

CIVILIAN POLICE OVERSIGHT BOARD

Thursday, March 16, 2017 – 5:00 PM
Vincent E. Griego Chambers, Basement Level
City/County Government Center – One Civic Plaza NW
Albuquerque, New Mexico

Members Present:

Joanne Fine, Chair
Dr. Carlotta Garcia, Vice Chair
Johnny J. Armijo
Susanne Brown
Eric Cruz
Rev. Dr. David Z. Ring III (left
after the Executive Session)

Members Absent

Dr. Lisa Orick-Martinez
Leonard Waites

Others Present

Edward Harness, CPOA
Michelle Contreras, CPOA
Diane McDermott, CPOA
Amanda Bustos, CPOA
Mark Baker, Esq.
Lt. Jennifer Garcia, APD
Major Jessica Tyler, APD

Meeting Minutes

- I. Welcome and call to order** - Chair Fine called to order the regular meeting of the Police Oversight Board at 5:10 p.m. **Prior to the Pledge of Allegiance, Chair Fine made the following statement:**

“We had a little bit of a delay because of a technical problem, my apologies. I also wanted to say that before we got started, this meeting was postponed, I believe, last November, because the room—there was supposed to be a conflict in this room on the 9th, which we would normally had our meeting. So, if that inconvenienced anyone, I apologize. It was posted on the 9th or if it was posted subsequently, but I just wanted to make sure that you were aware that this decision was made--not by us and it was a long time ago.” Chair Fine
- II. Pledge of Allegiance** – Member Ring led the meeting in the Pledge of Allegiance.
- III. Mission Statement** – Chair Fine read the POB’s Mission Statement.
- IV. Approval of the Agenda**
 - a) A motion was made by Member Armijo to approve the agenda as amended. Member Brown seconded the motion. The motion was carried by the following vote:
For: 6 - Armijo, Brown, Cruz, Fine, Garcia, Ring
- V. Public Comments** –
 - a) Ben Lovato who goes by the name of G.P. used his 3 minute public comment in order that there be a moment of silence in memoriam of Mr. James Boyd who was killed by APD on this date in 2014.
 - b) Tony Pirard advised the POB that he has a list of the victims that were killed by Albuquerque Police and would like to be a voice for them and bring justice to their

- families. Mr. Pirard says that the word “stakeholder” should be removed from the Court Approved Settlement Agreement (CASA) as everyone in the State of New Mexico is a stakeholder. He says the CPCs remain in a dysfunctional state. He has requested a copy of the CPC manual. In addition, he has also requested hard copies of the new SOPs, the new lapel policy and the Use of Force Policy but he has not received them. As long as there are no citizens on these boards, APD will always be in control and the public will be afraid of APD.
- c) Jonathan Betts spoke about his experience with an APD officer who allegedly grabbed him and touched him inappropriately. He read a letter out loud to the POB that he wrote to the Mayor regarding his contact with the APD officer.
 - 1. Chair Fine suggested to Mr. Betts to file a complaint and to include a copy of the letter he wrote to the Mayor with the Civilian Police Oversight Agency and directed him to the CPOA office located at 600 2nd Street NW.
 - d) Charles Arasim would like to know why the POBs independent attorney has not filed a complaint with the District Attorney’s office for criminal charges for violation of the city ordinance. In reference to the amendments to the CPOA Ordinance, Mr. Arasim recommends that the following issues be added to the ordinance: 1) the selection and interviews for a CPOA Director be televised; 2) public comment time; 3) the ability to give public comment time to others who may need more time and 4) other concessions.

VI. Review and Approval of Minutes

a) Minutes from February 9, 2017.

- 1. Member Armijo requested that the following be amended on the minutes:
 - a. Agenda item #11 number 5 be amended to add that the CPOA’s presentation at Oasis be videotaped. *[Note: This item was not added to the minutes for February 9, 2017].*
 - b. Correct agenda item #11 number 6 to reflect “Director of Bernalillo Parks and Recreation” instead of Bernalillo County Commission.
- 2. A motion was made by Member Armijo to approve the minutes from the February 9, 2017 regularly scheduled POB meeting. Member Cruz seconded the motion. The motion was carried by the following vote:
For: 6 - Armijo, Brown, Cruz, Fine, Garcia, Ring

VII. Discussion

a) Councilor Davis’ Resolution regarding Officer-Involved Shootings and In-Custody deaths. (Resolution R-16-135 can be viewed here:

<https://cabq.legistar.com/LegislationDetail.aspx?ID=2899481&GUID=A7071EFE-FC4C-4771-8DA1-275C028C842B>)

1. Discussed Councilor Davis' resolution regarding OIS and in-custody deaths, which would remove APD from the primary investigation.
2. A motion was made by Member Garcia that we do not support the resolution. Member Armijo seconded the motion. The motion was carried by the following vote:
For: 6 - Armijo, Brown, Cruz, Fine, Garcia, Ring

b) POB/CPOA Communications

1. Members discussed their concerns about the communication with the CPOA office.
2. Director Harness to send "tasks" to the POB with deadlines.
3. Chair Fine and Director Harness will be having telephone conference meetings every Monday 2 p.m. to discuss upcoming issues and POB preparation, which will include building the POB agenda.
4. POB members can look at Safelink and Evidence.com materials at the CPOA office.
5. Director Harness to find out for Member Cruz how to close out his old Gmail account.

c) Chief's Response Letters (The Chief Response letters can be viewed on the CPOA's website located here: <http://www.cabq.gov/cpoa/findings-letters/chief-of-police-non-concurrence-letters>)

1. Discussed the Chief's response letters pertaining to his non-concurrence on Citizen Police Complaint (CPC) cases.
2. The Chief's response letters do not meet the standard as set forth in the Ordinance and the Settlement Agreement.
3. APD Major Tyler clarified for the POB that the letters were written in a way in order to retain confidentiality of the case. APD is willing to work with the POB in order for the information to be meaningful for the citizens of Albuquerque.
4. Attorney Mark Baker clarified for the POB Paragraph 285 of the Settlement Agreement regarding the Chief's report back to the POB.
5. Director Harness discussed the following Chief's Response letters:
 - a. CPC 088-16. (See Attachment "A").
 - b. CIRT Cases: C-004-16, C-006-16, C-011-16, C-088-16 (See Attachment "B").
 - i. Major Tyler clarified for the POB the change in practice was that she had given authority to the CIRT detective to investigate the CIRT case in its entirety. However, that does not prohibit the Force Review Board from identifying misconduct the CIRT detective may have missed. The change

will not affect the POB and all the CIRT cases will still be sent to the POB when they are sent the Force Review Board.

- c. The Chief's response letter dated March 7, 2017 *Re: Outstanding Letters from APD to CPOA and POB* was distributed but was not discussed. (See attachment "C").

VIII. 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 can be located at <http://www.cabq.gov/cpoa/findings-letters/civilian-complaints-pob-findings>.

a) Administrative Closed Cases

094-16

b) Cases Investigated

152-16

153-16

169-16

A motion was made by Member Ring to accept these cases [Administratively Closed and Cases investigated] as were written. Member Cruz seconded the motion. The motion was carried by the following vote:

For: 6 - Armijo, Brown, Cruz, Fine, Garcia, Ring

c) CIRT Cases – None

IX. OIS – Ramiro Armendariz I-169-15 According to the Agreement between the APD Union and the City of Albuquerque, the POB is not allowed to know the identity of the police officer named in the complaint. In accordance with the bargaining agreement, the CPOA does not reveal the officer's name to the Board.

- a) Director Harness read his findings summary of I-169-15. The Findings letter to Chief Eden, Jr. dated March 16, 2017 is posted on the CPOA's website located here:

<http://www.cabq.gov/cpoa/findings-letters/special-cases-sent-to-internal-a/officer-involved-shootings>

- b) A motion was made by Member Ring to sustain the CPOA's letter as it is written. Member Cruz seconded the motion. The motion was carried by the following vote:

For: 5 – Armijo, Brown, Cruz, Garcia, Ring

Against: 1 – Fine

*****Member Ring left the meeting during the lunch break/Executive Session*****

- X. (Previously listed on agenda as Item XIII). Meeting with Counsel re: Pending Litigation & 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);**
 - b) Limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2)**
 - 1. A motion was made by Member Cruz to go into executive session. Vice Chair Garcia seconded the motion. The motion was carried by the following vote:
For: 6 – Armijo, Brown, Cruz, Fine, Garcia, Ring
Roll call: Cruz, Garcia, Fine, Ring, Brown, Armijo
 - 2. At 6:38 p.m., the POB went into an executive session/lunch break.
 - 3. At 7:14 p.m., the POB came out of an executive session/lunch break.
 - 4. A motion was made by Vice Chair Garcia to that we are coming out of an executive session only having discussed matters of attorney-client privilege and personnel matters. Member Cruz seconded the motion. The motion was carried by the following vote:
For: 5 – Armijo, Brown, Cruz, Fine, Garcia
Roll call: Cruz, Garcia, Fine, Brown, Armijo
- XI. (Previously listed on agenda as Item VII, d) Judge Brack status conference.**
- a)** The Settlement Agreement Status conference is set for Monday, May 8, 2017 at 9 a.m. at the Federal Court.
 - b)** Members to individually email Chair Fine the topics they want to discuss at the upcoming Settlement Conference with Judge Brack within two weeks as of this meeting.
- XII. (Previously listed on agenda as Item VII, e) City Council Study Session.**
- a)** Director Harness and Chair Fine spoke at the City Council Study session on Friday, March 10, 2017. At the meeting, they discussed the issues of what is going on and not going on with APD including the proposed amendments to the ordinance.
- XIII. (Previously listed on agenda as Item X) POB’s Review of Garrity Materials. None.**
- XIV. (Previously listed on agenda as Item XI) Reports from Subcommittees**
- a) Community Outreach Subcommittee – *Johnny Armijo*** - For more information regarding POB Community Outreach Subcommittee meetings for agendas and minutes, please refer to the website located here:

<http://www.cabq.gov/cpoa/subcommittees/outreach-committee> Member Armijo gave a report on behalf of the Community Outreach Subcommittee:

1. Member Armijo gave a summary of the last meeting held on February 27, 2017 where they discussed the following:
 - a. Plans for the study session;
 - b. Obtaining an understanding of the audience that they will be presenting to and the subject-matter in order that it the Community Outreach Subcommittee can communicate and articulate to the community the true position of the POB and Community Outreach Subcommittee. As part of this outreach effort, Member Armijo suggested the CPOA record a video presentation about the CPOA/POB and show this presentation at future community meetings.
 - c. Establishing community partnerships with who and why;
 - d. How long the POB members are going to be on the POB;
 - e. The Subcommittee members are tasked to prepare what they think the goals, purpose, objectives and timelines should be for the subcommittee in order to compile their own mission statement.
2. Members discussed the different outreach opportunities such as the CPOA presentation at OASIS and reaching the marginalized and homeless population.

b) Policy and Procedure Review Subcommittee – *Susanne Brown*

For more information regarding POB Policy and Procedure Subcommittee meetings for agendas and minutes, please refer to the website located here:

<http://www.cabq.gov/cpoa/subcommittees/policy-procedure-review-committee>

Member Brown gave the following report on behalf of the Policy and Procedure Subcommittee:

