:00 p.m., as required by law; and

WHEREAS, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978, Sections 10-15-1 to -4) states that, except as may be otherwise provided in the Constitution or the provisions of the Open Meetings Act, all meetings of a quorum of members of any board, council, commission, administrative adjudicatory body or other policymaking body of any state or local public agency held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such body, are declared to be public meetings open to the public at all times; and

WHEREAS, any meetings subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public; and

WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires the Police Oversight Board to determine annually what constitutes reasonable notice of its public meetings;

NOW, THEREFORE, BE IT RESOLVED by the Police Oversight Board that:

1. All regular meetings shall be held in the City Council Chambers for the City of Albuquerque on the second Thursday of every month at 5:00 p.m., or as indicated in the meeting notice.

2. The agenda for regular meetings will be posted at least seventy-two hours prior to the meeting at the offices of the Civilian Police Oversight Agency and on the Civilian Police Oversight Agency’s website at www.cabq.gov/cpoa.

3. Notice of regular meetings other than those described in Paragraph 2 will be given ten days in advance of the meeting date. The notice will include a copy of the agenda or information on how a copy of the agenda may be obtained. If not included in the notice, the agenda will be available at least seventy-two hours before the meeting and posted on the Civilian Police Oversight Agency’s website at www.cabq.gov/cpoa.

4. Special meetings may be called by the Chairman or a majority of the members upon three days notice. The notice for a special meeting shall include an agenda for the meeting or information on how a copy of the agenda may be obtained. The agenda will be available at least seventy-two hours before the meeting and posted on the Civilian Police Oversight Agency’s website at www.cabq.gov/cpoa.

5. Emergency meetings will be called only under unforeseen circumstances that demand immediate action to protect the health, safety and property of citizens or to protect the public body from substantial financial loss. The Police Oversight Board will avoid emergency meetings whenever possible. Emergency meetings may be called by the
Chairman or a majority of the members with twenty-four hours prior notice, unless threat of personal injury or property damage requires less notice. The notice for all emergency meetings shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda. Within ten days of taking action on an emergency matter, the Police Oversight Board will notify the Attorney General’s Office.

6. For the purposes of regular meetings, notice requirements are met if notice of the date, time, place and agenda is posted at the offices of the Civilian Police Oversight Agency and on the Civilian Police Oversight Agency’s website at www.cabq.gov/cpoa.

7. Copies of the written notice shall also be mailed to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.

8. For the purposes of special meetings and emergency meetings, notice requirements are met if notice of the date, time, place and agenda is posted at the offices of the Civilian Police Oversight Agency and on the Civilian Police Oversight Agency’s website at www.cabq.gov/cpoa. Telephone notice also shall be given to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.

9. In addition to the information specified above, all notices shall include the following language:

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact

Katrina Sigala at 924-3770

at least one (1) week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact

Katrina Sigala at 924-3770

if a summary or other type of accessible format is needed.

10. The Police Oversight Board may close a meeting to the public only if the subject matter of such discussion or action is excepted from the open meeting requirement under Section 10-15-1(H) of the Open Meetings Act.

(a) If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the Police Oversight Board taken during the open meeting. The authority for the closed meeting and the subjects to be discussed shall be stated with reasonable specificity in the motion to close and the
vote of each individual member on the motion to close shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting.

(b) If a closed meeting is conducted when the Police Oversight Board is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting and the subjects to be discussed with reasonable specificity, is given to the members and to the general public.

(c) Following completion of any closed meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.

(d) Except as provided in Section 10-15-1(H) of the Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by vote of the Police Oversight Board in an open public meeting.

Passed by the Police Oversight Board

this 11th day of October, 2018.