

CIVILIAN POLICE OVERSIGHT BOARD

Thursday, June 9, 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
Eric Cruz
Joanne Fine
Dr. Lisa M. Orick-Martinez
Dr. Carlotta A. Garcia
Rev. Dr. David Z. Ring III

Members Absent

Susanne Brown

Others Present:

Edward Harness
Michelle Contreras
Diane McDermott
Mark Baker, Esq.
Lt. Jennifer Garcia
Julian Moya
Miriam Verploegh
Natalee Davila, IA Program Data Analyst

Minutes

- I. **Welcome and call to order:** Chair Mohr called the meeting to order at 5:02 p.m.
- II. **Pledge of Allegiance** – Chair Mohr led the Board in the Pledge of Allegiance.
- III. **Approval of the Agenda:** Copies of the agenda were distributed.
 - A. Move and/or add the following items the following letters to item V:
 - i. Move item XI., iv. Letter re: *After-Hours Communications, Probation and Parole* to item five (V), letter B.
 - ii. Add POB's Letter to Chief Eden re: *Use of Force Policy* dated April 18, 2016 and Chief Eden's response letter dated June 2, 2016 to agenda under item five (V), letter C.
 - B. Member Waites moved to approve the agenda with changes. Member Fine seconded the motion. **Approved.**
For: Cruz, Fine, Garcia, Mohr, Orick-Martinez, Ring, Waites.
- IV. **Public Comments**
 - A. **Dr. Bill Kass** - Summary of comments to the Board: Dr. Bill spoke about public input on APD Policy. Dr. Kass says that Public Policy must include public input, consent and that it is democratic consent of the governed. He says that without public trust, confidence and respect, policing becomes impossible. APD can write SOP's and they can make practices but should not write policy. He believes that policy writing should be in control of the public and that a member of the public should be included in the committee that is in charge of public policy. The Chief of Police has no obligation to accept the POB's recommendations and only responds in writing why he doesn't have to recommend it. Dr. Kass suggests that issue can be easily

changed and says that the POB can go to the Mayor and the Mayor can hold the Police Chief accountable.

V. Letters and Response from Chief

- A. Police Oversight Board Training Letter to Chief.** Chair Mohr and Mark Baker discussed the issues in reference to new member POB training. Mark Baker will notify the Board and the new members of any forthcoming progress in his discussions with APD for present and future trainings at the police academy.
- B. Letter: After-Hours Communications, Probation and Parole.**
- i. Chair Mohr discussed the letter the POB sent to the Chief Eden on May 27, 2016 regarding after-hours communication with the Probation & Parole in order to clarify procedure for Juvenile offenders with bench warrants. **See attachment “A” for letter dated May 27, 2016 from the POB to Chief Eden regarding After-Hours Communication with Probation and Parole.**
 - ii. Chief Eden responded on June 8th to the POB letter dated May 27, 2016 regarding the after-hours contact information for Probation and Parole. The two Probation and Parole phone numbers were verified and the Department will re-publish those numbers throughout the department. **See attachment “B” for letter dated June 8, 2016 from Chief Eden to the POB regarding After-Hours Communication with Probation and Parole.**
 - iii. Member Garcia was concerned that the letter from Chief Eden was not clear on whether or not Juvenile Probation was included. Lt. Garcia says that she will clarify that for Member Garcia.
- C. Letter: Use of Force Policy**
- i. Chair Mohr discussed the letter the POB sent to the Chief of Police on April 18, 2016 regarding APD’s Use of Force Policy. The letter was initiated due to the POB’s exclusion in the Policy making process of the UOF Policy and their requests for language changes in the policy. **See attachment “C” for letter dated April 18, 2016 from the POB to Chief Eden regarding the Use of Force Policy.**
 - ii. Chief Eden responded on June 2, 2016 to the POB letter dated April 18, 2016 regarding the POB’s concerns regarding the UOF Policy. The Chief Eden acknowledged that the POB was excluded from the process because the department was trying to meet a deadline. The Chief also discussed the new policy and procedure process. **See attachment “D” for letter dated June 2, 2016 from Chief Eden to the POB regarding the Use of Force policy.**
 - iii. Chair Mohr discussed that the letter does not specifically entail Chief’s Eden’s response to their language proposal.
 - iv. Members discussed with Legal Counsel Mark Baker the Board’s role in the policy making under the Settlement Agreement.
 - v. The Board is concerned about the process and the whole reason why they are on the Board.

- vi. Member Fine made a motion to defer the discussion on whether or not the POB should send another letter to Chief Eden asking him to clarify his response to their specific suggestions as to the policy changes. Member Waites seconded the motion. **Approved.**
For: Cruz, Fine, Garcia, Mohr, Orick-Martinez, Ring, Waites.
- vii. Member Ring made a motion to send a second letter to Chief in lieu of going directly to City Council at this time. The motion was amended to include that Attorney Mark Baker will draft the letter to the Chief, which will ask for clarification of the points not covered in his letter. The draft letter will be forwarded and reviewed by Chair Mohr and Vice Chair Waites without the letter coming back to the POB for approval. Member Fine seconded the motion. **Approved.**
For: Cruz, Fine, Garcia, Mohr, Orick-Martinez, Ring, Waites.

VI. Jennica Jacobi, Assistant City Attorney & Bill Slauson – Discussion of the Policy Approval process.

- A. Ms. Jacobi, Assistant City Attorney, explained the overview of the Pre-Settlement APD Policy development and approval process. **See policy approval flow chart as attachment “E”.**
- B. There are 36 approved policies related to the Settlement Agreement. This means that these policies are compliant with the Settlement Agreement and are up to standards on Constitutional Policing.
- C. The policy process started over a year ago after the Settlement Agreement was signed. Subject-matter experts within APD, which were officers typically in the area, would develop the changes necessary to become compliant with the Settlement Agreement.
- D. Bill Slauson, Executive Director of the Albuquerque Police Department (APD), discussed the Post-Settlement APD Policy Approval Process. **See attached policy approval flow chart as attachment “E”.**
- E. The citizen policy recommendation to the Office of Policy Analysis form can be downloaded from the Standard Operating Procedures webpage of the Albuquerque Police Department located here:
<http://www.cabq.gov/police/our-department/standard-operating-procedures>
- F. Vice-Chair Waites discussed that policy development should include best practices in the policy process and policy implementation.
- G. Member Fine would like the policy process to be clearer.
- H. Mr. Slauson clarified that Judge Garcia was speaking about the case not the policy process.
- I. Mr. Slauson offers his SOP Liaison to train the POB on Power DMS. The training can be done in person or by telephone.
- J. APD has appointed a new coordinator to attend the OPA meetings. The coordinator will make sure that policy suggestions from the general public, POB members, and/or groups, get a response.
- K. The six (6) and twelve (12) month review schedule is posted on the APD website along with the policies located here:
<http://www.cabq.gov/police/our-department/standard-operating-procedures>

- L. Member Garcia says she will be looking at the different ways to make the Citizen input form legible and readable for the public who might not be computer literate and/or English literate.

VII. Dr. James Ginger, DOJ Monitor. Summary of comments to the Board: Since day one, Dr. Ginger and Dan Giaquinto have been following the process very closely. They have watched the process as it matures and have liberally commented on it in their reports. The 3rd report, which is approximately 370 pages, will be released in a little over a month. Mr. Giaquinto feeds a lot of the information he compiles into his sections of the report. Dr. Ginger emphasized the communication doorway between the POB and his team. They are available anytime to listen to concerns and make sure those concerns are reflected in either the reporting process or in the resolution process between the monitoring team and the City.

- A. Members discussed with Dr. Ginger the best policy practices used as guiding principles from other cities such as Seattle, Portland, New Jersey, Pittsburg and Los Angeles.
- B. Dr. Ginger is happy to help the POB and the subcommittee in the process of educating the POB on the policy process.
- C. Dr. Ginger recommended that the POB look at the policies that the State Police in New Jersey are utilizing. He offered to get copies of those policies from New Jersey if the Board cannot retrieve them.

VIII. Review and approval of minutes:

- A. Member Ring made a motion to approve the minutes from the May 17, 2016 POB meeting as written. Chair Waites seconded the motion. **Approved.**
For: Cruz, Fine, Garcia, Mohr, Orick-Martinez, Ring, Waites.