1. **Summary of Drug Testing Compliance Report by Dr. Miriam Verploegh (See attachment “D”).** A copy of the document titled *Drug Testing Compliance Report by Dr. Miriam Verploegh* was distributed and discussed.
 - a. Member Brown says this report is satisfactory but emphasized that the recommendation of drug testing officers who are involved in a shooting be reviewed.
 - b. Major Tyler clarified for the board the historical premise for drug testing.
2. **Letter to Chief Eden regarding the purpose and function of the Office of Policy Analysis (See attachment “E” for draft letter and attachment “F” for final and signed version).** A copy of the letter to Chief Eden regarding the purpose and function of the Office of Policy Analysis was distributed and discussed.
 - a. City Attorney Jessica Hernandez suggested to the board the following ideas to have input on policy, they are:

- i. The POB can submit their recommendation through the Office of Policy (OPA);
 - ii. The POB can send a letter to Ms. Hernandez or to Ms. Hultz;
 - iii. The POB can make comments or suggestions through the public hearing process.
 - b. Discussed writing a letter to Ms. Hultz or Ms. Hernandez and copy Dr. Ginger.
 - c. A motion was made by Member Brown to accept the letter [with edits] to send to Chief Eden about the OPA situation. Member Cruz seconded the motion. The motion was carried by the following vote:
For: Armijo, Brown, Cruz, Fine, Garcia
- 3. (Previously listed on agenda at item XIV, a). Ordinance Amendments**
- a. **Summary of Changes to the Ordinance (See attachment “G”).** A copy of the document titled *Summary of changes to the ordinance made by the Policy and Procedures Subcommittee for Board Review* was distributed and discussed.
 - i. Discussed number 5 of the summary of changes handout regarding the requirement of APD to participate in a hearing on non-concurrences.
 - ii. Discussed number 6 of the summary of changes handout regarding subpoena power.
 - a. Attorney Mark Baker read out loud the Settlement Agreement paragraph 283 as quoted *“The City shall grant the agency the authority to subpoena such documents and witnesses as may be necessary to carry out the agency functions identified in this agreement.”*
 - b. **Ordinance with Amendments (See attachment “H”).** A copy of the ordinance with amendments was distributed.
 - c. A motion was made by Member Armijo to accept the ordinance with amendments. Member Brown seconded the motion. The motion was carried by the following vote:
For: 5 – Armijo, Brown, Cruz, Fine, Garcia
- 4. Rules and Procedures for Non-Concurrence Hearings (See attachment “I”).**
A copy of the document titled *Rules and Procedures for Non-Concurrence Hearing* was distributed. Discussed that this procedure would go into the POB’s rules and procedures. This item will be tabled for the next POB meeting in April.
- c) **Case Review Subcommittee – Joanne Fine.** For more information regarding POB Case Review Subcommittee meetings and minutes, please refer to the website located

here: <http://www.cabq.gov/cpoa/subcommittees/case-review-committee-crc>.

Subcommittee Member Fine gave the following report on behalf of the Case Review Subcommittee:

1. The Case Review Subcommittee approved the consent agenda.
2. **Appeals** - The appeal process can be found at: <http://www.cabq.gov/cpoa/appeal-process>
 - i. **132-16.** The request failed to meet the appeal process criteria for an appeal. The appeal is not granted for the reason that there was not a reason to appeal but there was a reason for clarification of the letter. Therefore, the Case Review Subcommittee felt that the CPOA's findings letter should be re-written to clarify the information to the citizen.
 - ii. A motion was made by Member Garcia to accept the re-written letter and denial of the appeal. Member Cruz seconded the motion. The motion was carried by the following vote:
For: 5- Armijo, Brown, Cruz, Fine, Garcia

XV. (Previously listed on agenda at XII). Reports from City Staff

- a) **APD** - APD Lt. Jennifer Garcia of Internal Affairs gave a report on Statistical Data for the Month of February 2017. Copies of the following documents were distributed (See "Attachments J1, J2 and J3"):
 - **Attachment J1**-APD Internal Affairs, Statistical Data for the Month of January.
 - **Attachment J2**- Graph: Internal Investigations February (2011 – 2017), Received Cases Year to Date (2011-2017)
 - **Attachment J3**- Graph: Internal Investigations February (2011 – 2017)
1. Discussed what the police department is doing about problem officers. Some of the questions were: 1) What is APD's system for finding out which police officers are outliers to what you have been constitutional policing; 2) How do you find them? 3) How do you identify those people [officers] and 4) What systems do you have in place and how do you handle it once you find them?
2. Major Tyler discussed that as part of the reform process is to add additional layers of accountability within the department. As a result, APD has placed multiple processes and mechanisms into place in which supervisors can access these tools on a daily basis to identify problem officers. One of the tools supervisors can utilize is a program called EIAPro (a dashboard system which feeds into the EIS system) which allows supervisors to look at information.
3. **APD Status Report (See attachment K).** Major Tyler gave a presentation.
- a) **City Council – Julian Moya** – At the last City Council meeting, they approved the latest POB re-appointments for Joanne Fine and Rev. Dr. David Z. Ring III. In

addition, City Council is still working on getting the new POB appointment (to replace Beth Mohr). The new appointment will be presented at the next City Council meeting.

b) Mayor's Office – No on present to give report.

c) City Attorney – *Jessica Hernandez, City Attorney*

1. The timing of the City's promotional policy, the City's resolution draft is due next Wednesday, March 22, 2017 and that is when they will send it to the parties (DOJ, APOA and the Monitor) and that will start the 15 day period for the Monitor's comments. Ms. Hernandez informed the POB if they have suggestions for the policy, to get them to Assistant City Attorney Samantha Hultz (cc. Jenica Jacobi and Ms. Hernandez) as soon as possible and if there is time, they can try to address them before the 22nd. However, if there is no time, they can try to work within the monitor's 15 days but it may be a challenge.
2. Ms. Hernandez invited the POB to come meet with her on either on the March 30th or March 31st to address concerns prior to the Settlement conference on May 8th. As a result, Chair Fine revised her time to the POB members to get her their concerns to a week from the 16th.

d) CPOA – *Edward Harness, Executive Director CPOA Report*

1. **CIRT Cases:** Director Harness discussed the CIRT cases that went before the Force Review Board.
2. **Force Review Board:** Discussed that there were two Force Review Board meetings on March 2, 2017 and March 15, 2017 in which they went through 10 randomly selected UOF cases.
3. **Force Review Board Tactical Section.** Director Harness attended the Force Review Board Tactical section on the 8th of March in which they reviewed all the swat activations for the month of February.
4. **CPOA Case/JWD Report:**
 - a. Job Well Done Reports received at the CPOA:
January 2017: **11**
February 2017: **11**
 - b. New Complaints received at the CPOA:
January 2017: **30**
February 2017: **36**
5. **Meeting District Attorney Raul Torrez.** Director Harness had a meeting with DA Raul Torrez and the following was discussed:
 - a. DA Torrez has requested the CPOA cc him on any criminal referrals to APD;

- b. DA Torres has requested that the CPOA look at the CIRT cases and to determine if any UOF may arise to criminality and if so, to contact him directly so his office can monitor that investigation.
 - c. The DA's office has hired two full-time attorneys that will work only on OIS cases.
 - d. Director Harness said the meeting went really well.
6. CPOA Analyst Dr. Verploegh's last day was on March 10, 2017. The position has been posted and will be posted until March 29, 2017.
 7. The Daigle Law Group will be coming to Albuquerque to do an IA certification training 16th through 20th of October, 2017. Since Daigle is coming to Albuquerque, not the whole CPOA office will be attending the NACOLE conference this fall.
 8. Director Harness responded to an OIS on February 10, 2017 and to a possible in-custody death on March 6, 2017 (update: the victim will survive so it will not be labeled in-custody death).
 9. CIRT cases can be accessed and viewed by the POB on Safelink.

XVI. (Previously listed on agenda XIII and was moved and addressed in agenda Item X). Meeting with Counsel re: Pending Litigation or Personnel Issues.

XVII. (Previously listed on agenda as XIV) Other Business.

- a) Ordinance Amendments was addressed in Agenda item XIV, 3.
 1. A motion was made by Vice Chair Garcia that they accept item "A" as explained by the chair. Member Armijo seconded the motion. The motion was carried by the following vote:
For: 5- Armijo, Brown, Cruz, Fine, Garcia
- b) **Addressing Open Meetings Act Complaint.** To address the open meetings act complaint by Mr. Arasim, the following agenda items will be addressed from the February 9, 2017 POB meeting agenda:
 1. **Election of Vice-Chair.** Discussed the nomination and election of Dr. Carlotta Garcia as POB vice Chair. A motion was made by Member Armijo to elect Dr. Carlotta Garcia to be the POB's Vice-Chair. Member Brown seconded the motion. The motion was carried by the following vote:
For: 5- Armijo, Brown, Cruz, Fine, Garcia
 2. **Approval of January 12, 2017 Minutes.** A motion was made by Member Cruz to approve the minutes from the January 12, 2017 POB meeting. Vice Chair Garcia seconded the motion. The motion was carried by the following vote:
For: 5-Armijo, Brown, Cruz, Fine, Garcia
 3. **Consent Agenda.**
 - i. **Administratively Closed cases**

012-16 044-16 151-16 187-16

- a. Discussed the report from the Case Review Subcommittee in which all the *administratively closed cases* listed here were discussed and approved.
- b. A motion was made by Vice Chair Garcia to approve the *Administratively Closed cases* presented at the last meeting. The motion was seconded by Member Cruz. The motion was carried by the following vote:
For: 5-Armijo, Brown, Cruz, Fine, Garcia

ii. Cases Investigated

098-16 142-16 174-16

- a. The Case Review Subcommittee suggested that the POB approve the letters as written.
- b. A motion was made by Member Cruz that we pass the *Cases Investigated* from the last meeting. Member Brown seconded the motion. The motion was carried by the following vote:
For: 5-Armijo, Brown, Cruz, Fine, Garcia

4. OIS I-001-15

- i. Director Harness gave a summary of the OIS in which the officer M. was exonerated as to SOP 2-52-3B concerning deadly force.
- ii. A motion was made by Vice Chair Garcia accept the letter that was written on case OIS I-001-15 from the last meeting. Member Cruz seconded the motion. The motion was carried by the following vote:
For: 5-Armijo, Brown, Cruz, Fine, Garcia

5. Commendation for Lt. S. arising out of OIS I-37-15

- i. Discussed the CPOA staff write a commendation on behalf of the POB for Lt. S. because of his efforts during the investigation of OIS I-37-15.
- ii. A motion was made by Member Cruz to move forward for a commendation for Lt. S. Vice Chair Garcia seconded the motion. The motion was carried by the following vote:
For: 5 – Armijo, Brown, Cruz, Fine, Garcia

6. Summary of other comments and proposals

- i. A motion was made by Member Cruz to pass any summary or other comments and proposals that may have been provided last meeting. Vice Chair Garcia seconded the motion. The motion was carried by the following vote:
For: 5-Armijo, Brown, Cruz, Fine, Garcia

- XV. Adjournment** - A motion was made by Member Cruz to adjourn the meeting. Member Armijo seconded the motion. The motion was carried by the following vote:
For: 5 – Armijo, Brown, Cruz, Fine, Garcia

Meeting adjourned at 8:59 p.m.

