

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT BOARD

Thursday, September 21, 2017 – 5:00 PM
Vincent E. Griego Chambers, Basement Level
City/County Government Center – One Civic Plaza NW
Albuquerque, New Mexico

Members Present:

Joanne Fine, Chair
Dr. Carlotta Garcia, Vice Chair
Johnny J. Armijo
Susanne Brown (In late)
Eric Cruz
Dr. William Kass
Rev. Dr. David Z. Ring III
Valerie St. John
Leonard Waites

Members Absent

Others Present

Edward Harness, CPOA
Diane McDermott, CPOA
Michelle Contreras, CPOA
Amanda Bustos, CPOA
Major Jessica Tyler, APD
Lt. Arturo Sanchez, APD
Julian Moya, City Council
Jeremy Schmehl, Asst. City Atty
T.J. Wilham, APD

Meeting Minutes

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

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

III. Mission Statement – Chair Fine read the POB's Mission Statement.

IV. Approval of the Agenda

a) Copies of the Agenda were distributed to each Member in their packets.

b) A motion was made by Member Cruz to approve the agenda. Vice Chair Garcia seconded the motion. The motion was carried by the following vote:

For: 8 – Armijo, Cruz, Fine, Garcia, Kass, Ring, St. John, Waites

c) During the meeting and after agenda item X, the agenda was amended to move item XIII to after item X and for this topic to run concurrent with the dinner break.

V. Public Comments – None.

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

a) Approval of the Minutes from August 10, 2017

1. Copies of the draft minutes from August 10, 2017 POB meeting was distributed to each member in their packets.

2. A motion was made by Member Ring to approve the minutes as written. Member Armijo seconded the motion. The motion was carried by the following vote:

For: 8 – Armijo, Cruz, Fine, Garcia, Kass, Ring, St. John, Waites

Civilian Police Oversight Board
Minutes – September 21, 2017

Page 1

VII. Discussion:

a) **NACOLE.** Director Harness, Member Armijo, Member Ring, Member Waites, Member St. John, Member Cruz and Member Kass all attended the NACOLE Conference in Spokane, Washington from September 10 – 14, 2017 and gave a summary of what they learned at the conference.

***Susanne Brown came in during item VII. b). ***

b) Accident Data Presentation – T.J. Wilham, APD.

1. Mr. Wilham gave a presentation regarding APD accident data. See attachment “A.” Copies of the presentation titled, “APD Involved Crash Analysis” was distributed to the POB members in their packets. A copy of the presentation was also available for the public.
2. Lt. Arturo Sanchez from APD gave a summary about what steps they have made because of the data they compiled.
3. Members discussed the accident data presentation with Mr. Wilham and Lt. Sanchez.

c) Letter to Chief Eden regarding Commander McDonald’s Video Download Policy.

1. In recent weeks, APD Commander McDonald has not been allowing the CPOA investigators to download and store the lapel videos for their files; however he is providing an online link in order to view the videos.
2. The CPOA would like for the POB to write a letter to Chief Eden to outline a protocol to go back to the previous standard to allow the CPOA to download and retain videos for the investigative files.
3. A motion was made by Vice Chair Garcia to write a letter [in collaboration between the POB and Director Harness to draft a letter to Chief Eden regarding the video download protocol]. Member Waites seconded the motion. The motion was carried by the following vote:
For: 9 – Armijo, Brown, Cruz, Fine, Garcia, Kass, Ring, St. John, Waites
4. After the motion, Attorney Mark Baker clarified that the POB would prepare a draft letter to Chief Eden, Jr. that raises the issue and seeks a return to the prior status quo.

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

a) Administrative Closed Cases

119-17	120-17	131-17	132-17	141-17	143-17
147-17	151-17	152-17			

1. A motion was made by Member Waites that we [POB] approve the *Administratively Closed* cases as presented. Vice Chair Garcia and Member Brown seconded the motion. There was no discussion as to any of the administratively closed cases. The motion was carried by the following vote:
For: 8 – Armijo, Brown, Cruz, Fine, Garcia, Ring, St. John, Waites
Abstain - Kass abstained from voting on cases until after the completion of his training.

b) Cases Investigated.