IX. Consent Agenda Cases: 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, if applicable.

- A. **Administratively Closed Cases**

205-14	077-15	250-15	042-16	059-16
065-16	085-16			
- B. **Cases more than 120 Days**

219-15	254-15	001-16	005-16	
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- C. **Cases less than 120 Days**

190-15	200-15	224-15	251-15	010-16
025-16	048-16	077-16		

- D. Chair Waites made a motion to approve the cases on the consent agenda. Member Cruz seconded the motion. **Approved.**

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

- E. Copies of the full findings letters to citizens can be found at:

<http://www.cabq.gov/cpoa/findings-letters/civilian-complaints-pob-findings>

- X. **Cases to be heard by the POB 027-16, 060-16, 029-16:** 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. Director Harness read a summary of each of the following cases:
- A. The Complainant in CPC 027-16 called police regarding a situation in her neighborhood. She alleged that Officer M. failed to record the interaction with her, that he was argumentative, dismissive and took steps to denigrate her to justify his poor behavior towards her and that he made false statements in his report.
- i. **The CPOA's findings of CPC027-16 for Officer M. are:**
- a. **Sustained** for violation of SOP 1-39-2(B) concerning all APD sworn personnel to record each and every contact with a citizen during their shift that is the result of a dispatched call for service.
 - b. **Not Sustained** for violation of SOP 1-04-1(F) concerning APD Personnel shall conduct themselves both on and off duty in such a manner as to reflect most favorably on the department.
 - c. **Sustained** for violation of SOP 1-04-4(U) concerning all APD personnel shall not alter, misrepresent, or otherwise make any false statement on any report or other written document which has been filled out in the course of their employment.
 - d. **Discipline Recommendations:** As to the two (2) sustained violations: SOP 1-39-2(B) and 1-04-4(U), the CPOA recommends that Officer M. be placed on an eight (8) hour suspension.
 - e. Member Fine made a motion to accept Mr. Harness's recommendations including discipline. Member Ring seconded the motion. **Approved.**
For: Cruz, Fine, Mohr, Ring, Waites.
 - f. A copy of full findings letter for CPC 027-16 can be found at: <http://www.cabq.gov/cpoa/findings-letters/civilian-complaints-pob-findings>
- B. The Complainant in CPC 060-16 called police regarding a Domestic Violence situation in which his girlfriend was intoxicated and arrested for Battery against a Household Member. She alleged possible sexual misconduct by Officer V. due to the lack of clothing and because the officer did not tag those items in with her when she was booked at the PTC.
- i. **The CPOA's findings of CPC 060-16 for Officer V. are:**
- a. **Exonerated** for violation of SOP 1-2-3 (4B) concerning an Officer's shall abide by the guidelines in decision making.
 - b. **Sustained** for violation of SOP 2-08-2 (M3 a.b) concerning disposition of evidence.
 - c. **Discipline Recommendation:** The CPOA Recommends that Officer V. is given a verbal reprimand.

- d. **Policy recommendation:** The CPOA recommends that the Officers across the city be reminded at their roll calls that they should not be throwing away people's property.
 - e. Member Fine made a motion to accept Mr. Harness's recommendations, his letter, and his findings, as well, as the discipline recommendations and recommendations for re-educating at roll call. Member Fine amended her motion to include a request reminder training for officers who are called to Domestic Violence situations. Vice Chair Waites seconded the motion. **Approved.**
For: Cruz, Fine, Mohr, Ring, Waites.
 - f. A copy of full findings letter for CPC 060-16 can be found at: <http://www.cabq.gov/cpoa/findings-letters/civilian-complaints-pob-findings>
- C. The Complainant in CPC 029-16 alleged that Officer L. and Officer D. did nothing to a drug dealer who threatened her with a gun. Instead, she alleged the Officers pointed an AR-15 and a shotgun in her face and threw her to the ground and sat on her back.
- i. **The CPOA's findings of CPC 029-16 for at Officer L. are:**
 - a. **Sustained violation not based on Original Complaint** for violation of SOP 1-05-02 (C)(9)(e) concerning personnel to write reports when they point their firearm at an individual.
 - b. **Sustained violation not based on Original Complaint** for violation of SOP 2-24-3(A)(5)(f) concerning preliminary investigations that may include but are not limited to reporting the incident fully and accurately.
 - c. **Discipline Recommendation:** The CPOA Recommends that Officer L. is given a written reprimand.
 - ii. **The CPOA's findings of CPC 029-16 for at Officer D. are:**
 - a. **Exonerated** for violation of SOP 2-52-3 (A) concerning officers may use force when objectively reasonable based on a totality of the circumstances.
 - b. **Sustained violation not based on Original Complaint** for violation of SOP 2-52-7 (B) concerning that all officers will notify an on-duty supervisor as soon as practical when a use of force occurs.
 - c. **Discipline Recommendation:** The CPOA Recommends that Officer D. is given a verbal reprimand.
 - d. Member Fine made a motion to accept Mr. Harness's letter with its findings and the disciplinary recommendations as well. Member Cruz seconded the motion. **Approved.**
For: Cruz, Fine, Mohr, Ring, Waites Members
 - e. Members discussed the reason why the police were called out to the scene and why the officer's drew their weapons.

- f. A copy of full findings letter for CPC 029-16 can be found at: <http://www.cabq.gov/cpoa/findings-letters/civilian-complaints-pob-findings>

----Dinner break at 7:00 p.m. Meeting reconvened at 7:26 p.m. ----

XI. Reports from Subcommittees:

A. Outreach Subcommittee – Leonard Waites, Chair:

- i. The Outreach subcommittee has not met. A future meeting date is forthcoming.
- ii. Dr. Orick-Martinez is now a member of the Outreach Subcommittee
- iii. Member Ring mentioned that they are meeting as the NACOLE Local arrangements committee.
- iv. Member Fine gave an update on the brochure. The logo is finished but the graphic designer is having pregnancy issues and is still working on the brochure.

B. Policy and Procedures Review Subcommittee – Dr. Susanne Brown, Chair. Chair Mohr gave an update for Susanne Brown:

i. Collective Bargaining Agreement with the Albuquerque Police Officer Association (APOA)

- a. The APOA Collective Bargaining Agreement was discussed at the Policy and Procedure Review Subcommittee meeting.
 - b. The Board would like to make sure that during the upcoming negotiations with APOA, the APOA correct the name of the CPOA and the POB in their contract and to make sure that there contract terms do not contradict the ordinance.
 - c. Attorney Mark Baker recommends to start a conversation with the City Attorney's office to get feedback and see what is workable.
 - d. Vice Chair Waites made a motion to ask Attorney Mark Baker to work with the City Attorney to make sure that our interest is represented in the upcoming collective bargaining agreement.
- Approved.**

For: Cruz, Fine, Garcia, Mohr, Orick-Martinez, Ring, Waites.

- ii. **Role in Policy Making.** The discussion on the POB's role in policy making was discussed previously.
- iii. **Body Worn Recording Devices.** This item was moved to item XII. Reports from City Staff, letter f, number 2 *Miriam Verploegh, Analyst.*
- iv. **After-Hours Communications, Probation and Parole** letter was discussed in section five, letter B.
- v. Director Harness to communicate with Susanne Brown to schedule a future meeting date for the Policy and Procedure meeting.

C. Case Review Subcommittee – Leonard Waites:

- i. **Appeals.** The appeal process can be found at: <http://www.cabq.gov/cpoa/appeal-process>

- a. **CPC 129-13, CPC 132-13, CPC 035-14, CPC 060-15, and CPC 157-15:** The complainant stated that he is requesting a complete investigation of all of his cases. The request fails to meet the appeal process criteria. Therefore, the request is denied.
- b. **CPC 229-14.** The complainant was involved in a motor vehicle accident. She stated that the report was inaccurate and that the officer downplayed her injuries in the report. The CPOA found that the officer's conduct to be exonerated and unfounded. The request fails to meet the appeal process criteria. Therefore, the request is denied.
- c. **CPC 232-14.** The complainant only indicated in his request that he was appealing the findings of the CPOA and the disciplinary action of the CAO with no other detailed information. The CPOA found that the officer's conduct to be exonerated and unfounded. The request fails to meet the appeal process criteria. Therefore, the request is denied.
- d. **CPC 156-15.** The complainant stated that he is a victim and that he was injured during his arrest and does not agree with the CPOA's decision. The request fails to meet the appeal process criteria. Therefore, the request is denied.
- e. Member Ring made a motion to accept the appeals as denied at this time. Member Cruz seconded the motion. **Approved.**
For: Cruz, Fine, Mohr, Ring, Waites.

