

CIVILIAN POLICE OVERSIGHT BOARD

Tuesday, May 17, 2016 – 5:00 PM
Vincent E. Griego Chambers, Basement Level
City/County Government Center – One Civic Plaza NW
Albuquerque, New Mexico

Members Present:

Beth Mohr, Chair
Leonard Waites, Vice Chair
Susanne Brown
Joanne Fine
Dr. Lisa M. Orick-Martinez
Dr. Carlotta A. Garcia
Rev. Dr. David Z. Ring III

Members Absent

Eric H. Cruz

Others Present:

Paul Skotchdopole
Diane McDermott
Michelle Contreras
Matthew Jackson, Esq.
Lt. Jennifer Garcia
Amanda Bustos
Julian Moya
Miriam Verploegh

Minutes

- I. **Welcome and call to order:** Chair Mohr called the meeting to order at 5:00 p.m.
- II. **Pledge of Allegiance** – Board Member Garcia led the Board in the Pledge of Allegiance.
- III. **Approval of the Agenda:** Copies of the agenda were distributed.
 - A. Item VII, iii: Cases less than 120 days: CPC 217-14 is on the agenda twice. Removed one of the case numbers from the Consent Agenda.
 - B. Item IX, c. Case Review Subcommittee, 4: Added CPC 027-15 and CPC 029-15 as these two cases are the same incident in CPC 027-15.
 - C. Member Waites moved to approve the agenda with changes. Member Ring seconded the motion. **Approved.**
For: Brown, Fine, Mohr, Ring, Waites.
- IV. **Introduction the Honorable Judge Lorenzo Garcia**
 - A. Judge Lorenzo Garcia introduced himself to the board. **See attachment “A” for Judge Garcia’s resume.**
 - B. Judge Garcia was asked to assist the City of Albuquerque with the task of compliance as a result of the Settlement Agreement. He was asked to revise a training manual for a mandated training program. He also has drafted and/or redrafted the following Standard Operating Procedures (SOPs):

SOP	Name of SOP
102	Officers and Duties
104	Personnel Code of Conduct
109	Complaints involving Departmental Policy and Personnel
109	Discipline
110	Peer Support
114	Behavioral Services
146	Emergency Response Team
203	Training Division
204	Recruiting
205	Internal Affairs
206	Uniforms
205	Critical Incident Response Team
222	Firearms and Ammunition
231	Investigative Response Team
242	Hostage Suicidal and Barricaded Individuals
301	Special Investigations
302	Assistant Deputy Chief
306	Criminal Investigations
313	Crisis Negotiation
318	Supervisory Leadership
319	Response to Assemblies and Demonstrations
320	Departmental Orders
326	Employee Work Plans and Performance
343	Response to Complaints
345	Review of Completed Investigations

- C. Judge Garcia explained the process that the policy goes through.
- i. The city submits the proposed SOP to the parties in litigation such as the Department of Justice, the Court Monitor, APOA and those that Judge Brack has named or allowed such as the ACLU, the Mental Health Alliance and various other groups.
 - ii. There is a short time limit when responding to policy.
 - iii. At any given time, there are six or seven policies that are going back and forth with very short time frames.
- D. Judge Garcia is honored to be a part of this process.
- E. Judge Garcia indicated that he is available for questions but with a disclaimer. In order to retain the privilege, he wants to limit the scope of his discussions. Questions regarding other matters other than what he discussed should be reserved for the City Attorney.
- F. Judge Garcia and Board Members discussed the POB's role in the policy procedure.

V. Public Comments:

A. Ms. Geraldine Amato – Summary of comments to the Board: Ms. Amato stated that we are not operating under the law as established as a republic many years ago. At the local level, the office of Sheriff, under the law, was supposed to be Chief Executive Officer but today, the Sheriff takes orders from the District Attorney. Recently, she heard Pete Dinelli on the radio talking about there should be a takeover of APD. She was surprised that he would say that publicly. A municipal corporation is a subsidiary government of the Federal government, a corporate state of Washington, D.C. APD is not the lawful police powers of the people; it is a municipal corporation security force. She says that we were supposed to have 12 judges on a jury--the Grand investigative juries, the trial juries, and also the appeals courts. Today, we have aristocrats. She Says that we are all colored people.