083-17 115-17

1. A motion was made by Member Waites that we [POB] approve the *Cases Investigated* as presented. Member Ring seconded the motion. There was no discussion as to any of the administratively closed cases. The motion was carried by the following vote:
For: 8 – Armijo, Brown, Cruz, Fine, Garcia, Ring, St. John, Waites
Abstain: 1- Kass abstained from voting on cases until after the completion of his training.

c) CIRT Cases

C-027-16 C-033-16 C-045-16 C-049-16 C-054-16 C-066-16
 C-075-16 C-076-16 C-009-17 C-011-17 C-016-17

1. A motion was made by Member Waites that we [POB] approve the *CIRT Cases* as presented. Member Armijo seconded the motion.
2. After the motion, there was a discussion about the CIRT cases. The CIRT cases were presented to the Case Review Subcommittee on September 5, 2017 and were not approved by the Case Review Subcommittee for the reason that the CIRT cases were not presented in an organized manner, the cases were not consistent across the board and they lack of uniformity of file format.
3. After the discussion, the motion failed.
Against: 8- Armijo, Brown, Cruz, Fine, Garcia, Ring, St. John, Waites
Abstain: 1- Kass abstained from voting on cases until after the completion of his training.
4. After the first failed motion, a second motion was presented by Vice Chair Garcia as stated:
 “I would like to move that the CIRT cases we have been enumerating here would be reviewed—would be organized for us [the POB] in a better fashion so that we can correlate the names between different files and different platforms, and that we work with an APD designee, either Major Tyler or

her designee so that we could have that [CIRT Case information] at least in a sorted fashion so we [the POB] are not spending, for myself example [sic] in aside from my motion is it takes about a day and a half to pull all the numbers together and make sure they are all connecting. So, the request is for better organization and better access to each file for each case [for each CIRT case] so we can review them in a more efficient way and a complete file.”

Member Waites seconded the motion. The motion was carried by the following vote:

For: 8 – Armijo, Brown, Cruz, Fine, Garcia, Ring, St. John, Waites

Abstain: 1 - Kass abstained from the vote until after the completion of his training.

- IX. OIS Cases.** 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. The Findings letters to Chief Eden, Jr. for all three OIS cases listed below are posted on the CPOA’s website located here:

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

Member Fine clarified for the public that *concurrence* means that they agree to the findings of IA and *non-concurrence* means that they do not agree to the findings of IA.

- a) Christopher Cook I-172-16. Director Harness concurred with the Internal Affairs investigation.
 1. After the reading of the findings letter in I-022-17, a motion was made by Vice Chair Garcia to accept the findings letter in I-172-16 as written and presented by Mr. Harness. Member Ring seconded the motion. After the motion, there was no discussion. The motion was carried by the following vote:
For: 8 – Armijo, Brown, Cruz, Fine, Garcia, Ring, St. John, Waites
Abstain: 1 - Kass abstained from the vote until after the completion of his training.
- b) Rafael Molina I-023-17. Director Harness concurred with the Internal Affairs investigation.
 1. A motion was made by Vice Chair Garcia to accept OIS case, Rafael Molina, I-023-17, a concurrence letter from Mr. Harness regarding this case be accepted as presented. Member Brown seconded the motion. After the motion, there was no discussion. The motion was carried by the following vote:
For: 8 – Armijo, Brown, Cruz, Fine, Garcia, Ring, St. John, Waites

Abstain - Kass abstained from the vote until after the completion of his training.

c) Danan Gabaldon I-022-17. Director Harness read his non-concurrence findings letter to the POB. Director Harness does not agree with the IA investigation. Prior to the motions for all three OIS cases, a discussion was had regarding the reasons why OIS case I-022-17 is a non-concurrence.