XII. Reports from City Staff:

A. APD, Lt. Garcia, Internal Affairs:

- i. Lt. Garcia gave a report on Statistical Data for the Month of May, 2016. **See "Attachment F" for APD's report.**
- ii. Members discussed drug testing for Officers involved in shooting incidents and motor vehicle accidents. Lt. Garcia explained if an officer is involved in a motor vehicle accident, cars are towed from the scene and/or there are bodily injuries, and the investigation revealed it was the officer's fault, the officer is tested for drugs. Officers who are involved in a shooting incident are not tested for drugs.
- iii. Members discussed data collection and how it feeds in the policy making process. Lt. Garcia explained that data they compile is submitted to APD Executive Staff who will review and submit for policy changes at any time.
- iv. Vice Chair Waites would like commend Natalee Davila for creating the Albuquerque Police Department, Quarter 1, 2016 Use of Force Quick Reference Sheet.
- v. Members discussed collection of data in regards to race and ethnicity with Natalee Davila, Program Data Analyst from Internal Affairs.
- vi. The CPOA does track other demographic data in other areas such as citizen complaints, IA complaints and arrests.

- vii. Members discussed with Lt. Garcia the data from incidents investigated by supervisors and serious incidents from the UOF Reference sheet. **See attachment G for UOF Quick Reference Sheet.**

B. City Council, Julian Moya: Julian Moya gave an update from the City Council meeting from Monday, June 6, 2016:

- i. City Council has formally received the Civilian Police Oversight Agency's (CPOA) Annual report.
- ii. City Council approved bill O-16-18, which amended the Police Oversight Ordinance, with the following changes:
 - a. **Investigations:**
 - 1. O-16-18 clarifies that the Civilian Police Oversight Agency (CPOA) may also audit and/or monitor other administrative investigations by other APD Personnel not just Internal Affairs.
 - 2. Replace the term "Excessive use of force" with "Serious use of force" to be consistent with the Settlement Agreement.
 - 3. Added language regarding possible criminal prosecution to be consistent with the Settlement Agreement and provide procedures for the CPOA to deal with such matters.
 - b. **Garrity Statements:** O-16-18 changed the Police Oversight Board's (POB) ability to view Garrity statements by requiring the majority vote by the Police Oversight Board (POB) allowing members to view the statements at their custodial location at the Albuquerque Police Department (APD).
 - c. **Police Oversight Board Training:** O-16-18 directs the Albuquerque Police Department (APD) to work with the Civilian Police Oversight Agency (CPOA) to identify the most important portions of the Civilian Police Academy and make those part of the POB's mandatory training.
 - d. POB council Mark Baker mentioned that City Council was
- iii. **Police Oversight Board (POB) Member Applications:** City Council is currently accepting applications for membership on the Police Oversight Board (POB). Citizens who are interested or would like to apply, they can visit City Council's website at www.cabq.gov/council to fill out an application. The deadline to apply is 5 p.m. on July 1, 2016.
- iv. Attorney Mark Baker would like to thank Chris Melendres and Jon Zaman from City Council, for helping with the amendments of the POB Ordinance. He stated that City Council is very supportive of the POB. Member Ring from the Outreach Subcommittee will write a letter to City Council to thank them.

C. Mayor's Office:

- i. No one present to give report.
- ii. Members Fine mentioned that the NACOLE Committee inviting the City Council members Brad Winter and City Council President Dan Lewis to the NACOLE town hall discussion on Sunday, September 25, 2016.

- iii. Member Cruz started a discussion to invite the Mayor to participate in the NACOLE town hall meeting on Sunday, September 25, 2016 and future POB Meetings.
 - iv. CPOA Community Engagement Specialist Amanda Bustos is communicating with the Mayor's office to organize a representative from their office to attend future POB meetings.
 - v. Member Fine made a motion that the POB invite Mayor Berry to participate, as Mayor, in the Sunday town hall meeting that kicks off the NACOLE conference coming September 25th through September 29th. This event is September 25th and it's the opening event for the conference. Member Ring seconded the motion. **Approved.**
For: Cruz, Fine, Garcia, Mohr, Orick-Martinez, Ring, Waites.
- D. City Attorney:** Assistant City Attorney Jenica Jacobi made a presentation at the beginning of the meeting.
- E. Community Policing Councils:** No one present to give report.
- F. CPOA Reports:**
- i. **CPOA Executive Director Edward Harness:** Director Harness gave the following report for the CPOA:
 - a. For the month of May, 2016, the CPOA received 34 new complaints and 33 Job Well Done reports, of which 27 of those are from the protest at the "Trump Rally."
 - b. There were two (2) successful mediations. As a result of the Board's concerns, the following will be completed:
 - 1. The administratively closed letters will include a brief summation of the complaint and the fact that the case was successfully mediated and resolved.
 - 2. Director Harness will be mindful of the practice of individual officers utilizing the mediation process in order to circumvent an investigation during his review of complaints for the appropriateness for mediation.
 - c. The Force Review Board, First Quarterly Statistical Report was distributed and in compliance of the settlement agreement which was reviewed the Lt. Garcia. **See Attachment G for UOF quick reference sheet.**
 - d. APD Ride-A-Long log was distributed and discussed. Director Harness to resend the link to the ride-a-long survey. **See Attachment "H" for the POB Ride-A-Long Log.**
 - e. The NACOLE agenda was distributed and discussed. A head count for the members was conducted in order to get the early bird cost for the conference. **See Attachment "I" for the NACOLE agenda.**
 - f. Director Harness responded to two (2) Officer-Involved Shootings in the last week of May. He was fully briefed by CIRT on scene and will wait for the full investigation to bring before the POB.

- g. A copy of the pending Officer-Involved Shootings for 2011-2016 was distributed and discussed. **See Attachment “J” for the OIS pending cases list.**
 - 1. Members discussed the OIS Pending cases list and suggested that the CPOA create a different chart or graph, such as an organizational chart and/or a pie chart, to make the information more understandable for the public.
 - 2. Members discussed their opinions on how the OIS cases should be heard by the board.
 - 3. Member Ring made a motion to task the Case Review Subcommittee and CPOA Director Edward Harness to come up with options for the POB to hear OIS cases. Member Cruz seconded the motion. **Approved.**
For: Cruz, Fine, Garcia, Mohr, Orick-Martinez, Ring, Waites.
- ii. **Miriam Verploegh, CPOA Analyst**
 - a. A draft copy of the APD Data Access Request letter was distributed and discussed. **See Attachment “K” for the draft letter requesting APD Data Access Request.**
 - 1. Member Fine made a motion to revise the letter to include read only access and settlement agreement data related to civil litigation. **Approved.**
For: Cruz, Fine, Garcia, Mohr, Orick-Martinez, Ring, Waites.
 - 2. Member Fine made an amendment to the above-referenced motion that Member Cruz to work with Dr. Verploegh in the edits of the draft letter and provide to Chair Mohr for her signature. Vice Chair Waites seconded the amended motion. **Approved.**
For: Cruz, Fine, Garcia, Mohr, Orick-Martinez, Ring, Waites.
 - b. A draft copy of the Traffic and Pedestrian Data Collection Request was distributed and discussed. **See Attachment “L” for the draft letter requesting access to Traffic and Pedestrian Data.**
 - 1. Member Cruz made a motion to defer this letter back to the Policy and Procedure Subcommittee and start a conversation with Ms. Jenica Jacobi and Bill Slauson to get their thoughts as well. Member Fine seconded the motion. **Approved.**
For: Cruz, Fine, Garcia, Mohr, Orick-Martinez, Ring, Waites
 - c. A copy of Table 1-Decision Breakdown of Recording Procedure was distributed and discussed. The table was created as a visual aide for officers in when they should turn on their lapels. **See Attachment “M” for Lapel Table breakdown.**