VI. Review and approval of minutes:

A. Member Fine moved to approve the minutes from the April 14, 2016 POB meeting as written. Member Waites seconded the motion. **Approved.**
For: Brown, Fine, Mohr, Ring, Waites.

VII. Consent Agenda: The cases on the consent agenda have been individually reviewed by the Board members and the POB agrees with the CPOA's findings. The findings become part of the officer's file.

A. Administratively Closed Cases

086-15	102-15	109-15	167-15	211-15
220-15	244-15	246-15	249-15	252-15
008-16	015-16	016-16	019-16	020-16
022-16	023-16	024-16	026-16	033-16
035-16	038-16	050-16	063-16	064-16
069-16	070-16	071-16		

Cases more than 120 Days

219-14	231-14	064-15	078-15	103-15
107-15	108-15	111-15	132-15	147-15
155-15	163-15	168-15	171-15	172-15
174-15	180-15	182-15	189-15	197-15
209-15	215-15	236-15		

Cases less than 120 Days

069-15	193-15	195-15	198-15	204-15
206-15	214-15	216-15	217-14	227-15
228-15	230-15	235-15	237-15	238-15
239-15	240-15	242-15	243-15	255-15
003-16	004-16	009-16	013-16	014-16
047-16				

- B. Vice Chair Waites made a motion to approve the *Administratively Closed, Cases more than 120 days* and the *Cases less than 120 days* on the consent agenda. Member Ring seconded the motion. **Approved.**
For: Brown, Fine, Mohr, Ring, Waites.
- C. Copies of the full findings letters to citizens can be found at: <http://www.cabq.gov/cpoa/findings-letters/civilian-complaints-pob-findings>

VIII. Cases to be heard by the POB 013-16: 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. CPC013-16 alleged that her arrest was improper, that Officer T. made sexual comments to her after he shut off his lapel recorder and offered to pick her up from jail after her arrest. Officer T. continued contacting her via text message when the criminal case was still pending. Officer T. asked to see her at her place of employment and that Officer T. offered to help her with her case.
- B. The CPOA's findings of CPC 013-16 for Officer T. are:
 - i. **Exonerated** for violation of SOP concerning officers at the scene of a domestic violence incident;
 - ii. **Sustained** for violation of SOP concerning personnel shall avoid regular or continuous associations or dealings with persons whom are under investigation;
 - iii. **Sustained** for violation of SOP concerning conduct unbecoming an officer;
 - iv. **Sustained violation not based on the original complaint** for violation of SOP concerning personnel shall not engage in any activity or personal business that may cause them to neglect of be inattentive to duty;
 - v. **Not Sustained** for violation of SOP concerning prisoners to be handcuffed behind their backs;
 - vi. **Sustained violation not based on the original complaint** for violation of SOP concerning of the transporting prisoners of the opposite sex;
 - vii. **Sustained** for violation of SOP concerning the use of tape/digital recorders;
 - viii. **Sustained violation not based on the original complaint** for violation of SOP concerning personnel shall truthfully answer all questions specifically directed to them;
 - ix. The CPOA recommends termination of Officer T's employment with APD.

- C. The CPOA's findings of CPC 013-16 for Officer H. are:
- i. **Unfounded** for violation of SOP concerning personnel shall conduct themselves both on and off duty in such a manner as to reflect most favorably on the department;
 - ii. **Exonerated** for violation of SOP concerning that injuries related to a battery must be documented and photographed;
 - iii. The CPOA recommends no discipline for Officer H.
- D. The CPOA's findings of CPC 013-16 for Sgt. F. is:
- i. **Unfounded** for violation of SOP concerning personnel shall conduct themselves both on and off duty in such a manner as to reflect most favorably on the department.
 - ii. The CPOA recommends no discipline for Officer F.
- E. Member Fine made a motion to approve Mr. Harness's letter with the corrected dates on page 7. Vice Chair Waites seconded the motion.
Approved.
For: Brown, Fine, Mohr, Ring, Waites.