DRAFT

*Next regularly scheduled POB meeting will be on
Thursday, April 13, 2017 at 5 p.m. in the Vincent E. Griego Chambers.*

APPROVED:

Joanne Fine, Chair
Civilian Police Oversight Agency

Date

CC: Julian Moya, City Council Staff
Natalie Howard, City Clerk
Isaac Benton, City Council President

Minutes drafted and submitted by:
Michelle Contreras, Senior Administrative Assistant

DRAFT

Attachments

DRAFT

CITY OF ALBUQUERQUE

Albuquerque Police Department



Gorden E. Eden, Jr., Chief of Police

March 2, 2017



Edward Harness, Esq., Executive Director
Civilian Police Oversight Agency
P.O. Box 1294
Albuquerque, NM 87103

Re: CPC 088-16

Dear Director Harness:

Thank you for bringing your concerns in reference to CPC 088-16 to my attention. I appreciate and welcome your review of these crucial investigations. This letter seeks to respond to each issue of concern from your correspondence to me dated September 8, 2016.

400 Roma NW
Issue of Concern #1: "APD has a duty to report any suspected violation of the NCIC & NMLETS to the New Mexico Department of Public Safety."

Albuquerque
Response: As a matter of protocol, my Emergency Communications Manager reports any alleged misuse of NCIC and NMLETS to Department of Public Safety NCIC Bureau Chief. That occurred in this case.

New Mexico 87102
Issue of Concern #2: "In addition, this case must be submitted to the Federal Bureau of Investigation"

www.cabq.gov
Response: The Department of Public Safety NCIC Bureau conducts a review of each referral as an investigating agency and if appropriate, makes a referral to the FBI.

Issue of Concern #3: "Presently this administrative investigation is premature and incomplete. It is not acceptable for Sgt. S to make calls; pose hypothetical scenarios and claim that is a criminal investigation. APD Internal Affairs cannot conduct any portion of the criminal investigation. The administrative investigation and criminal investigation must be separate ..."

Albuquerque - Making History 1706-2006

Attachment "A"

Response: I referred to the following directive from the CASA: “The Chief shall consult with the relevant prosecuting agency *or* federal law enforcement agency regarding the initiation of a criminal investigation.”

Internal Affairs operates on my behalf and under my direction they consulted with both relevant state and federal prosecuting agencies to discuss specifics of this case and to determine whether any criminal charges were feasible. This information gathering process was not done as a substitute for a criminal investigation but as a guide for the administrative investigation. IA conducted a complete administrative investigation in accordance with CASA and SOP guidelines.

Please contact me if any further clarification is needed.

Sincerely,



GORDEN E. EDEN, JR.
Chief of Police

GEE/jm

Attachment “A”

CITY OF ALBUQUERQUE

Albuquerque Police Department



Gorden E. Eden, Jr., Chief of Police

March 6, 2017



Edward Harness, Esq., Executive Director
Civilian Police Oversight Agency
P.O. Box 1294
Albuquerque, NM 87103

Re: C-004-16, C-006-16, C-009-16, C-011-16, C-088-16

Dear Director Harness:

Thank you for bringing your concerns in reference to Critical Incident Review Team cases C-004-16, C-006-16, C-009-16, C-011-16, and C-088-16 to my attention. I appreciate your review of these crucial investigations and am pleased you are a voting member of the Force Review Board.

400 Roma NW

As a matter of protocol, Serious Use of Force cases are investigated by Internal Affairs. CIRT is a component of Internal Affairs. All Serious Use of Force cases are reviewed by the Force Review Board. The FRB will ensure corrective action is taken on any policy violations or retraining as needed. Any issues with the noted cases would have been addressed by the FRB.

Albuquerque

New Mexico 87102

Please contact me if any further clarification is needed.

www.cabq.gov

Sincerely,

A handwritten signature in black ink, appearing to read "Gordon E. Eden, Jr.".

GORDEN E. EDEN, JR.
Chief of Police

GEE/jm

Attachment "B"

Albuquerque - Making History 1706-2006

CITY OF ALBUQUERQUE

Albuquerque Police Department



Gorden E. Eden, Jr., Chief of Police

March 7, 2017



Police Oversight Board
C/O Civilian Police Oversight Agency
P.O. Box 1294
Albuquerque, NM 87103

Re: Outstanding letters from APD to CPOA and POB

Dear Chair Fine and Members of the Police Oversight Board:

The CPOA provided the Albuquerque Police Department with a list of “letters not received” from APD. The list was a combination of cases where there was reportedly non-concurrence in findings or discipline in Civilian Police Complaint cases or a non-concurrence in recommendations in reference to Serious Use of Force investigations.

400 Roma NW

Albuquerque

New Mexico 87102

www.cabq.gov

APD apologizes for any miscommunication which may have occurred resulting in a delay of response letters reaching the CPOA or POB. I have responded to each “missing letter” listed with the exception of the following which were incorrectly listed or entered incorrectly into the database. Internal Affairs conferred with official documents after consulting with Director Harness and corrected any errors in the database.

CPC2014-000176 1-04-1F and 1-03-2A1 listed as *unfounded* by the CPOA however records indicate both agencies concurred on *exonerated findings*.

CPC2015-000160 3-14-2C listed twice however only one officer was involved. Listed as *exonerated* by APD however both agencies concurred on *sustained findings*.
1-02-2 B2 listed twice, however only one officer involved.

CPC2015-000195 1-04-1A listed as *unreasonable* by the CPOA however records indicate both agencies concurred on *unfounded findings*.

CPC2015-000223 1-39-2B (x3) listed as *sustained NBOC* by the CPOA and *sustained* by APD however records were corrected to show both agencies concurred on *sustained NBOC findings*.

CPC2016-000013 1-04-4B listed as *sustained NBOC* by the CPOA and *sustained* by APD however records were corrected to show both agencies concurred on *sustained NBOC findings*.

CPC2016-000029 2-52-7B listed as *sustained NBOC* by the CPOA and *sustained* by APD however records were corrected to show both agencies concurred on *sustained NBOC findings*.

Albuquerque - Making History 1706-2006

Attachment “C”

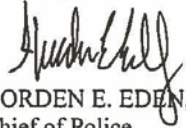
CPC2016-000052 1-04-4N listed as unreasonable by the CPOA however records indicate both agencies concurred on unfounded findings.

CPC2016-000131 Alleged SOP violation listed as 1-04-1F however records indicate the alleged violation to be 1-4-4D20. Non-concurrence letter submitted.

CIRT C-009-15 A check of the file indicates a **concurrence** by CPOA and APD.

Please contact me if any further clarification is needed.

Sincerely,



GORDEN E. EDEN, JR.
Chief of Police

GEE/JT/jm

Attachment "C"

Drug Testing Compliance Report

Miriam Verploegh Data Analyst CPOA
*Data supplied by risk management and APD

Research Project Summary:

The Civilian Police Oversight Agency (CPOA) is tasked with exploring trends within Albuquerque Police Department (APD) data as a way to generate positive change in training, policies, internal accountability, and officer discipline. The CPOA and POB recently undertook a project focused on determining if APD is in compliance with the city wide drug testing procedures. Data was request from APD, analyzed, and results found that APD is in large part compliant with the city wide drug policy. There were 27 tests completed in the time frame, and only 1 accident out of the 121 that should have been tested and was not.

Research Question:

Is APD in compliance with the city wide drug testing procedures? Does APD regularly test for substance use in vehicle accidents if the accident falls under the requirements for testing?

Data Requested from APD:

1. *Officer accidents where the vehicle was towed and whether the officer had drug test;*
2. *Where the actual location was;*
3. *Whether the officer was on duty or in direct transport to and from home*

Data Provided by APD:

APD provided a list of the preventable accidents between February 26th 2016 and January 1st 2017, how many drug tests were done, and if APD tested officers when it should have to be compliant with the policy. The data is attached to this report.

1. Tab 1 - The list of preventable accidents originally given to me by APD Tab 2 - The list of APD Post-Accident Drug Tests from Feb - Dec 2016, pulled from our drug testing records Tab 3 - A combination of the data, that includes whether or not a Post-Accident form was completed and if the employee was tested

When Testing is required by APD according to City Policy:

A Post-Accident Test is required if either 1) anybody involved suffers injuries requiring medical treatment away from the scene of the accident, 2) there was disabling damage to ANY vehicle, requiring it to be towed away from the scene, AND 3) If yes to 1 OR 2, can the driver be completely discounted as a contributing factor to the accident? If the Driver cannot be discounted as a contributing factor, then he/she should be tested.

Findings:

1. There were 300 accidents in the time period
2. There were 121 preventable accidents in the selected time period.
3. There were 27 accidents that resulted in a Post-Accident Test. There were zero (0) positive results.
4. Of those 27, there were two (2) tests that did not meet the criteria for a Post-Accident Test, where the Officer should not have been tested and was. There was no Post Accident Decision Making Form in the Crash Report in either case, but based on the accident reports the Officer was not a contributing factor to the accident in either situation. I am assuming that the Supervisor made the decision based solely on the fact that the vehicle was towed, and did not take into account whether or not the Officer could be discounted as a contributing factor.
5. There was one (1) accident that met the criteria for a Post-Accident Test based on the Post Accident Decision Making Form, but no test was conducted. This one case was an abnormal scenario: The Officer struck a median while on duty, and did not discover the extent of the damage until he got home. We cannot test Officers while they are off-duty, but he should have been brought in for Drug Testing at the beginning of his next shift (as long as it was within 32-hrs of the time of the accident, as stated on Pg. 2 of the Post Accident Decision Making Form).

Conclusion:

This report is based on the data provided by APD on preventable accidents. 27 out of the 103 met the requirements for testing outlined by the city and were tested. One accident was not tested and should have been because the officer did not realize the damage in time and therefore did not report it. It is the opinion of the Civilian Police Oversight Agency that APD is in general compliance with this policy.

Attachment "D"

CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board *Joanne Fine, Chair* *Dr. Carlotta Garcia, Vice Chair*
Johnny J. Armijo *Susanne Brown* *Eric H. Cruz*
Dr. Lisa M. Orick-Martinez *Rev. Dr. David Z. Ring III*
Edward Harness, Executive Director

Date: February, 2nd 2017

Gorden E. Eden Jr., Chief of Police
City of Albuquerque
Albuquerque Police Department
400 Roma NW
Albuquerque, NM 87102

RE: Purpose and Function of the Office of Policy Analysis

Dear Chief Eden,

Based on concerns about the policy development process expressed by the Department of Justice and the Internal Monitoring Team, APD has committed itself to develop policies that allow for a focus on evidence based best practices and community input. This commitment to restructuring the policy development process motivated the creation of the Office of Policy Development (OPA). OPA was developed as a group that would take a deep dive into best practices and evidence based research on police standard operating procedure. It was set up as the first policy writing body that would focus on data, best practices, state and federal statute, and provide space for input from the oversight bodies and community stakeholders.

This is a challenging proposition to undertake. The CPOA and the POB were quietly optimistic that this would provide a deeper foundation of research as well as a space for community involvement. Unfortunately, as OPA has developed it has not been able to meet the standards and requirements it set for itself. OPA has consistently fallen short of its chosen ideal leaving APD without a foundation in best practices or a firm grasp on community needs or contribution. A few of the issues that OPA has faced are:

1. OPA was organized in a way that would allow experts from APD to collect evidence based research, best practices, and state and federal law to the OPA board to review for each policy. However, there are no members of OPA that are able or capable of consistently providing that data and research to OPA when SOP's are being reviewed.
2. OPA has not followed its own policy review schedule and continually adds new policies not on the agenda for review, making it increasingly difficult for the members representing oversight to reach out to citizens for feedback or even bring their own research to the committee to inform policy making decisions.
3. The Chief of Police publicly suggests that Judge Garcia is a member of OPA and provides information and council to the body. Judge Garcia has never been in attendance at an OPA meeting and this misinformation is a reflection of the lack of understand and participation of command staff in the process of policy development at APD.
4. OPA suggests that it has subject matter experts to inform each policy; however these individuals do not have the experience or credentials to put them in a position to be

Attachment "E"

subject matter experts. This leaves the committee without the needed expertise, experience, and research to make informed decisions.