XIII. 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 Mark Baker at this time.**

XIV. Other Business:

- A.** The Mission Statement training session will be scheduled at a later date.
- B. Subcommittee Dates:**
 - i.** The next meeting date for the Case Review Subcommittee will be on June 23, 2016 at 10:30 a.m. at Plaza Del Sol.
 - ii.** The next meeting date for the Policy and Procedure Subcommittee will be set at a later date.
 - iii.** The next meeting date for the Personnel Subcommittee will be held on June 29, 2016 at 3:30 p.m. at Plaza Del Sol.
 - iv.** Vice Chair Waites will speak with the CPOA Outreach Coordinator Amanda Bustos to schedule a future date for the Outreach Subcommittee.
- C. FATS Training.** Larry Edmundson is the contact person for the FATS training. Member Ring will resend the email regarding the FATS training to all the POB Members.
- D. Board Designated Spokesperson**
 - i.** Members discussed appointing a POB designated spokesperson to speak to the media.
 - ii.** Vice Chair Waites made a motion that the POB appoint Member Fine as the POB's spokesperson and direct all media inquiries to her. Chair Mohr seconded the motion. **Approved.**
For: Cruz, Fine, Garcia, Mohr, Orick-Martinez, Ring, Waites.
- E. Legal Representation Contract**
 - i.** Vice Chair Waites made a motion that Attorney Mark Baker be retained for another year to represent the POB and the CPOA in legal matters. Member Ring seconded the motion. **Approved.**
For: Cruz, Fine, Garcia, Mohr, Orick-Martinez, Ring, Waites.

- XV. Adjournment:** Vice Chair Waites made a motion to adjourn the meeting. Member Fine seconded the motion. Meeting adjourned at 9:16 p.m.

*Next regularly scheduled POB meeting will be on
Thursday, July 14, 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

ATTACHMENTS

DRAFT

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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

May 27, 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,

Two POB members recently attended a ride along and experienced similar incidents; the APD field officers have not had an after-hours and/or weekend contact number for the State of New Mexico's Probation and Parole office. Is it possible for field officers to contact an on duty employee (not automated or voice mail) in order to clarify orders or field officers to discuss the disposition of cases? Please clarify whether officers have access to this type of contact and if they don't, what is the current procedure for officers who are in need of this type of information?

PO Box 1293

We believe a point of contact is critical 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 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 corroborating information on the orders for field officers is acute in the case of juveniles.

Albuquerque

New Mexico 87103

We know field officers are doing their best to work cooperatively with probation and parole, but it appears 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. If this information is not yet available, it seems that garnering an empowered liaison between APD and the State of New Mexico's Probation and Parole office who would be available after-hours and on weekends would benefit both APD field officers and the citizens they serve.

www.cabq.gov

Sincerely,

Beth A. Mohr, Chair
Police Oversight Board

"Attachment A"

Albuquerque - Making History 1706-2006

POB Letter to Chief Eden
May 27, 2016
Page 2

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
Edward Harness, Esq., Executive Director

“Attachment A”

CITY OF ALBUQUERQUE

Albuquerque Police Department



Gorden E. Eden, Jr., Chief of Police



June 8, 2016

Beth A. Mohr, Chair
Police Oversight Board
600 2nd Street NW, Room 813
Albuquerque, NM 87103

Dear Ms. Mohr,

I am writing in response to the letter dated May 27, 2016 regarding the need for after hours and weekend contact phone numbers for the State of New Mexico Probation and Parole officers. The letter mentions recent concerns with APD field officers inability to contact Probation and Parole on hours other than business hours.

The Emergency Communications Center has two 24/7 law enforcement only phone numbers for the New Mexico Probation and Parole department. One number is answered in Albuquerque and the second is a toll free statewide number. Both numbers were tested at 11:00 p.m. to confirm they would be answered by a live person and they were indeed answered by Probation and Parole staff.

These phone numbers have been republished within the department commands. In addition, staffs were advised the Emergency Communications Center has this information available upon request.

Thank you for advising me of this concern.

Sincerely,

GORDEN E. EDEN, JR.
Chief of Police
Albuquerque Police Department

GEE: elw

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
Edward Harness, Esq., Executive Director

Albuquerque - Making History 1706-2006

“Attachment B”

CIVILIAN POLICE OVERSIGHT AGENCY

Edward Harness, Esq., Executive Director

POLICE OVERSIGHT BOARD

Beth Mohr, Chair

Leonard Waites, Vice Chair

Dr. Susanne Brown

Eric H. Cruz

Joanne Fine

Carlotta A. Garcia

Dr. Lisa M. Orick-Martinez

Rev. Dr. David Z. Ring III

April 18, 2016

Gordon Eden, Jr.
Chief of Police
Albuquerque Police Department

Dear Chief Eden:

The Police Oversight Board (POB) of the City of Albuquerque is tasked with spending the majority of our time dealing with matters of Albuquerque Police Department (APD) Policy [§9-4-1-5(C)(5)(a)]. However, the APD has excluded the POB from discussions of arguably the most important APD policy concerning the Department of Justice (DOJ) Settlement Agreement, namely the APD Use of Force policy [SOP §2-52].

The POB Policy and Procedures Subcommittee had been working on the Use of Force policy, and asked to make comments on the policy in December 2015, at a time when it was going back and forth between APD and the DOJ. We were denied an opportunity to review drafts and makes comments at that time.

Members of the Policy and Procedures Subcommittee, as well as members of the Citizen Policy Oversight Agency (CPOA), were present when the policy was presented at APD's Policy and Procedures Review Board (PPRB), but civilian oversight officials were effectively told not to comment, because the work had already been done and APD was not looking for comments at that point in time. While we agreed that it was time to get the policy approved, we disagreed with APD's process which improperly excluded the POB and CPOA from making any contributions to the policy content.

The POB has continued concerns about the policy which was ultimately approved without our input. For example, the word "feasible" is unclear and ambiguous. The benchmark for Use of Force is "reasonableness"; the use of the word "Feasible" weakens the policy.

We are concerned that there are other concepts added to the policy which are unhelpful and confusing to the officers. For example, "intermediate force" is a phrase not used in the Settlement Agreement; we recommend that the policy use language which is consistent with the Settlement Agreement.

“Attachment C”

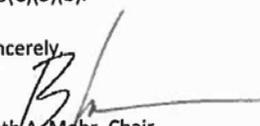
POB Letter to Chief Eden
April 18, 2016
Page 2

Additionally, we would request that "reason to believe" be substituted for "probable cause" in §2-52-3F; the latter appears to place an inappropriately higher standard on officers than necessary.

Finally, the Lethal Force and Motor Vehicles [§ 2-52-3F(4)] is written more clearly in the Settlement Agreement than in the existing policy, and we would encourage adopting that language in the APD policy.

The POB was created to assist APD with the creation and modification of policy; it constitutes the majority of our responsibilities. We anticipate that we will be included in the initial and all subsequent talks on the Use-of-Force policy as well as the other thirty-four DOJ/APD "critical policies", as well as other policy formation matters. We look forward to your reply to our recommendations above, in compliance with your obligations under §9-4-1-5(C)(5)(b).

Sincerely,



Beth A. Mohr, 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 C"

CITY OF ALBUQUERQUE

Albuquerque Police Department



Gorden E. Eden, Jr., Chief of Police



June 2, 2016

Beth Mohr
Chair
Police Oversight Board
PO Box 1293
Albuquerque, NM 87103

Dear Madame Chair:

I am in receipt of your letter dated April 18, 2016. Thank you for expressing your specific concerns regarding SOP 2-52 *Use of Force*. My team and I are committed to resolving the issues that you described in order to improve existing processes.

The process regarding the development of SOP 2-52 *Use of Force* was unique in the way it was negotiated between the parties and the need to begin use of force training that, due to its length, would endanger deadlines set by the Settlement Agreement if not started in January 2016. APD did make SOP 2-52 *Use of Force* available for commentary via PowerDMS in December 2015, well before it was approved by the parties at the end of January 2016. It is my understanding that no one from the POB chose to provide commentary at that time through PowerDMS. SOP 2-52 *Use of Force* was heard at a Policy and Procedures Review Board (PPRB) meeting in late January, with POB and CPOA members in attendance. The new policy was presented to the PPRB with the caveat that minor changes would be incorporated at that time; but due to the approval of the parties and the need to initiate use of force training, changes requiring significant review or analysis would be collected and considered at the six-month mark. In fact, when SOP 2-52 *Use of Force* was placed on PowerDMS for sanction review in March, several POB members provided commentary that was considered by the Standard Operating Procedures Review Committee (SOPRC). Mark Baker sent his comments about 2-52 to the City that were reviewed by the City Attorney and an Assistant City Attorney. The comments that were received from Mr. Baker were after the PowerDMS distribution and the subsequent PPRB meeting, but the City still considered them.