IX. Reports from Subcommittees:

A. Outreach Subcommittee – Leonard Waites, Chair:

- i. NACOLE: Member Fine gave a report on the upcoming National Association for Civilian Oversight of Law Enforcement (NACOLE) Conference will be in Albuquerque on September 25, 2016 thru September 29, 2016.
- ii. People who are interesting in attending the NACOLE conference can get information at www.NACOLE.org.
- iii. On the first day of the NACOLE Conference on Sunday, September 25, 2016 from 1 p.m. to 2:30 p.m. at the Convention Center, a town hall type meeting will be held. The community is invited and the meeting is free to attend.
- iv. Member Ring is looking for about 20 volunteers for the NACOLE conference. People who volunteer will not have to pay for the day they volunteer at the conference.
- v. CPOA Outreach Coordinator Amanda Bustos added that they are looking for financial donations for the NACOLE Conference.

B. Policy and Procedures Review Subcommittee – Susanne Brown, Chair:

- i. **Report – NACOLE Training in New York.** Member Brown attended the NACOLE symposium at the John Jay College of Criminal Justice in New York City. Member Brown reported on the Early Intervention System (EIS) class she attended. The speaker's point was that we might be collecting the wrong data. Member Brown discussed about the different sources of stress that an officer

may encounter during his job and that those stressors may have a lot to do with how an officer responds.

ii. Policy Development – 3-29 APD’s Policy Development Process. Copies of 3-29 *The Policy Development Process* were distributed. Member Brown suggested that this policy be referred back to the Policy and Procedure Subcommittee. Members discussed several issues regarding policy procedures and what role the Board plays in the process.

iii. After hour/Weekend – Notice to Probation Dept. Copies of the draft letter to Chief Gorden Eden regarding the safe transfer of individuals who have a warrant during after-hours and the weekend Contact for Probation and Parole. **See “Attachment B.”**

- a. This issue came to Member Garcia’s attention on a ride-along with APD.
- b. Lt. Garcia stated that in the past when she a Probation Officer, Probation and Parole did not have an on-call Juvenile Probation Officer and cannot confirm if they do now. Officers can call the Juvenile Detention Center but they may or may not have the information regarding active warrants.
- c. Lt. Garcia states that occasionally, warrants can have clerical errors and can occur.
- d. Members discussed reframing the letter asking to look at the process and/or reframe as question.
- e. Member Brown made a motion to refer this letter back to the Policy and Procedure Subcommittee for reframing. Member Ring seconded. Approved.

For: Brown, Fine, Mohr, Ring, Waites.

C. Vice Chair Waites made a motion to convene for a dinner break. Member Orick-Martinez seconded the motion. Approved.

For: Brown, Fine, Mohr, Orick-Martinez, Ring, Waites.

----Dinner break at 7:13 p.m. Meeting reconvened at 7:41 p.m. ----

D. Case Review Subcommittee – Leonard Waites, Chair

- i. At the Case Review Subcommittee, Director Harness discussed with the Case Review Subcommittee three scenarios of the Officer Involved Shootings
- ii. There are 17 OIS cases that at the District Attorney’s office waiting review for criminal charges;
- iii. There are a number of OIS cases that the District Attorney’s office has reviewed by have not been reviewed by command staff, POB, IRO, and POC.
- iv. There are an unknown number of cases that have come to the Independent Review Office from the District Attorney’s Office that

fall into two categories: (1) several cases still have waivers; (2) several cases do not have waivers.

- v. Director Harness will provide a chart with the exact number of Officer Involved Shooting cases that are still pending review.
- vi. Vice Chair Waites introduced a discussion regarding the mediated case letters. Member Fine suggests that the mediated letters include a summary of the complaint in order for the POB to have knowledge of the incident before they vote.
- vii. The mediated case letters that have an incident summary will also fulfill the obligation to the public.
- viii. CPOA Analyst Miriam Verploegh discussed statistics regarding mediated cases. Mediated cases are tracked in the IA Pro system.
- ix. Lt. Garcia says that mediated cases are tracked in the Early Intervention System (EIS).
- x. Assistant Lead Investigator Paul Skotchdopole clarified that there is not a limited amount of mediations that an officer can have. An officer's history will determine if the complaint is eligible for mediation.
- xi. The next Case Review Subcommittee meeting will be Thursday, June 2 at 10:30 a.m. at the Plaza Del Sol building in the basement.