5. OPA purports itself to be the one space where community recommendations will be heard and sought out, however OPA does not make an effort to seek out community input on SOP's being reviewed. Furthermore, when the oversight members make recommendations they are often dismissed or delayed leading to frustration and disillusionment on the part of the oversight bodies.

These issues are concerning to the CPOA and the POB for several reasons. They suggest a lack of ability to create and produce substantive change, they effectively silence public comment, they reflect a lack of emphasis on data and research, and ultimately suggest a concerning dismissal of one of the most important functions of APD's administrative responsibilities. At minimum OPA should have 3 staffed positions: a chair responsible for organization of the policy review process, a legal consultant, and an individual responsible for collecting required data and research for each reviewed policy. Members of OPA, the CPOA, and the POB met on February 28th to discuss streamlining this process. While this was a good step forward, both oversight, APD, and the community have a lot of work to do to structure APD's policy review process in a way that will effectively mitigate the problems outlined in this letter. We hope that this letter will update all parties about the problems that exist in the policy development process.

The CPOA and the POB want to applaud APD for its initial steps towards an effective policy writing process and would like to further encourage them to work to make the changes needed to meet the goals and requirements requested by the settlement agreement with the department of Justice. The POB would like APD, OPA, and the command staff to further reflect on these concerns and respond to these apprehensions with some potential solutions for addressing them. We look forward to your reply to our recommendations above, in compliance with your obligations under §9-4-1-5(C) (5) (b).

Thank you for your prompt attention to this matter.
Sincerely,

Joanne Fine, Chair
Police Oversight Board

CC: City Council President Dan Lewis
Mayor Richard J. Berry
City Attorney Jessica Hernandez
James Ginger Ph.D.
United States Attorney Damon Martinez
City Clerk Natalie Howard

Attachment "E"

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board *Joanne Fine, Chair* *Dr. Carlotta Garcia, Vice Chair*
Johnny J. Armijo *Susanne Brown* *Eric H. Cruz*
Dr. Lisa M. Orick-Martinez *Rev. Dr. David Z. Ring III* *Leonard Waites*
Edward Harness, Executive Director

March 16, 2017

Gorden E. Eden Jr., Chief of Police
City of Albuquerque
Albuquerque Police Department
400 Roma NW
Albuquerque, NM 87102

RE: Purpose and Function of the Office of Policy Analysis

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Based on concerns about the policy development process expressed by the Department of Justice and the Internal Monitoring Team, APD has committed itself to develop policies that allow for a focus on evidence-based best practices and community input. This commitment to restructuring the policy development process motivated the creation of the Office of Policy Analysis (OPA). OPA was developed as a group that would take a deep dive into best practices and evidence based research on police standard operating procedure. OPA was set up as the first policy writing body that would focus on data, best practices, state and federal statute, and provide space for input from the oversight bodies and community stakeholders.

PO Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

The Civilian Police Oversight Agency (CPOA) and the Police Oversight Board (POB) were quietly optimistic that this would provide a deeper foundation of research as well as a space for community involvement. Unfortunately, as OPA has developed, it has not been able to meet the minimum standards and requirements. OPA has consistently fallen short of its chosen ideal leaving APD without a foundation in best practices or a firm grasp on community needs or contribution. A few of the issues that OPA has faced are:

1. OPA was organized in a way that would allow experts from APD to collect evidence based research, best practices, and state and federal law to the OPA board to review for each policy. However, there are no members of OPA who are able or capable of consistently providing that data and research to OPA when SOPs are being reviewed.
2. OPA has not followed its own policy review schedule and continually adds new policies not on the agenda for review; this makes it increasingly difficult for the members representing oversight to reach out to citizens for feedback or bring their own research to the committee for policy making decisions.

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3. The Chief of Police publicly suggests that Judge Lorenzo Garcia is a member of OPA and provides information and council to the body. Judge Garcia is not a member and this misinformation is a reflection of the lack of understanding and participation of command staff in the process of policy development at APD.
4. OPA suggests that it has the subject-matter experts to advise on each policy; however these individuals do not have the experience or credentials to put them in a position to be subject-matter experts. This leaves the committee without expertise, experience, and research to make informed decisions.
5. OPA purports itself to be the entity where community recommendations will be heard and sought out, however OPA does not make an effort to seek out community input on SOPs being reviewed. Furthermore, when POB or CPOA members make recommendations they are often dismissed which leads to frustration and disillusionment on the part of the oversight bodies.

These issues are concerning to the CPOA and the POB for several reasons. (1) They suggest a lack of ability to create and produce substantive change, (2) they effectively silence public comment, (3) they reflect a lack of emphasis on data and research, (4) suggest a concerning dismissal of one of the most important functions of APD's administrative responsibilities. At minimum OPA should have three staffed positions: a chair responsible for organization of the policy review process, a legal consultant, and an individual responsible for collecting required data and research for each reviewed policy. Members of OPA, the CPOA, and the POB met on February 28, 2017 to discuss streamlining this process. While this was a good step forward, both oversight, APD, and the community have a lot of work to do to structure APD's policy review process in a way that will effectively mitigate the problems outlined in this letter. We hope that this letter will update all parties about the problems that exist in the policy development process.

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Thank you for your prompt attention to this matter.

Attachment "F"

POB Letter to Chief Eden
March 16, 2017
Page 3

Sincerely,

A handwritten signature in black ink that reads "Joanne Fine". The signature is written in a cursive, flowing style.

Joanne Fine, Chair
Police Oversight Board

CC: City Council President Isaac Benton
Mayor Richard J. Berry
City Attorney Jessica Hernandez
James Ginger Ph.D.
Elizabeth Martinez, United States Attorney's Office
Fred Mowrer, APOA Attorney
Edward Harness, CPOA Executive Director

Attachment "F"

Summary of changes to the ordinance made by the Policy and Procedures Subcommittee for board review (All changes reviewed and vetted by legal council):

1. Addition of language requiring POB and CPOA to have access to raw unanalyzed data [Page 1 (D), Page 2 (3), and Page 3 (b)]
2. Addition of language requiring APD to take input from CPOA and POB on Policy, including seats on the policy writing bodies [Page 1-(E), Page 4 (6)]
3. Increase of the CPOA budget from ½% to 0.8% [Page 2 (2)]
4. Addition of the Data Analyst and Community Engagement Specialist positions to the Ordinance [Page 2 (b)]
5. **Requirement of APD to participate in a hearing on non-concurrences for policy and investigation findings [Page 4 (b), and Page 10 (c)]**
6. **Change allowing POB to have Subpoena power [Page 6 (j)]**
7. Addition of language requiring the Chief of Police to notify the CPOA and the Complainant of final findings and discipline. [Page 9 (c)]

Attachment “G”

Red: Previously reviewed by the POB (deletion)

Green: New Recommendations from the Policy and Procedures Subcommittee

PART 1: CIVILIAN POLICE OVERSIGHT AGENCY

§ 9-4-1-1 SHORT TITLE.

Sections 9-4-1-1 through 9-4-1-14 may be cited as the Police Oversight Ordinance.

(Ord. 2014-019)

§ 9-4-1-2 PURPOSE.

The purpose of §§ 9-4-1-1 through 9-4-1-14 is to:

- (A) Foster and perpetuate policing policies and practices that effectively maintain social order and which at the same time foster mutual trust and cooperation between police and civilians;
- (B) Ensure that the civilian police oversight body functions as independently as possible from the executive and legislative branches of government of the City of Albuquerque;
- (C) Provide civilians and police officers a fair and impartial system for the investigations and determinations on civilian police complaints;
- (D) Gather and analyze information, reports, and data, including raw data (hereinafter defined as facts and statistics or other data that has not been processed or analyzed), to analyze trends and potential issues concerning police conduct and practices and the related impacts on the community and individuals.

(E) Provide City Council, Mayor, and Chief of Police input and guidance for policy development. Provide policy guidance to the City Council, the Mayor and the Chief of Police.

(Ord. 2014-019)

§ 9-4-1-3 LEGISLATIVE FINDINGS.

(A) The City of Albuquerque deserves a highly professional well trained Police Department; however, an effective oversight function has not yet evolved to the satisfaction of the community's needs.

(B) In 1996 the City Council initiated a process to independently review the City's mechanisms of police oversight since the system had not been independently evaluated since 1988. As a result of that process, the City Council abolished the then existing Public Safety Advisory Board, and in lieu thereof established the current Police Oversight Commission (POC).

(C) In 2013 the City Council initiated a new process aimed at evaluating potential improvements to the POC and its processes by establishing an Ad Hoc Police Oversight Task Force (POTF). The POTF evaluated the City's current system, studied oversight options, held three Town Hall Meetings to receive input from the public, and presented their final recommendations.

(D) On April 10, 2014, the City also received findings from the United States Department of Justice that in part concluded that the City's external oversight system contributed to overall systemic problems with the Police Department's use of force in encounters with civilians.

(E) The Council understands that a properly conceived and functioning police oversight system is necessary to promote accountability of the police officers and protect the rights of civilians, and finds that adopting the recommendations of the POTF will advance these goals and will help respond to the shortcomings identified by the Department of Justice,

(F) The Council hereby abolishes the POC and replaces it with a Civilian Police Oversight Agency as prescribed by this Article.

(Ord. 2014-019)

§ 9-4-1-4 CIVILIAN POLICE OVERSIGHT AGENCY.

There is hereby created a Civilian Police Oversight Agency (the "CPOA") as an independent agency of City Government, not part of either the City Administration or City Council that consists of a Police Oversight Board (the "POB") and an Administrative Office led by the CPOA Executive Director. In

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addition to any other duties, the Administrative Office, through the Executive Director and staff, shall investigate all civilian complaints relating to police conduct, monitor and report on police internal affairs matters, provide staffing to the POB, and manage the day to day operations of the CPOA. The POB shall provide policy guidance for, and civilian oversight of the Albuquerque Police Department (APD) and review and approve or amend the findings and conclusions of all investigations completed by the Administrative Office.

(A) Independence. The CPOA is independent of the Mayor's Office, the City Council, and the APD with respect to the performance of its oversight role and duties under §§ 9-4-1-1 through 9-4-1-14.

(1) Facility Location. The CPOA shall be housed in a facility that is separate from any police presence and is located outside of the Albuquerque/Bernalillo Government Center, the Police Department and/or all of the police substations.

(2) Budget. The CPOA shall have a dedicated and independent source of funding equal to, at a minimum, 0.8% 172% of APD's annual operation budget, administer its own budget and supervise its own staff in compliance with the City's Merit Ordinance and contractual services policies and procedures. The CPOA shall recommend and propose its budget to the Mayor and City Council during the City's budget process to carry out the powers and duties under §§ 9-4-1-1 through 9-4-1-14, including the funding for staff, and all necessary operating expenses.

(3) Professional Legal Services. 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 §§ 9-4-1-1 through 9-4-1-14 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.

(4) Applicability of City Policies and Ordinances. The CPOA shall comply with all City ordinances and policies dealing with administrative functions including but not limited to those dealing with personnel, the merit system, and procurements.

(B) Staff. The CPOA shall employ such staff as necessary to carry out its functions as prescribed by this Article, including but not limited to an executive director, professional investigative staff, data research analyst, community engagement specialist and other staff as may be necessary, subject to budget sufficiency and City personnel policies and procedures.