It is precisely because of these issues regarding review and commentary that APD has expanded its policy process. The department has taken several steps that have opened the entire policy process to input from the POB and others more than it has ever before. APD recently created the Office of Policy Analysis (OPA) to provide for a deeper look into APD policies and invited both the CPOA and the POB to name permanent members of that group. APD created it to give the opportunity for all groups that are invested in the process time to think about the policy, consider national

400 Roma NW

Albuquerque

New Mexico 87102

www.cabq.gov

albuquerque - Making History 1706-2006

“Attachment D”

trends, and research the impact that the policy may be having on department operations. It is truly the department's policy "think tank", and I am confident that it will become a critical piece in the department's policy process. The OPA will also provide a longer timeline for the review and consideration of each policy, as they will not be bound by Settlement Agreement deadlines for policy review and passage. Department staff are also going to implement a new process in order to increase the communication between the originators of the commentary and APD's policy group. All commentary will now be logged, and a result for each commentary item will be sent back to the originator so that they will know why or why not a particular item was accepted and incorporated.

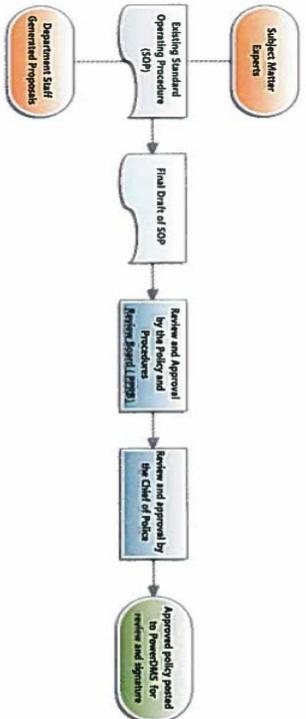
The opportunities to provide input begin with the Office of Policy Analysis (which the CPOA Executive Director participates as well as a POB member); continues with the SOP Review Committee (CPOA member); to PowerDMS (commentary by all CPOA and POB); back to the SOPRC to review (CPOA member); on to the Policy and Procedures Review Board (CPOA and POB members); with a final stop at the OPA (CPOA/POB member). Literally, each internal group that reviews a policy along the process contains at least one CPOA and/or POB member.

I would also like to take a moment to clarify Judge Garcia's role in the policy process. Judge Garcia was hired by APD to act as a special consultant to review APD's CASA-related policies. He was tasked with reviewing each policy to ensure that it complied with the CASA, that it met constitutionally-based policing requirements, and add any additional critique that he felt was appropriate. He does not solely adopt or approve policy, but makes recommendations based on his experience. His role in the overall APD policy process is fairly narrow and occurs at the tail end of the process when the policies were being reviewed and approved by the parties. The policies that were reviewed by Judge Garcia still progressed through the APD policy process; they were moved through the system (with consideration of CPOA and POB commentary) and were the basis that the parties used to develop the final product.

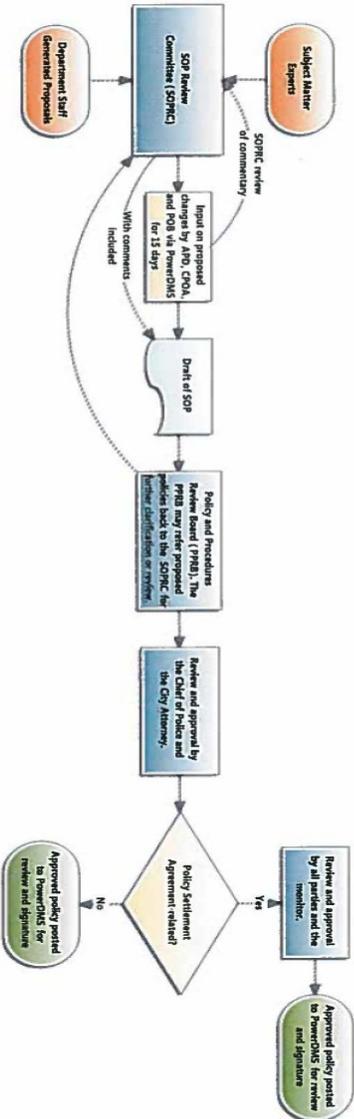
CPOA Executive Director Ed Harness (who seemed encouraged and expressed enthusiasm about the OPA process in the most recent OPA meeting), and APD Executive Director Bill Slauson have had discussions regarding the collection of commentary from formal groups and individual citizens regarding policy. They have suggested that individual citizens who wish to comment on policies can do so through the Community Policing Councils (CPCs), using a standardized form that will be available on the APD website. The commentary would be discussed at the CPC meeting (further advancing their mission), and then be passed on to the POB, where again the policy commentary would be discussed and vetted for submission to the OPA. Formal groups may be invited to present to the OPA, and/or they may submit their commentary to the POB. We believe that the POB being the collection point would help the POB advance their goal of 51% of their time addressing policy. I

“Attachment D”

Pre-Settlement APD Policy Approval Process

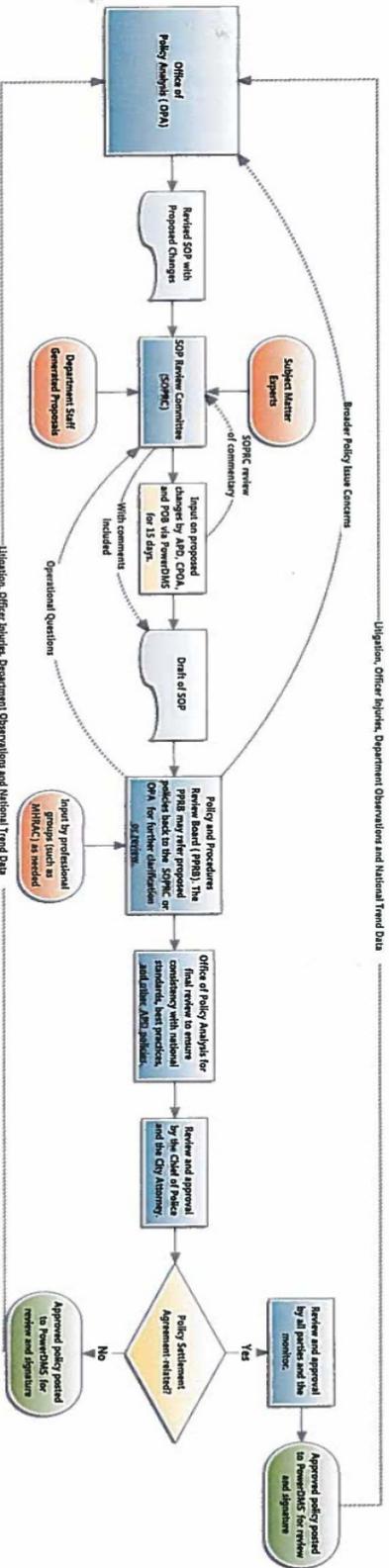


Post-Settlement APD Policy Approval Process



Draft APD Policy Approval Process

March 15, 2015



Policy and Procedures Review Board (PPRB):
 The PPRB has been a fixture at APD for at least ten years. The Board's makeup has varied over the years, but it generally consists of executive-level staff from both sworn and civilian roles, including the Civilian Police Oversight Agency (CPOA) and Police Oversight Board (POB). The role of the PPRB is to review proposed changes to SOPs, discuss implications, and forward the final draft of the SOP to the Chief of Police for final approval. The PPRB meets weekly.