E. Appeals. Member Fine explained the three reasons for their decision on appeals. The decision on appeals are based on ordinance §9-4-1-9(A) which states the following:

- i. The policy was misapplied in the evaluation of a complaint;
- ii. The findings or recommendations were arbitrary, capricious or constituted an abuse of discretion;
- iii. The findings and recommendations were not consistent with the record evidence.

See “Attachment C” for §9-4-1-9(A), the appeals portion of the ordinance.

- iv. The following appeals were considered:
 - a. **CPC 207-13:** The request for appeal fails to meet any of the criteria for an appeal. Therefore the request is denied.
 - b. **CPC 014-14:** The complainant stated that the information in the report was inaccurate and that witnesses weren't interviewed. The investigation showed that the Officer followed protocol. There is no new evidence and the request does not meet the criteria for an appeal. The request does not meet the criteria for an appeal. Therefore, the request is denied.
 - c. **CPC 002-15:** The request for appeal fails to meet the criteria for an appeal. The investigation showed that APD followed protocol, and any further action would need to be handled as a civil matter. Therefore the request is denied

- d. **CPC 027-15, 028-15, 029-15 (CPC 027-15 and CPC029-15 were included as they are the same incident):** The request refers to a typo in the letter as reason for an appeal; however, the typo does not change the context of what was being said. The request fails to meet the criteria for an appeal. Therefore, the request is denied.
- e. **CPC 157-15:** The request for appeal does not meet any of the criteria for an appeal. Therefore the request is denied.
- f. **CPC 191-15:** The citizen stated that he was falsely arrested and that it cost him his job. The investigation showed that the arrest for domestic violence was proper and no misconduct occurred. Appeal request denied as it does not meet the criteria for an appeal.
- v. Members discussed the appeal process and the notification to the citizen regarding appeals, which is on the findings letter.
- vi. Member Fine made a requested motion to accept the findings on the appeals, which were denied. Member Ring seconded the motion.
Approved.
For: Brown, Fine, Mohr, Ring, Waites.

X. Reports from City Staff:

A. APD, Lt. Jennifer Garcia, Internal Affairs.

- i. Lt. Garcia gave a report on Statistical Data for the Month of April, 2016. **See “Attachment D” for APD’s report.**
 - a. Board Member Ring commented on the 15 preventable car accidents.
- ii. Member Fine introduced a topic regarding the status of Officer Involved Shootings and where they are in the process.
 - a. Lt. Garcia noted the following tentative pending Officer Involved Shooting cases, which does not included use of force cases, they are: 17 cases pending cases were forwarded to the IRO for POB review, three (3) cases are awaiting the District Attorney’s decision, four (4) are dog shootings, two (2) pending District Attorney decision [sic], six (6) are at Internal Affairs, and seven (7) are pending completed criminal investigation.
 - b. Lt. Garcia will provide an accurate detailed report of the pending OIS cases by the end of the week.
 - c. Assistant Lead Investigator Paul Skotchdopole discussed that the 17 cases are ready to be presented but is not sure of when they will be presented. Edward Harness, Executive Director is working on the 17 pending OIS cases and they will be presented soon.

iii. FATS training for POB. Lt. Garcia announced that the board members can contact the Advanced Training Sargent, Sgt. Lockey, at the APD Academy, to sign up for the FATS training. She says that each board member can call Sgt. Lockey or designate one board member to coordinate the training. Member Ring will contact Sgt. Lockey to set it up the training for the Board Members. Dr. Garcia and Dr. Orick-Martinez will be excluded as they recently completed the FATS training.

i. City Council, Julian Moya:

- a. On May 16, 2016, City Council approved the City's operating budget for fiscal 2017. The Council passed included an additional amount of \$100,000 for a total appropriation of \$984,000 dollars to the Civilian Police Oversight Agency.
- b. Bill O1618 was introduced, which will amend the Police Oversight Ordinance, will be on the City Council agenda on June 6th for final action.
- c. On June 1, 2016, the City Council will be opening the applications process for the Police Oversight Board membership. This process will be the same as last time and will be used to fill one (1) vacancy on the board and to refresh their list.
- d. Will be meeting with CPOA Outreach Coordinator Amanda Bustos talk about outreach efforts to find possible applicants.
- e. Julian Moya will email bill O1618 to board members.
- f. Chair Mohr wanted to know if someone from the Board should attend the City Council meeting. Mr. Moya deferred this question to legal counsel Mark Baker or Edward Harness.
- g. Members discussed a possible special meeting before the City Council June 6th to discuss any significant changes in Bill O1618. Attorney Matt Jackson will notify Mark Baker of the POB's concerns regarding the bill.
- h. Mr. Moya suggests that if a time extension is needed, the bill can be deferred for two weeks.
- i. Chair Mohr says thanks to City Council for the increase in budget for the CPOA and the training for the POB.
- j. Member Fine and Vice Chair Waites appreciates the council, staff and Julian Moya for being supportive to the Board.

B. Mayor's Office: No one present to give report.

C. City Attorney: No one present to give report.

D. Community Policing Councils: No one present to give report.

i. CPOA Assistant Lead Investigator Paul Skotchdopole:

- a. For the month of April, the CPOA received 23 new complaints. Thirteen (13) cases currently in the mediation process. Two (2) cases were completed in mediation process; however, one (1) case was an unsuccessful mediation, because the complainant failed to show up for the scheduled session.
- b. The CPOA received 7 Job Well Done reports.
- c. The CPOA Investigative Staff and Executive Director Edward Harness attended APD's Use of Force Supervisor's Training.
- d. The CPOA website will be updated to include an appeals page with an explanation of the standards that the public can understand. Mr. Skotchdopole will let Mr. Harness know of Member Fine's suggestion to put the appeal standards in the findings letters.
- e. Citizens who call the CPOA office regarding appeals, staff directs them to the appeal process.
- f. Eric Daigle of the Daigle Law Group will be conducting a use of force training in November 2016 in Connecticut. The Albuquerque Settlement Agreement will be featured at the training. If Board members interested in going to the training in November 2016, to notify the CPOA.
- g. During the Saturdays in April, 2016, Executive Director Edward Harness attended the Community Policing Councils training sessions conducted by Steve Rickman, a Department of Justice consultant and Lisa Herbert, Analyst from the University of Arizona.
- h. Director Harness is still awaiting the numbers of the Officer Involved Shootings that the Board had requested. Director Harness has requested an update from Internal Affairs on the Ralph Chavez investigation. The District Attorney released their findings on May 6th.
- i. The CPOA's Annual report was approved City Council Finance and Government committee on May 9th. Director Harness attended and answered a few questions.

XI. Meeting with Counsel re: Closed session to discuss matters subject to the attorney-client privilege pertaining to threatened or pending litigation in which the CPOA is or may become a participant-Board Attorney Mark Baker.

- A. The Board did not meet in closed session during this meeting, as there were no matters to discuss with Attorney Matthew Jackson at this time.**

XII. Other Business:

- A. The next Policy and Procedure subcommittee meeting is scheduled for Thursday, May 26, 2016 at 10 a.m.
- B. The next Outreach Subcommittee meeting date will be determined. Possible date would be the 2nd week of June.
- C. The next Case Review subcommittee meeting will be June 2, 2016 at 10:30 a.m.
- D. Chair Mohr would like to eventually reconvene the Personnel Subcommittee to do the job performance evaluation for Edward Harness, Executive.
- E. Member Fine mentioned that she and the CPOA Outreach Coordinator Amanda Bustos have completed working on the new logo. The new logo will be seen on the new upcoming brochure. Member Fine will send it to everyone for everyone to look at.

XIII. Adjournment: Member Brown made a motion to adjourn the meeting. Vice Chair Waites seconded the motion. Meeting adjourned at 8:21 p.m.

- Next regularly scheduled POB meeting will be on Thursday, June 9, 2016 at 5 p.m. in the Vincent E. Griego Chambers.