(C) Responsibilities. The CPOA is responsible for civilian police oversight and has the following powers and duties:

(1) Community Outreach. The CPOA shall develop, implement, and from time to time amend as necessary, a program of community outreach aimed at soliciting public input from the broadest segment of the community in terms of geography, culture, ethnicity, and socio-economics. The CPOA shall employ or designate a full time staff member within the Administrative Office dedicated to community outreach efforts. The CPOA shall report its community outreach efforts to the City Council on an annual basis.

(2) Promotion of Accountability. The CPOA shall promote a spirit of accountability and communication between the civilians and the APD improving community relations and enhancing public confidence.

(3) Analysis. The CPOA shall provide thorough evaluation of data to support new and revised APD policies using APD raw data, national trends, and best practices (hereinafter defined as law enforcement methods or techniques based upon the experience and evidence of other departments or agencies that have consistently shown superior evidence-based results compared to other practices).

(4) Investigations. The Administrative Office shall independently investigate all civilian complaints; shall audit and monitor all incidences of use of force by police and all matters under investigation by APD's Internal Affairs (IA) or other APD personnel tasked with conducting administrative

Attachment "H"

investigations related to a use of force incident; and shall prepare proposed findings and recommendations on all officer involved shootings and serious uses of force as defined by Article III, Paragraph 12, Subsection (qq) of the court-approved DOJ Settlement Agreement with the City of Albuquerque ("Serious Uses of Force").

(a) Where an officer has engaged in conduct that may reasonably lead to a criminal charge against the officer, IA and the CPOA have a shared interest in exercising care to avoid interfering with the criminal process while simultaneously maintaining the integrity of the disciplinary process for officers. Consistent with this shared interest, IA and the CPOA will regularly confer and take reasonable steps to coordinate the handling of investigations into matters that reasonably may lead to a criminal charge against an officer. Before taking action related to a serious use of force or officer involved shooting, the 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 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 Director determines that proceeding is appropriate and will not compromise a criminal investigation. If the 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 Director may proceed only after obtaining approval to do so through a 2/3 vote of the POB. The POB shall provide notice of any such vote permitting the Director to proceed in such circumstances to APD and the police officer involved.

(b) APD shall provide POB members, the Director, and CPOA staff with reasonable access to APD premises, files, documents, reports, data, including raw data, and other materials that are reasonably necessary for the agency to perform thorough, independent investigations of civilian complaints and reviews of serious uses of force and officer-involved shootings. However, any material protected from disclosure by law shall remain within the custody and control of APD at all times and will be handled in accordance with the applicable legal restrictions.

(c) All complaints filed by police officers will be investigated by IA. IA shall provide a weekly update to the Director on all open internal investigations. The Director's investigation report and findings 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. Redacted personnel records including those of the IA Unit shall be made available to the POB on demand.

(d) Information that is covered by Garrity will be treated as confidential to the extent permitted by law and may only be reviewed by members of the POB by application in writing, and by majority vote of the POB. If the POB votes to review Garrity material, members of the POB may only do so on APD property. The POB may not remove or make copies of such statements. If the POB desires to discuss the specific content of statements protected by Garrity, such discussion will occur only in closed session as permitted under the New Mexico Open Meetings Act, NMSA 1978, § 10-15-1(H)(2). The POB shall only summarize conclusions reached after a review of a Garrity statement, but shall not disclose the statement. The POB shall maintain the confidentiality of any Garrity material or records that are made confidential to the extent permitted by law and 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 the confidentiality provisions of this section 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. This provision shall apply to all aspects of the POB's work.

Attachment "H"

(e) Mediation First. Whenever possible, and as further described in § 9-4-1-6(C)(3) of this ordinance, mediation should be the first option for resolution of civilian police complaints.

(f) POB Audits; Access to Files. 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, or 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 (2/3) of the members of the POB, perform an audit, or direct that an audit be performed, on any individual Citizen Police Complaint Investigation completed by the Administrative Office. For purposes of its audit function, the POB shall have full access to investigation files and may subpoena such documents and witnesses as relevant to its audit function.

(g) Disciplinary Recommendations. The POB may, in its discretion, recommend officer discipline from the Chart of Sanctions for investigations that result in sustained civilian police complaints; and may also recommend discipline based on any findings that result from review of IA investigations of officer involved shootings and serious uses of force. Imposition of the recommended discipline is at the discretion of the Chief of Police, but if the Chief of Police does not follow the disciplinary recommendation of the POB, the Chief of Police shall respond in writing, within 30 days, with the reason as to why the recommended discipline was not imposed.

(5) Reports to Mayor & Council. The CPOA shall submit a semi-annual written report to the Mayor and City Council according to § 9-4-1-10 herein. The CPOA Executive Director shall provide a quarterly oral report to the City Council at a regular or special meeting.

(6) CPOA Policy Recommendations. The CPOA shall engage in a long-term planning process through which it identifies major problems, trends, and best practices to evaluate the efficacy of existing law enforcement practices in dealing with the same, and establishes a program of resulting policy suggestions and studies each year. The CPOA's policy recommendation process shall be as follows:

(a) The POB shall review and analyze policy suggestions, analysis, studies, and trend data collected or developed by the Administrative Office, and shall by majority vote recommend policies relating to training, programs and procedures or other matters relating to APD. The POB's policy recommendations shall be submitted to APD and to the City Council. The POB shall dedicate a majority (more than 50%) of its time to the functions described in this subsection.

(b) The Chief of Police shall respond in writing within 45 days to any such policy recommendations by the CPOA, and indicate whether they will be followed through standard operating procedures or should be adopted as policy by the City Council, or explain any reasons why such policy recommendations will not be followed or should not be adopted. If the Chief, or his/her designee, and the POB disagree on POB's policy recommendations, the POB may conduct a hearing requiring the Chief, or his/her designee to appear at a designated POB meeting and explain their reason for non-concurrence.

(c) Within six months of its appointment, the POB shall draft and approve policies, rules and procedures that ensure that the POB shall dedicate a majority of its time to the functions described in this subsection.

(d) One POB member and the CPOA Executive Director or their designees shall be voting members for all APD policy committees.

(Ord. 2014-019; Am. Ord. 2015-006; Am. Ord. 2016-013)

§ 9-4-1-5 THE CPOA POLICE OVERSIGHT BOARD.

(A) Composition. The POB shall be composed of nine at-large members who broadly represent the diversity and demographics of the City by way of, including but not limited to, cultural,

Attachment "H"

gender and geographic diversity; and who are representative of the stakeholders of the police oversight process, and who reside within the City of Albuquerque.

(B) Qualifications. In addition to the composition standards set forth above, the following are the minimum qualifications for members of the POB:

- (1) Have not been employed by law enforcement for one year prior to appointment; and
- (2) Successfully pass a background check; and
- (3) Personal history lacking any pattern of unsubstantiated complaints against APD; and
- (4) A demonstrated ability to engage in mature, impartial decision making; and
- (5) A commitment to transparency and impartial decision making; and
- (6) Residency within the City of Albuquerque.

(C) Appointment of Members. The City Council shall establish a well-publicized, fair and equitable application process for appointment to the POB. The City Council, through its staff, shall accept applications from prospective POB members. Staff shall formulate recommendations for appointments based on evaluation of the qualification criteria listed in subsections (A) and (B) above and submit recommendations for appointment(s) to the City Council for its approval. If a member is eligible for reappointment, staff may suggest reappointment of that member without a formal application process and the City Council may reappoint accordingly.

(D) Membership Term. POB members shall serve a maximum of two three-year terms on a staggered basis so that no more than five of the members are eligible for reappointment or replacement each year.

(E) Removal of Members. Any POB member may be removed for cause by a two-thirds majority vote of either the POB itself or the City Council. The appointment of any member who has been absent and not excused from three consecutive regular or special meetings shall automatically expire effective on the date the fact of such absence is reported by the POB 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.

(F) Orientation and Training. Upon appointment or reappointment POB members shall complete an orientation and training program consisting of the following:

(1) Required Orientation. Prior to participation in any meeting of the POB, a newly appointed member must first:

- (a) Be trained by the CPOA staff or CPOA legal counsel on CPOA and APD rules, policies, and procedures; and
- (b) Attend at least one POB meeting as an observer (except initial appointees).

(2) 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:

- (a) Completion of those portions of the APD Civilian Police Academy that APD determines are necessary for the POB to have a sound understanding of the Department, its policies, and the work officers perform - for purposes of this training requirement, APD shall identify those portions of the standard APD Civilian Police Academy Program that are optional for POB members and shall make other aspects of the program available for POB members to complete independently;
- (b) Civil Rights training, including the Fourth Amendment right to be free from unreasonable searches and seizures, including unreasonable use of force;
- (c) At least two APD ride-alongs;
- (d) Annual firearms simulation training;
- (e) IA training;

Attachment "H"

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

(g) Equity and Cultural Sensitivity training;

(h) Training on the 2014 DOJ Settlement Agreement with the City of Albuquerque (or any subsequent agreements), and Findings Letter of April 10, 2014 (or any subsequent findings letters);

(i) Training on this Police Oversight Ordinance;

(j) Training on state and local laws regarding public meetings and the conduct of public officials; and

(k) 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.

(3) Required On-Going Training. POB members shall be provided with eight hours of annual training on any changes in law, policy, or training in the areas outlined under subsection (2) above, 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. POB members shall also participate in at least two police ride-alongs for every six-months of service on the POB.

(4) Recommended Training. POB members are encouraged to attend conferences and workshops relating to police oversight, such as the annual NACOLE conference at city expense depending on budget availability.

(G) Chair. The POB shall elect one of its members as the Chairperson and one as Vice-Chairperson, who shall each hold office for one year and until their successors are elected. No officer shall be eligible to immediately succeed himself or herself in the same office. Officers shall be elected in the month of March of each calendar year or upon vacancy of an office to fill the remaining term.

(H) Subcommittees. The POB may appoint such subcommittees as are deemed necessary or desirable for the purposes of §§ 9-4-1-1 through 9-4-1-14, provided that, membership on such subcommittees shall be limited to POB members.

(I) Meetings. The POB shall conduct regularly scheduled public meetings in compliance with the New Mexico Open Meetings Act, with a prepared agenda that is distributed in advance to the Mayor, City Council, Police Chief, and City Attorney. Each POB meeting will begin with public comments. Only the regularly scheduled monthly meetings and special meetings held pursuant to submission of petitions will be televised live on the appropriate government access channel. All other meetings of the POB shall be videotaped and aired on the appropriate government access channel; however, there is no requirement for providing live television coverage.

1. Public Comment. The POB shall allow general public comment at each of its meetings, and the POB shall also allow comment on each of its agenda items other than Citizen Police Complaints. The complainant or complainant's authorized representative in a Citizen Police Complaint will be provided with a minimum of five minutes to address the POB relating to the complaint and investigation.

(J) Subpoenas. The POB shall have the power to subpoena witnesses, administer oaths and require the production of records subject to the New Mexico Rules of Civil Procedure. In the case of a refusal to obey a subpoena issued to any person, the POB may make application to any District Court in the state that shall have the jurisdiction to order the witness to appear before the POB and to produce evidence if so ordered, or to give testimony touching on the matter in question.

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(Ord. 2014-019; Am. Ord. 2015-006; Am. Ord. 2016-013)

§ 9-4-1-6 CPOA ADMINISTRATIVE OFFICE.

(A) The staff and administration of the CPOA shall be directed by the CPOA Executive Director (the "Director").