Standard Operating Procedure Review Committee (SORPC):
 Comprised of four APD lieutenants of varying experience and location within the department, the Quality Assurance Auditor Supervisor, APD's SOP Liaison, and a City legal representative. The purpose of the group is to provide a thorough review of each proposed change to the SOP, from an operational and legal perspective. In addition, the group was previously tasked with reviewing all APD policy to update information, improve readability and clarity, and more easily convert SOPs into training. The SORPC meets weekly.

Office of Policy Analysts (OPA):
 The OPA will be comprised of APD staff, legal staff, and contracted experts. The proposed OPA will gather information on national standards and best practices and integrate their findings into existing APD policy while providing a "big picture" view and deep analysis of APD policies. The OPA will also review collected information on lawsuits, officer injuries, and trend data that may indicate the need for policy change. The OPA will also set goals and objectives regarding policy development and develop policy recommendations that will be submitted to the rest of the APD policy review and approval process, and ultimately for review by the Chief of Police. The group will receive input from representatives from the CPOA, POB, and local groups interested in policy development, review, and analysis in a monthly forum. OPA members are also present in other boards and committees throughout the process.

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

APD 911 Communications Center
Dispatched calls for Service for MAY 2016: 43,334

INTERNAL CASES FOR THE MONTH OF MAY 2016

I's

Internal Cases Received: 8
Comprised of:

- 4-Internal Affairs Investigated case
- 4-Area Command Investigated cases

Internal Cases Administratively Closed: 1

Internal Cases Mediated: 0

Total Internal Cases Completed the Month of MAY: 23
Comprised of:

- 3-Area Command
- 21-Preventable Vehicle Accident

Discipline imposed for Internal Cases/ MAY 2016:

3: Verbal Reprimand
18: Letter of Reprimand
2:8 hour Suspension

Standard Operating Procedures (recommended)

Admin Orders:
3-66-3C2a
Conduct:
1-04-3A 1-04-4C 1-04-4D
Communications SOP:
2-01-1

Pending Cases for the Month of MAY 2016: 8

“Attachment F”

Quarter 1 2016 Use of Force Quick Reference Sheet

You should know:

$$71 \text{ Use of Force Incidents} \div 129,440 \text{ Calls for Service} = 0.05\%$$

Incident Area

Northeast	Southeast	Foothills	Northwest	Southwest	Valley
26	23	1	1	4	16

Use of Force Tool	Q1-2015	Q4-2015	2016
Baton	0	0	0
Chemical Agent	8	11	2
Bean Bag	14	19	0
Canine Apprehension	14	18	3
Electronic Control Device	75	0	21
Firearms Discharge	3	2	2

There were also **52 Takedowns** and **43 Empty Hand Techniques** in 2016.

- 43.44% were Non-Hispanic officer to Non-Hispanic subject
- 20.19% were Non-Hispanic officer to a Hispanic subject
- 72.13% were White race officers to White race subjects
- 13.93% were White race officers to Native American subjects
- 18.03% of incidents were 30-39 years old for officers and 20-29 years old for subjects
- 12.30% were 20-29 years old for officers and subjects

21%
of Officers involved were injured during a Use of Force.

83% of incidents were investigated by Supervisors	17% of incidents were classified as Serious	1.6% of officers who used force were Female	88% of Use of Force subjects were Male.	49% of incidents occurred during swing shift
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“Attachment G”

Albuquerque Police Department
2015-2016 CPOA Ride Along Log

		Date of Ride Along 2016						
Brown, Susanna Officer Area Command/Team Confirmed Completion	<input type="checkbox"/> Redacted	1/19/2016 L. Heckel SE Swing / T4	<input type="checkbox"/> Redacted	2/5/2016 A. Suarez SE Swing / T4	<input type="checkbox"/> Redacted	5/13/2016 W. Thomas SE Swing / T4	<input type="checkbox"/> Redacted	5/20/2016 L. Monte SE Swing / T4
	<input checked="" type="checkbox"/> Received	2/2/2016 J. Lopez NE Days / T1	<input type="checkbox"/> Redacted	5/11/2016 J. Welch SE Days/T2	<input type="checkbox"/> Redacted	4/28/2016 M. Fisher SE Days/ T1	<input type="checkbox"/> Redacted	<input type="checkbox"/> Redacted
Fino, Joanne Officer Area Command/Team Confirmed Completion	<input type="checkbox"/> Redacted	1/19/2016 J. Montano VA Swing	<input type="checkbox"/> Redacted	1/26/2016 T. Wolffbrandt VA Swing	<input type="checkbox"/> Redacted	5/14/2016 C. Luttrell VA Days/T3	<input type="checkbox"/> Redacted	Reschedule Pending with Officer J. Lujan
	<input checked="" type="checkbox"/> Received	1/31/2016 L. Acosta VA Days / T2	<input type="checkbox"/> Redacted	2/27/2016 S. Lowell SE Days T3	<input type="checkbox"/> Redacted	6/10 or 6/17 Sgt. A. Fincher - J. Hollier NE Days, T3	<input type="checkbox"/> Redacted	<input type="checkbox"/> Redacted
Dr. David Ring Officer Area Command/Team Confirmed Completion	<input type="checkbox"/> Redacted	1/15/2016 R. Beckstrom NE Days/ T2	<input type="checkbox"/> Redacted	4/22/2016 Andrew Henry NE Days, T3	<input type="checkbox"/> Redacted	Will contact in the summer	<input type="checkbox"/> Redacted	<input type="checkbox"/> Redacted
	<input checked="" type="checkbox"/> Received	2/5/2016 N. Endres SE Days T2	<input type="checkbox"/> Redacted	2/6/2016 A. Beck SE Days T2	<input type="checkbox"/> Redacted	<input type="checkbox"/> Redacted	<input type="checkbox"/> Redacted	<input type="checkbox"/> Redacted
Dr. Carlotta Garcia (3/16) Officer Area Command/Team Confirmed Completion	<input type="checkbox"/> Redacted	4/22/2016 Jordan Grady SE Graves, T7	<input type="checkbox"/> Redacted	4/30/2016 F. Baca SW Days/T3	<input type="checkbox"/> Redacted	<input type="checkbox"/> Redacted	<input type="checkbox"/> Redacted	NE/NW next time Contact to set in October
	<input checked="" type="checkbox"/> Received	3/26/2016 J. Luchetti SW Graves T9	<input type="checkbox"/> Redacted	5/28/2016 Sgt. C. Schroeder arranging FH Swing / T4	<input type="checkbox"/> Redacted	<input type="checkbox"/> Redacted	<input type="checkbox"/> Redacted	<input type="checkbox"/> Redacted

“Attachment H”



Confronting Systemic Injustice

22nd Annual NACOLE Conference

Albuquerque, New Mexico

September 25-29, 2016

Daily Schedule*

Sunday, September 25 th			
1:00 p.m. – 2:30 p.m.	Albuquerque Community Meeting: Advancing Community Trust		
2:45 p.m. – 4:00 p.m.	An Introduction to NACOLE, its Founders, and Civilian Oversight of Law Enforcement		
3:00 p.m. – 6:00 p.m.	Welcoming Open House for All Conference Attendees		
Monday, September 26 th			
8:30 a.m. – 9:00 a.m.	Welcoming Remarks		
	Current & Emerging Issues		
9:00 a.m. – 9:45 a.m.	<i>Featured Speaker, Invitation Pending</i>		
10:00 a.m. – 11:30 p.m.	<i>Community Model for Moving Law Enforcement Reform Forward: Essential Elements of APD Forward</i>		
11:30 a.m. – 12:30 p.m.	Lunch on Your Own		
	Current & Emerging Issues (Concurrent Session)	Current & Emerging Issues (Concurrent Session)	Current & Emerging Issues (Concurrent Session)
12:45 p.m.- 2:15 p.m.	<i>Procedural Justice, Part I: The Arrest of Prof. Henry Louis Gates and the Cambridge, Massachusetts Experience</i>	<i>Video: Community Oversight of Police</i>	<i>New Technology for Better Oversight</i>
2:30 p.m. – 4:00 p.m.	<i>Procedural Justice, Part II: Implementing Change, Improving Policing and Challenges to Legitimacy</i>	<i>The Challenges of Implementing Effective Body-Worn Camera Programs</i>	<i>Monitoring Protests: A New Role for Civilian Oversight</i>
4:15 p.m. – 5:30 p.m.	<i>NACOLE in 2020</i> Join us as we discuss the future of NACOLE		
6:30 p.m. – 8:30 p.m.	NACOLE Annual Conference Scholarship Fundraising Dinner (Additional Ticket Required)		
Tuesday, September 27 th			
	Beginner/Intermediate Track (Concurrent Session)	Advanced Track (Concurrent Session)	Correctional Oversight Track (Concurrent Session)
8:30 a.m. – 10:00 a.m.	<i>Legal Updates</i>	<i>Six Years of Jamaican Oversight: Investigation of Police-Related Killings</i>	<i>Models of Correctional Oversight</i>