APPROVED:

Beth Mohr, Chair
Civilian Police Oversight Agency

Date

CC: Julian Moya, City Council Staff
Natalie Howard, City Clerk
Dan Lewis, City Council President

THE HONORABLE LORENZO F. GARCIA



Lorenzo F. Garcia was appointed to the State district court in July 1978, and, at age 30, was the youngest general jurisdiction trial judge ever appointed in New Mexico, and among the youngest ever appointed in the country. During his second term on the State district bench, he was selected by his judicial colleagues to serve as the district's Presiding Judge. He was elevated to the New Mexico Court of Appeals and has extensive service on the New Mexico Supreme Court as a designated justice of that court. He was appointed to the United States District Court in 1992, and currently serves as the district's Chief Magistrate Judge Emeritus.

Prior to his appointment to the U.S. District Court in 1992, he was a partner with the prestigious Jones law firm in Santa Fe, where he worked primarily in the area of complex litigation, representing plaintiffs and defendants. He served as constitutional counsel to the City of Albuquerque and special counsel to the New Mexico House of Representatives.

During his extensive judicial career, which spans 36 years, Judge Garcia received numerous awards and citations for his legal work, scholarship and contributions to the law. The State Bar of New Mexico selected him as the state's "Outstanding Lawyer." He received the Edith Surgan Memorial Award for outstanding support to victims of violent crime. The National Hispanic Bar Association honored him with a medal presented by United States Supreme Court Justice Anthony Kennedy, for his "commitment to the preservation of civil and constitutional rights for all Americans" and he was honored by the Mexican-American Legal Defense and Education Fund with its "Justice" award. He was honored by the bench and bar of the 1st Judicial District for exemplary judicial service and received the District's "Dedication to Justice" award. Judge Garcia was commended for "outstanding and distinguished service" by the New Mexico Court of Appeals and New Mexico Supreme Court.

In June 1996, while serving as a United States Magistrate Judge, he received the State Bar of New Mexico's "Outstanding Judicial Service Award," which reads in part, "Judge Garcia is known throughout the State for his integrity, intellect, compassion and productivity." In 2005, he was selected by the Albuquerque Bar Association as the "Outstanding Judge," and, again, in 2007, was honored by the American Board of Trial Advocates as the "Outstanding Federal Jurist."

He has also served on numerous Supreme Court and legislative committees as chairperson or member, including the Uniform Jury Instruction Committee (Civil), the Professional Responsibility Committee, the Children's Code Task Force, The Certified Court Reporters Board, The Bar, Bench, Media Committee, The Juvenile Justice Study Committee, Judicial Personal Grievance Committee, Magistrate Court Study Committee, Death Penalty Issues Committee, Federal Rules Revision Committee, and the Federal Court Technology Committee.

Judge Garcia is active in the teaching of law. He served as the clinical program coordinator and instructor for the University of New Mexico School of Law Judicial Extern Program from 1978 to 1988, and served on the teaching faculty of the National Judicial College at the University of Nevada. He was a charter faculty member of New Mexico's Magistrate Judicial College, and is presently on the visiting faculty of the Department of Justice's National Advocacy Center at the University of South Carolina. He is a nationally known speaker, lecturer and presenter in continuing legal education programs and seminars throughout the United States.

He contributed time and talent to numerous civic, charitable and educational boards, including, among others, service as a trustee for the College of Santa Fe, member of the New Mexico Museum Foundation, board member of the Legal Services Corporation and the Santa Fe Legal Aid Society.

“Attachment A”

CIVILIAN POLICE OVERSIGHT AGENCY

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

May 12, 2016

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

RE: After-Hours and Weekend Contact for Probation and Parole

Dear Chief Eden,

In order to facilitate the safe transfer of individuals for whom a warrant has been issued and given to the Albuquerque Police Department (APD) for transport back to a secure facility after-hours and/or weekends, the Police Oversight Board recommends the following:

1. APD maintains a liaison to the State of New Mexico's Probation and Parole office; the liaison would be APD's point of contact for field officers to report issues regarding the deployment of their duties with regard to executing warrants.
2. APD gets from the State of New Mexico's Probation and Parole office an after-hours and/or weekend contact number for APD field officers, which is staffed by an on duty employee (not automated or voice mail) in order to clarify orders or field officers to discuss the disposition of cases. The State of New Mexico's Probation and Parole office contact information should be kept current and given to APD's dispatchers who support field officers.