(B) In addition to any other duties expressed or implied by this ordinance the Director shall:

(1) Independently investigate, or cause to be investigated, all civilian police complaints and prepare findings and recommendations for review by the POB;

(2) Review and monitor all IA investigations and other administrative investigations related to officer involved shooting investigations and serious uses of force investigations. The Director shall prepare and submit findings and recommendations to the POB relating to officer involved shootings and serious uses of force, and shall report on general trends and issues identified through monitoring or auditing of IA;

(3) Provide staffing to the POB and ensure that the duties and responsibilities of the CPOA are executed in an efficient manner, and manage the day to day operations of the CPOA.

(C) The Administrative Office will receive and process all civilian complaints directed against the APD and any of its officers. The Director shall independently investigate and make findings and recommendations for review by the POB for such civilian complaints, or assign them for independent investigation by CPOA staff or an outside independent investigator. If assigned to staff or an outside investigator, the Director shall oversee, monitor and review all such investigations and findings for each. All findings relating to civilian complaints, officer involved shootings, and serious uses of force shall be forwarded to the POB for its review and approval. For all investigations, the Director shall make recommendations and give advice regarding Police Department policies and procedures to the POB as the Director deems advisable.

(1) Investigation of all civilian complaints filed with the CPOA shall begin immediately after complaints are filed and proceed as expeditiously as possible, and if an investigation exceeds a timeframe of nine months the Director must report the reasons to the POB; and

(2) All civilian complaints filed with other offices within the city authorized to accept civilian complaints, including the Police Department, shall be immediately referred to the Director for investigation; and

(3) Mediation should be the first option for resolution of civilian police complaints. Mediators should be independent of the CPOA, APD, and the City, and should not be former officers or employees of APD. At the discretion of the Director an impartial system of mediation should be considered appropriate for certain complaints. If all parties involved reach an agreement, the mediation is considered successful and no investigation will occur; and

(4) The Director shall monitor all claims of officer involved shootings and serious uses of force. No APD related settlements in excess of \$25,000 shall be made for claims without the knowledge of the Director. The Director shall be an ex-officio member of the Claims Review Board; and

(5) All investigations shall be thorough, objective, fair, impartial, and free from political influence; and

(6) The Director shall maintain and compile all information necessary to satisfy the CPOA's semi-annual written reporting requirements in § 9-4-1-10; and

(7) If at any point during an investigation the investigator determines that there may have been criminal conduct by any APD personnel, the investigator shall immediately notify the APD IA Bureau commanding officer and transfer the administrative investigation to the IA Bureau. The CPOA may review the IA investigation and continue processing the complaint at any time upon the conclusion of any criminal proceeding.

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(D) The Director shall have access to any Police Department information or documents that are relevant to a civilian's complaint, or to an issue which is ongoing at the CPOA.

(E) The Administrative Office shall staff, coordinate and provide technical support for all scheduled POB meetings, publicize all findings and reports, recommendations, and/or suggested policy changes.

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(F) The Director shall play an active public role in the community, and whenever possible, provide appropriate outreach to the community, publicize the civilian complaint process, and identify locations within the community that are suitable for civilians to file complaints in a non-police environment.

(G) The Director shall be provided the necessary professional and/or clerical employees for the effective staffing of the Administrative Office, and shall prescribe the duties of these staff members. Such professional and clerical employees will be classified city employees. All CPOA staff with investigative duties shall be professional investigators trained in professional investigation techniques and practices.

(H) The Director shall report directly to the POB and lead the Administrative Office; independently investigate or supervise all investigations of civilian complaints, audit all IA investigations of complaints, recommend and participate in mediation of certain complaints, and supervise all CPOA staff.

(Ord. 2014-019; Am. Ord. 2016-013)

§ 9-4-1-7 CPOA DIRECTOR QUALIFICATIONS, SELECTION, RETENTION AND EVALUATION.

(A) Qualifications for the position of Director shall minimally include the requirement of a law degree and experience in criminal investigations.

(B) The Director will be a full-time contractual city employee to be selected, removed, or reviewed as follows:

(1) The POB, through CPOA staff, shall accept applications from candidates. The POB shall review the applications and interview candidates, and submit to the City Council a ranked list of the three candidates that it finds to be the best qualified to be the Director and the City Council shall appoint the Director from the three by majority vote. The POB's recommendation to Council shall be based on the candidates' integrity, capability for strong management and abilities in investigations, law, management analysis, public administration, criminal justice administration or other closely related fields.

(2) In lieu of recommending three candidates to the Council, the POB may recommend to the Council the reconfirmation of the incumbent Director. Should the Council decline to reconfirm the incumbent Director, the Council President shall notify the POB that it needs to provide the Council with three alternate candidates pursuant to the provisions of subsection (B)(1). Should the Director not be reconfirmed, the current Director may continue to serve in the same capacity until a new Director is selected and approved by the City Council. If for any reason there is a period of time during which there is no Director, the City Council may appoint a temporary Director of its choosing by a majority vote. A temporary Director shall serve in that capacity only for a period not to exceed six months.

(3) 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.

Attachment "H"

(C) The POB shall annually review the performance of the Director taking into consideration the obligations and duties prescribed by this ordinance and the performance of the Administrative Office.

(Ord. 2014-019; Am. Ord. 2015-006)

§ 9-4-1-8 CIVILIAN COMPLAINT PROCEDURES.

(A) Any person claiming to be aggrieved by actions of the Police may file a written complaint against the department or any of its officers. The POB shall submit rules and regulations governing civilian complaint procedures to the City Council for approval, including rules and regulations relative to time limits, notice and other measures to insure impartial review of civilians' complaints against members of the police department. Anonymous complaints shall be accepted.

(B) In cooperation with the POB, the Mayor shall designate civilian city staff to receive written civilian complaints at various locations throughout the city. The Police Department may also receive written complaints. The party who receives the complaint shall immediately transmit all civilian complaints for further investigation to the Director.

(C) After the investigation of a civilian complaint is completed, the Director shall analyze all relevant and material circumstances, facts and evidence gathered under the investigation. For each investigation, the Director shall prepare investigation reports with proposed findings and recommendations and submit them to the POB for its review and consideration. The Director may share any disciplinary recommendations with the Chief of Police in advance of their submission to the POB only as necessary to help ensure timeliness pursuant to any applicable personnel or union contract requirements. The POB shall review the proposed findings and recommendations, and shall by majority vote of members present: 1) approve the findings and recommendations as proposed; 2) approve other findings and recommendations as determined by the POB and supported by the investigation file; or 3) defer action on the matter to allow for further investigation or analysis by the Director. As part of its review, the full investigation file shall be made available to the POB. Upon approval of complaint findings and recommended discipline by the POB, the CPOA Director shall prepare and submit a public record letter to the civilian complainant, with a copy to the Chief of Police, that outlines the findings and recommended discipline as approved. Within 30 days of receipt of the letter outlining the POB findings and recommended discipline unless a hearing is requested by the civilian complainant, the Chief of Police shall notify both the POB and the original civilian complainant in writing, by certified mail of his or her final decisions regarding any unfounded, exonerated, sustained, or not sustained findings in the particular complaint.

(Ord. 2014-019; Am. Ord. 2016-013)

§ 9-4-1-9 REQUESTS FOR HEARING; APPEALS OF DISCIPLINARY DECISIONS.

(A) Requests for Hearing. Any person who has filed a civilian and who is dissatisfied with the findings and/or recommendations approved by the POB may request reconsideration by the POB within 30 days (inclusive of weekends and holidays) of receipt of the public record letter. 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) that the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion, or 3) that the findings and recommendations were not consistent with the record evidence. The POB shall notify the Chief of Police 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 days between the receipt of the request for hearing and the next POB meeting. Upon close of the hearing the POB may modify or change the findings and/or recommendations of the public record letter and may make further recommendations to the Chief of Police regarding the findings and/or recommendations and any discipline imposed by the Chief of Police or proposed by the Chief of Police. Within 20 days of receipt of the decision of the POB, the Chief of Police shall notify the POB and the

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original civilian complainant of his or her final disciplinary decision in this matter in writing, by certified mail.

(B) Appeals of the Disciplinary Decision. If any person who has filed a civilian complaint under §§ 9-4-1-1 through 9-4-1-14 is not satisfied with the final disciplinary decision of the Chief of Police or any matter relating to the Chief of Police'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 of Police by requesting such review in writing within 30 days (inclusive of weekends and holidays) of receipt of the Chief of Police's letter pursuant to § 9-4-1-9(A). Upon completion of his or her review, the Chief Administrative Officer shall take any action necessary, including overriding the decision of the Chief of Police 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 of Police and the Director, of the results of his or her review and any action taken.

(C) If the Chief, or his/her designee, and the CPOA disagree on the CPOA's findings/discipline, the POB shall treat the matter as a Non-Concurrence Issue and may conduct a hearing requiring the Chief, or his/her designee to appear at a designated POB meeting and explain their findings/discipline and reason for non-concurrence.

(Ord. 2014-019)

§ 9-4-1-10 REPORTS.

The CPOA shall be responsible for regularly informing the Mayor, the City Council, and the public by submitting semi-annual written reports that include but are not limited to the following information:

(A) Data relating to the number, kind and status of all complaints received including those complaints sent to mediation;

(B) Discussion of issues of interest undertaken by the POB 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, and updates on prior issues and/or recommendations;

(C) The CPOA's findings and the Chief of Police's issuance of discipline on those findings and the ongoing disciplinary trends of the Police Department;

(D) Information on all public outreach initiatives undertaken by the POB or the Director such as 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 as required by § 9-4-1-4(C)(5);

(F) Identification of any matters that may necessitate the City Council's consideration of legislative amendments to this Police Oversight Ordinance; and

(G) The amount of time that the POB dedicated to the policy activities prescribed by § 9-4-1-4(C)(5) relative to its other activities over the past quarter.

(Ord. 2014-019)

§ 9-4-1-11 EVALUATION.

Contingent upon funding, in the first six months of 2016 and at least every four years thereafter, from adoption of §§ 9-4-1-1 through 9-4-1-14, the City Council shall issue a Request for Proposal for an independent consultant to undertake a complete evaluation and analysis of the entire police oversight process, and recommend any necessary changes or amendments that would appropriately improve the process.

(Ord. 2014-019)

§ 9-4-1-12 SPECIAL MEETINGS.

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On the petition of 1,000 or more civilians in the City of Albuquerque filed in the Office of the City Clerk, the POB shall hold a special meeting for the purpose of responding to the petition and hearing and inquiring into matters identified therein as the concern of the petitioners. Copies of the petition shall be filed with the POB by the City Clerk. Notice of such meeting shall be given in the same manner as notice is given for other meetings of the POB and shall comply with the State Open Meetings Act. (Ord. 2014-019)

§ 9-4-1-13 CONFIDENTIALITY.

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. However, upon the opinion of the CPOA Attorney that the law permits such action, some of the details of the investigations of the Director, or the designated independent investigator, shall become privileged and confidential. The details of investigations should not be open to the public subject to the opinion of the CPOA Attorney and the Director. Compelled statements given to the Director, or the designated independent investigator, will not be made public. The Director may summarize conclusions reached from a compelled statement for the report to the POB and the Chief of Police, and in the public record letter sent to the complainant. Nothing in this ordinance affects the ability of APD to use a compelled statement in a disciplinary proceeding. (Ord. 2014-019; Am. Ord. 2016-013)

§ 9-4-1-14 MANDATORY COOPERATION AGREEMENT.