“Attachment I”

Civilian Police Oversight Board

Minutes – June 9, 2016

Page 25

10:15 a.m. – 11:45 a.m.	<i>Policing and Communities of Color: Confronting Systemic Injustice</i>		
12:00 p.m. – 1:30 p.m.	Keynote Luncheon and NACOLE Awards Ceremony		
1:45 p.m. – 3:15 p.m.	<i>Basic Investigative Skills</i>	<i>Oversight’s Role in Understanding and Managing Use of Force in LA</i>	<i>Jail Safety</i>
3:30 p.m. – 5:00 p.m.	<i>The Cyclical Nature of Civilian Oversight</i>	<i>Policy Analysis in Law Enforcement Oversight: Using Research and Data to Improve Accountability and Practice</i>	<i>Corrections Oversight Workshop</i>
8:00 p.m. – 10:00 p.m.	Special screening of <i>Killing Them Safely</i> , a documentary that examines the history of Tasers.		

Wednesday, September 28th			
	Beginner/Intermediate Track (Concurrent Session)	Advanced Track (Concurrent Session)	Current & Emerging Issues (Concurrent Session)
8:30 a.m. – 10:00 a.m.	<i>Imperative of Bring Community Stakeholders to the Table</i>	<i>Police and De-Escalation: Culture, Training, and the Use of Force</i>	<i>Understanding the Role of the U.S. Department of Justice Special Litigation Section</i>
10:15 a.m. – 11:45 a.m.	<i>Building Bridges to Better Communication with Law Enforcement</i>	<i>Tackling Use of Force Issues through Systemic Review</i>	<i>Living Under a Consent Decree: the Role of Civilian Oversight</i>
12:00 p.m. – 1:00 p.m.	Lunch on Your Own		
1:15 p.m. – 2:45 p.m.	<i>Crisis Intervention Team Training</i>	<i>Scrutinizing Investigations</i>	<i>Democratic Policing and the Policymaking Function of Civilian Oversight</i>
3:00 p.m. – 5:00 p.m.	NACOLE Annual Membership Meeting and Elections		
6:30 p.m. – 8:30 p.m.	NACOLE’s Annual Sankofa Reception		

Thursday, September 29th		
	Current & Emerging Issues (Concurrent Session)	Current & Emerging Issues (Concurrent Session)
8:30 a.m. – 10:00 a.m.	<i>The Transparency-Litigation-Liability Connection</i>	<i>Opportunities for Oversight to Impact Juvenile Justice Reform</i>
10:15 a.m. – 11:45 a.m.	<i>Restoring Public Trust in Law Enforcement through Civilian Oversight</i>	
11:45 a.m. – 12:00 p.m.	Closing Remarks	

*This schedule is subject to change.

“Attachment I”

PENDING OIS CASES/2011-2016

Case #	DOI	Where is it?	Letter from DA	Waiver	Out of Time	VICTIM
I-2011-194	5/10/2011	Pending POB Review	Yes		Yes	Gomez, Alan
I-2012-129	3/19/2012	Pending POB Review	Yes		Yes	Tillison, Daniel
I-2012-152	3/21/2012	Pending POB Review	No		Yes	Atencio, Gary
I-2012-240	6/20/2012	Pending POB Review	No		Yes	Chaves, Santiago
I-2014-70	10/28/2012	Pending POB Review	No		Yes	Ortega, Joaquin
I-2014-48	7/5/2013	Pending POB Review	Yes		Yes	Wood, Vincent
I-2016-44	10/26/2013	Homicide Unit - DA?	No	Yes	N/A	Chase, Christopher
I-2015-50	11/15/2013	Pending POB Review	Yes	Yes	N/A	Garcia, Bobby (Robert)
I-2014-119	12/1/2013	Pending POB Review	No		Yes	Sherill, Shane
I-2015-1	12/8/2013	Pending DA	No	Yes	No	Snider, Andy
I-2014-50	2/20/2014	Pending POB Review	No		Yes	Canine
I-2014-191	3/16/2014	Pending POB Review	No	Yes	N/A	Boyd, James
I-2015-37	3/25/2014	Pending DA	No	Yes	N/A	Redwine, Alfred
I-2014-99	4/21/2014	Pending DA	No	No	No	Hawkes, Mary
	5/3/2014	Homicide Unit Pre-DA	No	No	No	Martin, Armand
	5/22/2014	IA Division Post-DA	Yes	No	No	Chaves, Ralph
	7/22/2014	Pending DA	No	No	No	Robertson, Jeremy
I-2014-190	10/16/2014	Pending POB Review	No	No	Yes	Canine
I-169-15	12/14/2014	Pending POB Review	Yes	Yes	N/A	Armendariz, Ramiro
	1/3/2015	Pending DA	No	No	No	Cook, Christopher
	1/13/2015	Homicide Unit Pre-DA	No	No	No	O'Keefe, John
	5/25/2015	PENDING DA	No	No	No	Gabaldon, Danan
	5/28/2015	Homicide Unit Pre-DA	No	No	No	Garcia, Rodrigo
	6/4/2015	Homicide Unit Pre-DA	No	No	No	Gabaldon, Danan
	7/31/2015	Homicide Unit Pre-DA	No	No	No	Molina, Rafael
I-171-15	9/30/2015	IA Division Pre-DA	No	No	No	Anchondo, Oscar
C-8-15	12/15/2015	IA Division Pre-DA	No	No	No	Rodriguez, Jose
C-2-16	1/11/2016	IA Division Pre-DA	No	No	No	Salazar, Daniel
C-7-16	2/2/2016	IA Division Pre-DA	No	No	No	Alvarado, Edgar
C-23-16	5/24/2016	IA Division Pre-DA	No	No	No	Montoya, Mario
C-26-16	5/28/2016	IA Division Pre-DA	No	No	No	Humphrey, Dennis

“Attachment J”

CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board *Beth Mohr, Chair Leonard Waites, Vice Chair*

Dr. Susanne Brown Eric H. Cruz Joanne Fine

Carlotta A. Garcia Dr. Lisa M. Orick-Martinez

Rev. Dr. David Z. Ring III

Edward Harness, Esq., Executive Director

June 9th, 2016

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

RE: APD Data Access Request

The Civilian Police Oversight Agency is tasked with exploring overall trends in Albuquerque Police Department data in order recommendations about changes needed in training and policy, internal accountability, and discipline of officers in the Albuquerque Police Department. The access requirement to data and subsequent expectation of analysis outlined by the Settlement Agreement and the Monitoring Team is stated clearly in the agreement.¹

Based on the expectations of the settlement agreement the Civilian Police Oversight Agency is requesting access to all data regarding these issues in order to meet the needs of the Department of Justice. Therefore, this letter stands as the formal request by the Police Oversight Board and the Civilian Police Oversight Agency for access to demographic data of all Albuquerque Police Department officers, arrest and citation data issued by officers, Albuquerque Police Department vehicle accidents, take home vehicle data, and comments on policy in power DMS. Based on recent attempts to analyze trends and explore specific issues relevant to the Albuquerque Police Department and its officers it is clear that the Civilian Police Oversight Agency does not have enough data to adequately address its goals as outlined by the agreement and the ordinance. This requested data will better allow the Civilian Police Oversight Agency and the Police Oversight Board to make current and relevant recommendations regarding policy, training, and discipline for the Albuquerque Police Department. Specific data requested is described in Appendix 1.

The Civilian Police Oversight Agency and the Police Oversight Board feel that this access is important not only for agreement compliance but to better analyze trends and changes in the Albuquerque Police Department. This analysis is aimed at bettering the Albuquerque Police Department, through analyzing and understanding trends in police data so we can identify strengths and weaknesses in police behavior and police policy. We look forward to your reply to our recommendations above, in compliance with your obligations under §9-4-1-5(C)(5)(b).