The issue of good communication and smooth transfer is especially critical in the case of juveniles for whom a warrant has been issued. The burden of completing the required paperwork and corroborating information on the orders for field officers is acute in the case of juveniles.

Overall field officers are doing their best to work cooperatively with probation and parole, but they are often faced with having to hunt for contact numbers, probation and parole officers, and/or a probation and parole employee who may take a call on behalf of the office. Garnering an empowered liaison and an agreement from the State of New Mexico's Probation and Parole office to be available after-hours and on weekends will benefit both APD field officers and the citizens they serve.

Sincerely,

POB

“Attachment B”

8 § 9-4-1-9 REQUESTS FOR HEARING; APPEALS OF DISCIPLINARY
9 DECISIONS.

10 (A) Requests for Hearing. Any person who has filed a civilian
11 complaint and who is dissatisfied with the findings and/or recommendations
12 approved by the POB may request reconsideration by the POB within thirty
13 days (inclusive of weekends and holidays) of receipt of the public record
14 letter. The POB may grant a request for reconsideration only upon a showing
15 by the complainant that: 1) a policy was misapplied in the evaluation of the
16 complaint; 2) that the findings or recommendations were arbitrary, capricious
17 or constituted an abuse of discretion, or 3) that the findings and
18 recommendations were not consistent with the record evidence. The POB
19 shall notify the Chief of Police of the request for hearing and hold a hearing on
20 the matter at its next regularly scheduled meeting provided that there is a
21 period of at least ten (10) days between the receipt of the request for hearing
22 and the next POB meeting. Upon close of the hearing the POB may modify or
23 change the findings and/or recommendations of the public record letter and
24 may make further recommendations to the Chief of Police regarding the
25 findings and/or recommendations and any discipline imposed by the Chief of
26 Police or proposed by the Chief of Police. Within 20 days of receipt of the
27 decision of the POB, the Chief of Police shall notify the POB and the original
28 civilian complainant of his or her final disciplinary decision in this matter in
29 writing, by certified mail.

30 (B) Appeals of the Disciplinary Decision. If any person who has
31 filed a civilian complaint under this ordinance is not satisfied with the final
32 disciplinary decision of the Chief of Police or any matter relating to the Chief
33 of Police's handling of his or her complaint, he or she may request that the

14
1 Chief Administrative Officer review the complaint, the findings of the POB and
2 the action of the Chief of Police by requesting such review in writing within
3 thirty days (inclusive of weekends and holidays) of receipt of the Chief of
4 Police's letter pursuant to § 9-4-1-9(A). Upon completion of his or her review,
5 the Chief Administrative Officer shall take any action necessary, including
6 overriding the decision of the Chief of Police regarding disciplinary action, to
7 complete the disposition of the complaint. The Chief Administrative Officer
8 shall notify in writing, by certified mail, the complainant, the individual against
9 whom the complaint was filed, the Chief of Police and the Director, of the
10 results of his or her review and any action taken.

“Attachment C”

POLICE OVERSIGHT BOARD
INTERNAL AFFAIRS
STATISTICAL DATA FOR THE MONTH OF APRIL 2016

APD 911 Communications Center
Dispatched calls for Service for APRIL 2016: 32,395

INTERNAL CASES FOR THE MONTH OF APRIL 2016

I's

Internal Cases Received: 25

Comprised of:

- 6-Internal Affairs Investigated case
- 3-Area Command Investigated cases
- 16- Preventable Accidents

Internal Cases Administratively Closed: 1

Internal Cases Mediated: 0

Total Internal Cases Completed the Month of APRIL: 15

Comprised of:

- 15-Preventable Vehicle Accident

Discipline imposed for Internal Cases/ APRIL 2016:

2: Verbal Reprimand

11: Letter of Reprimand

2:8 hour Suspension

Standard Operating Procedures (recommended)

Admin Orders:

3-66-3C2a

Pending Cases for the Month of APRIL 2016: 25

“Attachment D”