The City Council believes that full participation and cooperation of all parties involved is essential to the success of the new police oversight process, and that APD hereby agrees and understands that its full cooperation is necessary, hereby agrees to mandate that its officers provide honest and truthful responses to all questions by the Director, CPOA staff or the designated independent investigator. If any officer refuses to answer the questions proposed to him or her by the Director, CPOA staff, or the independent investigator, he or she may be subject to termination or disciplinary action at the discretion of the Chief of Police. Compelled statements given to the Director, CPOA staff or the designated independent investigator, by a police officer will be used only for the Director's investigation and the closed session review of the investigation file by the POB, if any. The actual statement will remain confidential and will not be included in a final report. The Director may summarize conclusions reached from a compelled statement for the investigation report and in the public record letter to the complainant. (Ord. 2014-019)

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Rules and Procedures for Non-Concurrence Hearing:

- A. If the POB and the Chief do not agree on their findings, the POB will wait until the civilian has decided whether or not to appeal. If the civilian does not exercise the right to appeal, then the POB will decide whether to appeal their disagreement with the Chief.
- B. Not all disagreements must be appealed. The POB may exercise discretion and appeal or not as the POB decides.
- C. Notice for the appeal hearing shall be given in the agenda for the POB. The Chief of Police will also be notified of the date of the non-concurrence hearing.
- D. The hearing will include a report from the CPOA investigator on the reasoning and evidence used to decide on their recommended finding. As well as a report from the Chief or his designee on the reasoning and evidence for making an alternative finding.
- E. Once CPOA and APD have described their justification for their finding the POB will make a final recommendation for finding or discipline.
- F. If the CPOA/POB and the Chief do not agree on the findings of any civilian complaint after the public hearing, the Chief of Police will determine the final decision on discipline and findings, but the non-concurrence will be documented in the officer's disciplinary file. The Chief must notify the POB and the CPOA of their final determination and justification of their findings/discipline in response to the non-concurrence within 20 calendar days of the non-concurrence hearing.

Attachment "I"

POLICE OVERSIGHT BOARD
INTERNAL AFFAIRS
STATISTICAL DATA FOR THE MONTHS OF FEBRUARY 2017

APD 911 Communications Center

Dispatched calls for Service for FEBRUARY 2017: 39,054 (decrease from January (42,787))

INTERNAL CASES FOR THE MONTH OF FEBRUARY 2017

I's

Internal Cases Received: 5

Comprised of:

- 5-Internal Affairs Investigated case

Internal Cases Administratively Closed: 0

Internal Cases Mediated: 0

Total Internal Cases Completed the Month of FEBRUARY: 8

Comprised of:

- 6-Internal Affairs Investigations
- 2-Area Command Investigated cases

Discipline imposed for Internal Cases/ FEBRUARY 2017:

1: Verbal Reprimand

3: Letter of Reprimand

Vehicle Crashes Received: 23

- 16-Pending Crash Review Board

Vehicle Crashes Closed: 4

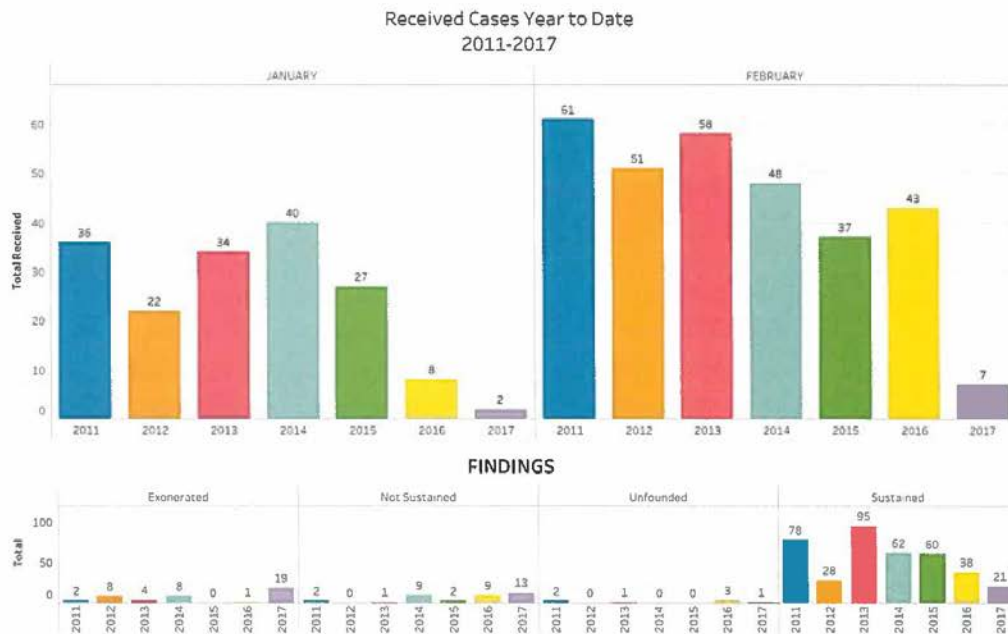
- 4-Preventable

EIS FEBRUARY 2017: 15 Alerts distributed

Pending Cases for the Month of FEBRUARY 2017: 5*

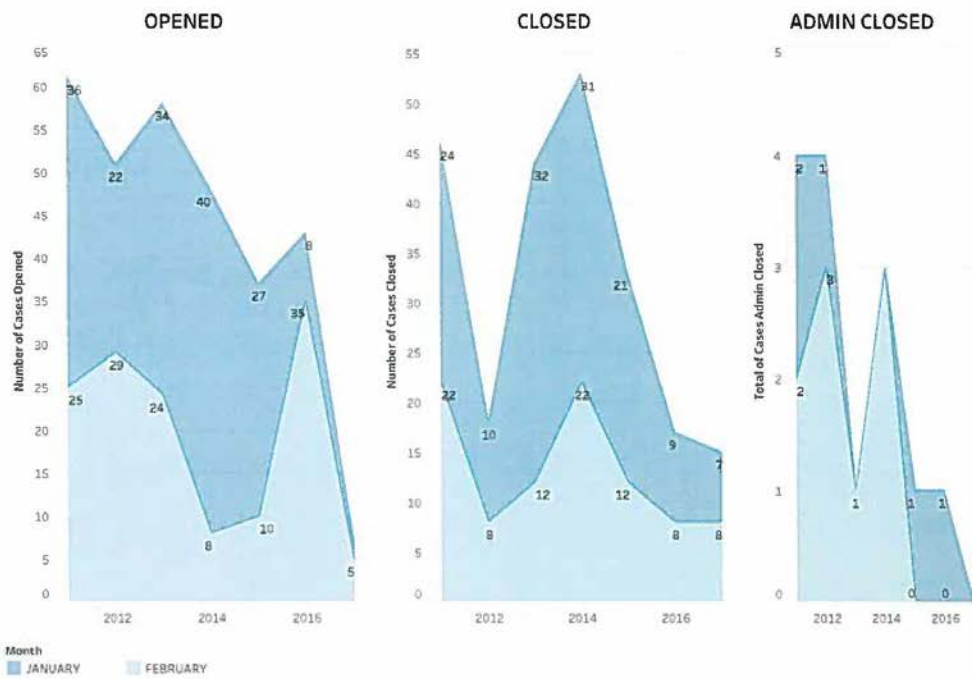
*Is related to the number of cases opened within FEBRUARY

INTERNAL INVESTIGATIONS
YEAR TO DATE
(JANUARY THROUGH FEBRUARY)



Attachment "J2"

INTERNAL INVESTIGATIONS
JANUARY THROUGH FEBRUARY



Attachment "J3"

WE ARE COMMITTED TO OUR SETTLEMENT AGREEMENT

"I have maintained that regardless of what/if any changes may occur on the national level, APD is committed to our reform efforts and the successful implementation our Settlement Agreement. The Settlement Agreement is an agreement with the people we proudly serve. Our team will continue with the reforms and the substantial progress we have made.

We believe that the changes have improved our training, our responses, our accountability and our unwavering collaboration with our community to fulfill the terms of our agreement."

- Albuquerque Police Chief Gordon E. Eden Jr.

Where We Are Today: Report Covers August 2016 – January 2017

- ▶ Currently Met All CASA (Court Approved Settlement Agreement) Deadlines for Policies and Training
- ▶ In the Operational Phase
- ▶ 37 New Policies Approved & Currently Being **REVIEWED**
 - ▶ *Find Policies Online:* <https://www.caba.gov/police/our-department/standard-operating-procedures>
- ▶ All CASA-Related Training Completed – Now Working on Updates
- ▶ Working to Implement Job Aides and New Technology

Focused on During this Reporting Period:

- ▶ **Bring Accountability to an Officer's Application of Force**
 - ▶ Use of Force: Policy, Training and Reporting Improvements
 - ▶ POLICY: "Use of Force Policy Suite" All Went Through Six Month Reviews
 - ▶ Supplementary Use of Force Class
 - ▶ Address Monitor's Concerns
 - ▶ "Show of Force" – "Serious Use of Force"
 - ▶ Also Tracking Show of force for Electronic Control Weapons

Focused on During this Reporting Period:

- ▶ **Bring Accountability to an Officer's Application of Force**
 - ▶ Last Update – All Officers Received New Use of Force Training
 - What does it look like?
 - (Video KRQE's – Coverage of our New Use of Force Training)
 - <http://krqe.com/2016/05/09/inside-albuquerque-police-departments-new-use-of-force-training/>

Use of Force Reviews:

- ▶ **Blue Team** – New Technology
 - ▶ Chain of Command Review
 - ▶ Catch Investigative Deficiencies – Missing Video/Reports
 - ▶ Additional Concern Memo
 - ▶ Employee Work Plan Evaluation
 - ▶ Implementation of Job Aides
 - ▶ Use of Force
 - ▶ Line Inspection Form (Checks Equipment/Cameras/Uniform)

Use of Force Reviews:

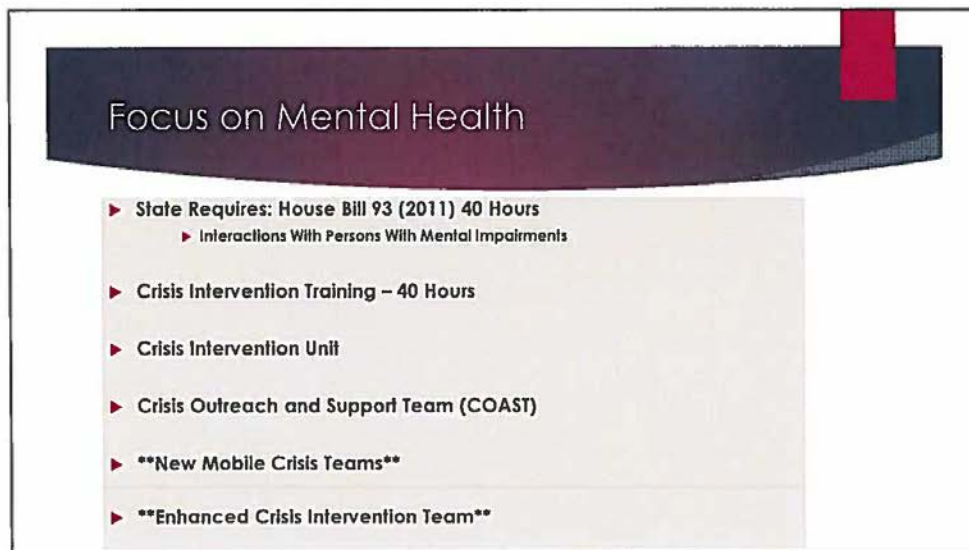
- ▶ **Force Review Board**
 - ▶ Every Serious Use of Force
 - ▶ Review Investigations by Critical Incident Review Team (All Serious Uses of Force)
 - ▶ Sample of Supervisor Use of Force Investigations
 - ▶ Meets Approximately Every Two Weeks
 - ▶ Comprised of Director CPOA, Academy Major, Subject Matter Experts
 - ▶ CPOA and POB also Independently Reviews Serious Use of Force Cases