Sincerely,
Beth A. Mohr, Chair
Police Oversight Board

“Attachment K”

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
Edward Harness, Esq., Executive Director

ⁱ 277. *The City shall provide the agency sufficient resources and support to assess and make....recommendations about changes to APD policy and long-term trends in APD's use of force.*

282. *The City shall ensure that the agency, including its investigative staff and the Executive Director, have access to all APD documents, reports, and other materials that are reasonably necessary for the agency to perform thorough, independent investigations... At a minimum the City shall provide the agency, its investigative staff, and the Executive Director access to:*

d) if requested, documents, reports, and other materials for incidents related to those under review, such as incidents involving the same officer(s);

f) if requested, documents, reports, and other materials for incidents that may evince an overall trend in APD's use of force, internal accountability, policies, or training.

283. *The City shall provide reasonable access to APD premises, files, documents, reports, and other materials for inspection by those appointed to the agency, its investigative staff, and the Executive Director upon reasonable notice.*

292. *The City shall require the agency to submit semi-annual reports to the City Council on its activities, including: h) trends or issues with APD's use of force, policies, or training.*

(Pg.84-87, DOJ Settlement Agreement)

“Attachment K”

Appendix 1

Data Request from APD

Arrest and Citation data

Age, sex, race, arrest date, arrest time, arrest location, incident offence, incident location, charge, charge description, district, neighborhood, mental health status, homeless,

Officer Demographics

Education, race, military status, date of hire, rank, age, sex

Vehicle Accidents

Case number, date, time, day, shift, area, unit, location, circumstances

Take home Vehicles:

How many take home vehicles are issued, how many officers live outside the city limits

Data from PowerDMS

We could look through employee suggestions on policy

“Attachment K”

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

June 9th, 2016

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

RE: Traffic and Pedestrian Data Collection Request

Across the nation issues of police bias have continued to pose a threat to building strong relationships between police and the communities they serve. The best way to shift a national discussion of racial profiling and bias from anecdotal accusation to a more rational evidence based dialogue about appropriate enforcement strategies is to collect data so we can determine the scope of the problem. The Police Oversight Board deems that in order to adequately address accusations of police bias, the Albuquerque Police Department should collect demographic data for all pedestrian and traffic stops. The Police Oversight Board trusts that a shift in this data collection system will benefit the citizens of Albuquerque and the Albuquerque Police Department in a variety of ways. First, by collecting data, APD can get ahead of the national curve in data collection and use that empirical evidence to investigate claims of bias. Next, it can convey a commitment to self-reflective, unbiased, data driven policing. Finally, it can use the collected data to provide legal protection for the department.

Therefore, this letter stands as the formal request by the Police Oversight Board that the Albuquerque Police Department collect data during traffic, vehicle and pedestrian stops. This data should include time, date, location, age of individual stopped, race of individual stopped, gender of individual stopped, length of stop, reason for stop, and outcome of stop. This new push for data collection is important because it will increase the Albuquerque Police Department's ability to monitor officers' behavior during stops which will allow the Albuquerque Police Department to understand where to focus training and policy efforts. In conclusion the Police Oversight Board believes that this new data collection effort will help the Department to explore the prevalence and nature of biased policing, to show accountability to the citizens they serve, and to convey concern about this important national issue. We look forward to your reply to our recommendations above, in compliance with your obligations under §9-4-1-5(C) (5) (b).

Sincerely,
Beth A. Mohr, 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 L”

Table 1 Decision Breakdown of Recording Procedure

Mandated Recordings	Discretionary Recordings	Prohibited Recordings
<ul style="list-style-type: none"> a. All use of force encounters, including all contacts where department personnel might foresee use of force. b. Whenever back up is required by policy or a call is made for back up. c. Traffic and pedestrian stops. d. Arrests; including the contact leading up to the arrest when department personnel can reasonably foresee an arrest occurring. Video should continue through the time of arrest until arrestee is delivered to booking, hospital, mental health facility. e. Officers equipped with BWC will record all prisoner or passenger transports f. All vehicle pursuits and searches g. Search warrants of structures from the time of entry until the location has been secured whether by APD or in conjunction with another law enforcement agency. h. Contacts with subjects known to have a mental illness or developmental disability, if the department personnel has prior knowledge or has been notified from an APD resource or emergency evaluation (pickup order). i. Any other legitimate law enforcement contact where the department personnel believes that a recording of an incident would be appropriate or valuable. In these contacts, the department personnel shall balance the law enforcement objectives and need to record against the individual's privacy, particularly with respect to sensitive victims. 	<ul style="list-style-type: none"> a) When on break or otherwise engaged in personal activities; or b) During tactical activations, tactical units may turn off their OBRDs during planning and decision-making. c) When gathering information about crime that occurs in their communities. These intelligence-gathering efforts may be formal (e.g., through interviews with witnesses of a crime) or informal (e.g., through conversations with community members with whom the officer has a relationship). 	<ul style="list-style-type: none"> a. Sexual assault and child abuse victims during a preliminary investigation b. Encounters with undercover department personnel or confidential informants. c. Personal activities or private conversations of department personnel that do not involve calls for service or contact with individuals. d. Conversations between department personnel without all parties being aware of the fact that it will be recorded, except undercover investigations of department personnel involved in criminal conduct. e. Conversations between department personnel that involve case strategy or tactics. f. DWI Checkpoints unless the driver is confrontational with department personnel, refuses to stop, refuses to roll down the window, and/or produces any type of information visually or verbally that indicates they will not willingly comply with department personnel lawful commands. g. Locations prohibited by law, unless permission is obtained to record (e.g. FBI building, restricted areas in Department of Energy research facilities, etc.) h. Locations where individuals may have a reasonable expectation of privacy, such as: restrooms, locker rooms, the presence of medical personnel, or in hospitals. (Katz v. US) However, department personnel will record in these locations if the contact is subject to mandatory recording set forth in column one of this table or if the totality of the circumstances leads the department personnel to believe that recording is appropriate. i. Communications with other police personnel without the permission of the chief executive officer (CEO); j. When conditions make it unsafe or impossible to activate the camera k. If an officer chooses not to record they should document when and why they chose not to record.

“Attachment M”

Background information of Recording Decision Procedure

A visual breakdown of recording procedure was developed, per request of the Policy and Procedure Subcommittee, to better advise officers in the field when they should and should not record. This Table would presumably act as an addition to the current On Body Recording Device (OBRD) Policy. It includes a description of mandatory, discretionary, and prohibitory recording.

This recommendation is in keeping with the policy recommendations developed by experts in the field including The Police Executive Research Forum (PERF) and the OBRD report developed by UNM. The study from UNM states that, "We recommend the policy not mandate the camera system be used for every citizen contact. A policy mandating the videoing recording of all citizen contacts is not practical, or auditable. The policy should note when officers are prohibited from using their camera systems. APD's OBCS policy should be comprehensive and allow for flexibility as the use of OBRD and technology changes. OBRD users as well as police administrators, and other criminal justice system stakeholders, need to have clear and consistent guidelines" (Guerin et.al. 2016). PERF agrees with this approach that officers should have discretion whether to record informal, non-law enforcement-related interactions with the public. However, PERF does suggest that officers should have clear guidance about which specific types of activities, events, and encounters they are required to record (i.e. traffic stops, arrests, searches, interrogations, and pursuits) as well as providing solid guidance for officers when they should exercise discretion not to record.

We feel this is important because it provides clear and easy to follow directions for officers about when to record. The Policy is broad enough to capture the encounters and activities that, because they are the most likely to produce evidence or lead to complaints from community members about the police, are most in need of accurate documentation, and it is narrow enough to maintain privacy for officers and citizens.

Citation

Guerin, Paul; Cathy, Dan; Pacheco, Craig; Tonigan, Alex; Adams, Alex; Torres, Sam; and Coleman, Erin. 2016. "City of Albuquerque Police Department on Body Camera System Research" Institute for Social Research, University of New Mexico.

Miller, Lindsay, Jessica Toliver, and Police Executive Research Forum. 2014. Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned. Washington, DC: Office of Community Oriented Policing Services.

"Attachment M"