Additional Training:

- ▶ Supervisor Training – Six-Sigma Process – December
- ▶ Misconduct Complaint Intake / Investigation
- ▶ Field Training Officer Program (Upon Completion of the Academy)
 - ▶ 16 Weeks – 3 Different Officers/Area Commands - Shifts
 - ▶ Management and Supervision
 - ▶ Constitutional & Community Oriented Policing
 - ▶ Effective Problem-Solving Techniques
 - ▶ Graded on Meeting APD Core Values
(Integrity, Respect, Fairness and Pride)

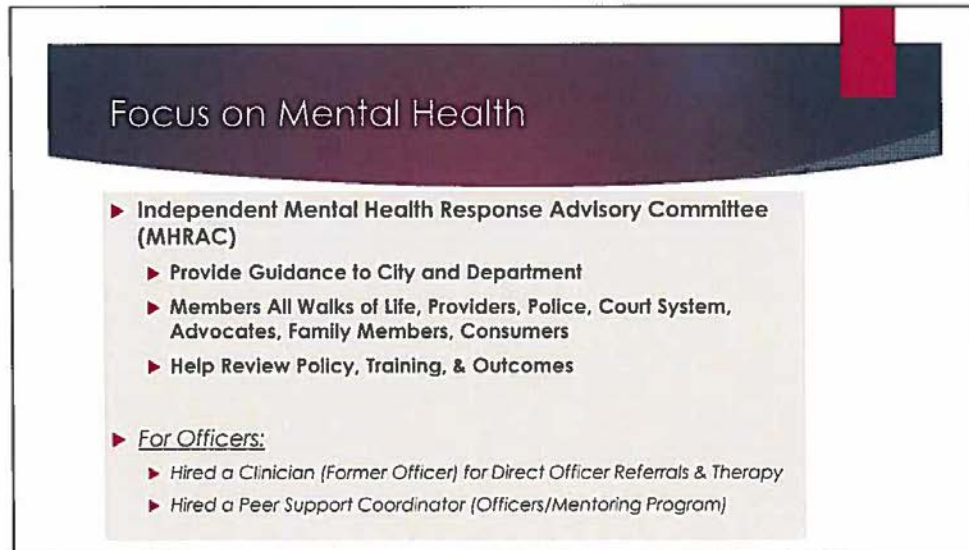
Cultural Sensitivity Training

- ▶ **October 2016**
- ▶ **Question and Answer Panel**
 - ▶ Multiple Ethnicities - History of Police Relation Relative to Their Perspective
 - ▶ Cultural Differences
- ▶ **Working to Diversify Training**
 - ▶ To Include Transgender Community
 - ▶ Hard of Hearing/Deaf Community



Focus on Mental Health

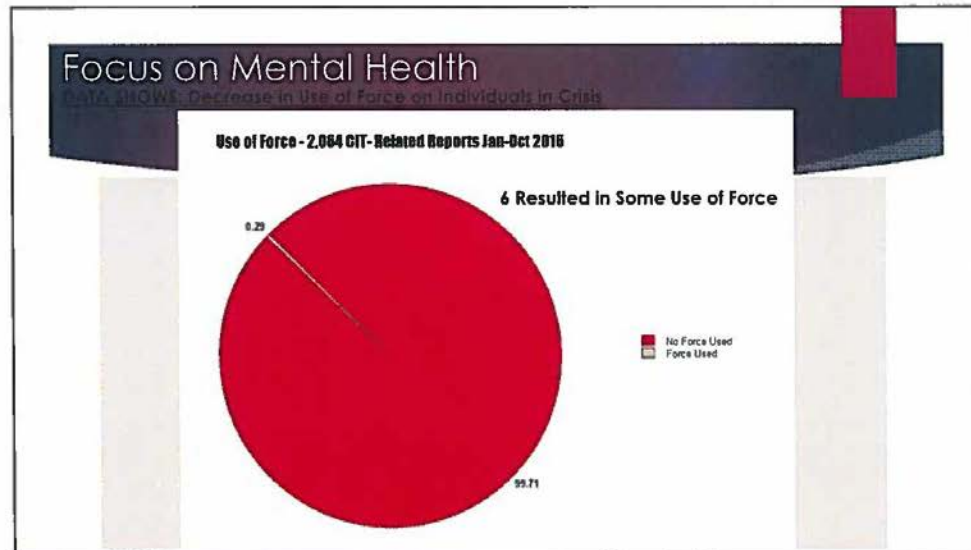
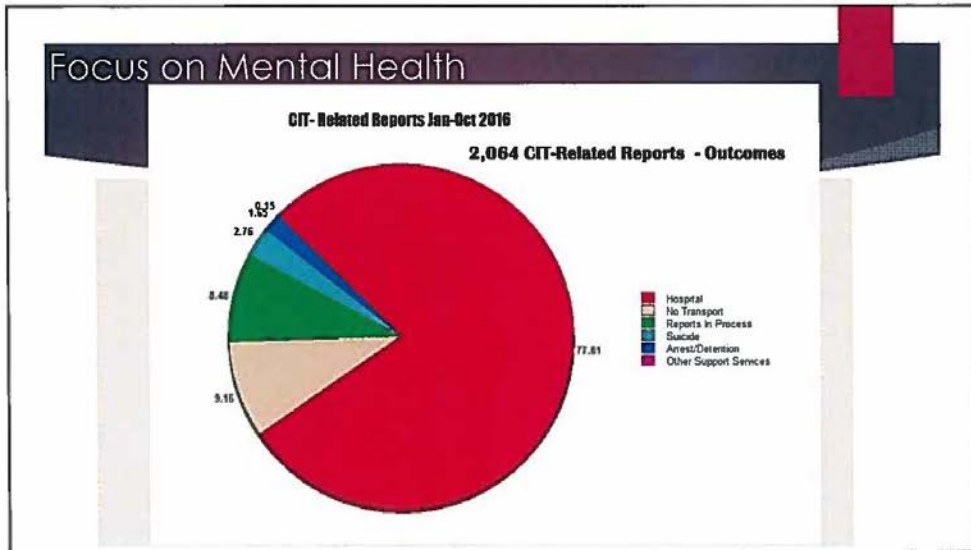
- ▶ **State Requires: House Bill 93 (2011) 40 Hours**
 - ▶ Interactions With Persons With Mental Impairments
- ▶ **Crisis Intervention Training – 40 Hours**
- ▶ **Crisis Intervention Unit**
- ▶ **Crisis Outreach and Support Team (COAST)**
- ▶ ****New Mobile Crisis Teams****
- ▶ ****Enhanced Crisis Intervention Team****



Focus on Mental Health

- ▶ **Independent Mental Health Response Advisory Committee (MHRAC)**
 - ▶ Provide Guidance to City and Department
 - ▶ Members All Walks of Life, Providers, Police, Court System, Advocates, Family Members, Consumers
 - ▶ Help Review Policy, Training, & Outcomes
- ▶ For Officers:
 - ▶ Hired a Clinician (Former Officer) for Direct Officer Referrals & Therapy
 - ▶ Hired a Peer Support Coordinator (Officers/Mentoring Program)

Attachment “K”



Attachment "K"

Changes to Policy Process

- ▶ Office of Policy Analysis (OPA)
- ▶ 15 of the Policies Undergone 6 Month Reviews
- ▶ 45 Recommendations Received & Reviewed from Community Stakeholders
- ▶ 47% Recommended by the OPA



- ▶ The OPA will also review collected information on lawsuits, officer injuries, and trend data that may indicate the need for policy change.

Staffing

- ▶ Increased Graduation Rate from Academy by More than 400% - 2010 to Present
- ▶ Graduated 93 Recruits 2016 - Most in More than a Decade
- ▶ Staffing Plan Published June 2016
- ▶ Police and Community Together Teams (PACT TEAMS)
- ▶ Current Numbers:
 - ▶ 844 Total Sworn – Allotted 1,000
 - ▶ 488 Assigned to Field Services
 - ▶ 37 PSA's – **Part Time Positions**

Staffing – Promotional Process

- ▶ July 19, 2016
- ▶ CASA:
 - Ratio of 8 Officers to 1 Sgt. – Working to Decrease to 6 to 1
- ▶ Revamped to Ensure Promotions are Based on:
 - "The knowledge, skill and abilities required to perform supervisory duties and with an emphasis on effective, constitutional and community-oriented policing."

Community Policing Councils:

- ▶ Established by Mayor Berry Prior to CASA
- ▶ Written into the CASA
- ▶ Independent of City and APD
- ▶ Goals: Help Improve Communication between Community and APD
- ▶ Create Actionable Recommendations - Sent to Chief of Police
- ▶ Address Community Concerns
- ▶ Review Policy and Law Enforcement Priorities
- ▶ Define and Further Community Policing
- ▶ Letter from Chief Eden:

Community Policing Councils:

- ▶ **Community Policing Councils**
- ▶ **Website Development:**
 - ▶ <https://www.cabq.gov/police/community-policing-council>
 - ▶ Q&A Field on Website
- ▶ **Hired a Community Outreach Coordinator (August 2016)**
 - ▶ Nicole Chavez-Lucero - nc Chavez.Lucero@cabq.gov
- ▶ **Publicizing Meeting Information/Recruitment**
 - ▶ Water Bill Insert
 - ▶ Eye on New Mexico Segment
 - ▶ Brochures
 - ▶ Business Cards
 - ▶ Banners
- ▶ **Formalized Recommendation Process (also included on website)**
- ▶ **Finalizing Independent Guidelines**

Community Engagement:

- ▶ **Social Media:**
 - ▶ **Facebook:** 24,000 Followers in April 2015
40,000 Followers in February 2017
 - ▶ **Twitter:** 20,000 Followers in April of 2015
56,000 Followers in February 2017
- #Twee!FromTheBeat #TalkCopTuesday
Data Shows the Department Reaches More than
1 Million People Each Month
- ▶ **Continue Coffee with a Cop**
- ▶ **Community Calendar – TRACS Update 75/1 Call Outs**
- ▶ **Developing a Mobile Application**

Attachment “K”

Community Engagement:

- ▶ **On Body Camera – Community Policing in 2016**

(Play Caught on Camera – Community Policing)

<https://youtu.be/4JigFUo2fKQ>

Did You Know?

- ▶ **Officer Involved Shootings Decreased 53% from 2010**

- ▶ 2010 - 13 | 2011 - 7 | 2012 - 4 | 2013 - 8 | 2014 - 7 | 2015 - 5 | 2016 - 4

- ▶ **Overall Firearm Discharges Have Decreased 72% from 2010**

- ▶ 2010 - 25 | 2014 - 11 | 2015 - 10 | 2016 - 7

- ▶ **Creating a New Property Crime Specialist**

Next?

- ▶ This Reporting Period Covered August 2016 – January 2017
- ▶ Next Monitor's Report – Will Be Released May 2nd
 - ▶ Covers August – January of 2017
- ▶ Read Reports: <https://www.cabq.gov/police/documents-related-to-apds-settlement-agreement>

Questions?

Attachment “K”

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