1. A motion was made by Member Ring to send this letter by Mr. Harness [regarding I-022-17]. Member St. John seconded the motion. After the motion, there was no further discussion. The motion was carried by the following vote:
For: 8 – Armijo, Brown, Cruz, Fine, Garcia, Ring, St. John, Waites
Abstain: 1 - Kass abstained from the vote until after the completion of his training.

d) After the motions, Director Harness clarified that all the recommendations for the Use of Force Policies and the disciplinary recommendations are based upon the policies that were in place in June 2015.

X. **POB's Review of Garrity Materials – None.**

XI. **(Previously listed on agenda as Item XIII) - Meeting with Counsel re: Pending Litigation & Personnel Issues.**

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

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

1. A motion was made by Member Waites to amend the agenda and move item XIII to item XI. Vice Chair Garcia seconded the motion. The motion was carried by the following vote:

For: 9 – Armijo, Brown, Cruz, Fine, Garcia, Kass, Ring, St. John, Waites

2. Chair Fine read aloud the following statement:

“Matters subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant pursuant to NMSA 1978, Section 10-15-1(H) (7) and limited personnel matters pursuant to NMSA 1978, Section 10-15-1 (H) (2).”

3. A motion was made by member Cruz that the POB go into a closed session. Member St. John seconded the motion.

Roll call: Kass, Cruz, St. John, Garcia, Fine, Waites, Ring, Armijo, Brown

4. At 6:55 p.m., the POB went into an executive session/dinner break.
5. At 7:30 p.m., the POB came out of an executive session/dinner break.
6. Chair Fine called the meeting to order.
7. A motion was made by Member Cruz to bring the POB back into regular business. Vice Chair Garcia seconded the motion.
8. After the motion, Attorney Baker read the following statement:

“The only matters discussed in our closed discussion were those [matters regarding pending litigation or personnel issues only]. Matters subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant pursuant to NMSA 1978, Section 10-15-1(H) (7) and limited personnel matters pursuant to NMSA 1978, Section 10-15- 1 (H)(2).”

9. After the reading of the above-referenced statement by Attorney Mark Baker, the motion was confirmed by a roll call vote as follows:

Roll call: Kass, Cruz, St. John, Garcia, Fine, Waites, Ring, Armijo, Brown

XII. (Previously listed on agenda as item XI) - Reports from Subcommittees

- a) **Community Outreach Subcommittee – Dr. Ring** - For more information regarding POB Community Outreach Subcommittee meetings, agendas and minutes, please refer to the website located here:

<http://www.cabq.gov/cpoa/subcommittees/outreach-committee>

Member Ring gave a report on behalf of the Community Outreach Subcommittee:

1. The only event this month was that the Community Outreach Subcommittee members all attended the NACOLE conference.
2. The Community Outreach Subcommittee next meeting will be on October 17, 2017 at 5 p.m. at the Plaza del Sol building located at 600 2nd Street NW.
3. After the Policy Subcommittee report in item XII, b. 6, Member Ring added to his report that the Community Policing Councils are no longer run by officers. Member Ring invited not required, board members to try and attend a CPC meeting at least once a month. See attachment “B” for the most recent CPC schedule of meetings.

- b) **Policy and Procedure Review Subcommittee – William Kass** - For more information about the POB Policy and Procedure Subcommittee meetings, agendas and minutes, please refer to the website located here:

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

Member Kass gave a report on behalf of the Policy and Procedure Review Subcommittee:

1. **(Previously listed on agenda as item XI, b. 2) Domestic Violence Policy.**
During his report, Member Kass moved the Domestic Violence policy to item 1 of his report. Member Kass clarified that the Domestic Violence Policy was adopted at the Policy Procedure Review Board (PPRB) meeting on September 21, 2017. Therefore, this item would be discussed later. See attachment “C” for adopted policy.
 2. **(Previously listed on agenda as item XI, b. 4) Dr. Kass’ POB Policy Recommendation Process.** Members discussed Dr. Kass’ POB recommendation process. The POB has agreed to incorporate his suggestions as a framework to test it with future policies that come before the POB. See attachment “D” for POB Policy Recommendation Process.
 - i. After the discussion on Policy 3-52 in item XII, b. 3, a motion was made by Member Ring to affirm Dr. Kass’ policy recommendation process as a informal framework for future policy making by this body. Member Cruz seconded the motion. The motion was carried by the following vote:
For: 9 – Armijo, Brown, Cruz, Fine, Garcia, Kass, Ring, St. John, Waites
 3. **(Previously listed on agenda as item XI, b. 3.) 3-52 Policy Suggestion for inclusion of POB.** Members discussed policy 3-52 Policy Development Process. See attachment “E.”
 4. Chair Fine, Member Kass, Member Armijo, Member Waites, Executive Director Harness and Major Tyler will be having a working group meeting at the Albuquerque Police Academy on September 27, 2017 at 5:30 p.m.
 5. The Policy and Review Subcommittee will be meeting on Thursday, September 28, 2017 at 5 p.m.
 6. **(Previously listed on agenda as items XI, b. 1 & 2) Domestic Violence Policy (revisited) and HR/APD Supervisor Promotion Policy.** Member Kass revisited the DV policy and emphasized that the policy has already been adopted. As for the HR/APD Supervisor Promotion Policy, Member Kass discussed that this policy is a little more complicated and will revisit this policy along with the DV policy at another time.
- c) **Case Review Subcommittee – Joanne Fine.** For more information regarding POB Case Review Subcommittee meetings, agendas and minutes, please refer to the website located here: <http://www.cabq.gov/cpoa/subcommittees/case-review-committee-crc>. Chair Fine gave a report on behalf of the Case Review Subcommittee.

1. **Appeals – CPC 182-16.** The CPOA appeal process can be found at: <http://www.cabq.gov/cpoa/appeal-process>
2. The request did not have any new information and it failed to meet the appeal process criteria for an appeal.
3. A motion was made by Vice Chair Garcia that we [the POB] accept the recommendation from the committee [Case Review Subcommittee to deny the appeal] on the appeal CPC 182-16. Member Waites seconded the motion. The motion was carried by the following vote:
For: 8 – Armijo, Brown, Cruz, Fine, Garcia, Ring, St. John, Waites
Abstain: 1 - Kass abstained from the vote until after the completion of his training.

XIII. (Previously listed on agenda as item XII, a.) - Reports from City Staff

- a) APD – APD Major Jessica Tyler gave a report on Statistical Data for the Month of August 2017. Copy of the following document was distributed:
 - **Attachment “F”- Police Oversight Board, APD Internal Affairs, Statistical Data for the Month of August 2017.**
 1. Major Tyler followed up on the following topics that arose during the meeting:
 - i. **CIRT Cases.**
 - a. The Force Review members do receive all the case materials beforehand and are tasked to review the case in its entirety.
 - b. Major Tyler will follow up with her staff to make sure the findings of the FRB are included in the case files and the uniformity of the cases as well as the naming conventions of the files that the POB gets.
 - c. Major Tyler will reach out to Commander McRae or Lt. Weber to set up some training for the POB regarding the layout of the cases.
- b) **City Council – Mr. Julian Moya gave a report on behalf of City Council, as follows:**
 1. The CPOA’s Semi-Annual report was heard by the City Council’s Finance and Government Operations Committee the week prior to this POB Meeting. The CPOA’s Semi-Annual report will be placed on the agenda for final receipt at the October 4, 2017 City Council Meeting.
 2. In regards to the POB’s recommended changes to the CPOA ordinance, the City Council’s staff have met and briefed Councilor Brad Winter, who has requested that they seek comments from APD and the Police Union before introduction and has not received any comments from them yet. However, they will be checking back in with APD and the Police Union as they prepare for the October 4, 2017 City Council meeting.
 3. Mr. Moya stated that they do have a top three applicants that the selection committee will look at in January. Mr. Moya has not been able to look into the

recruitment efforts at the Citizen Police Academy but will as soon as he has completed a project he is working on.

4. As a result of the Mayoral Forum the POB had in August, Councilor Winter introduced a resolution that would prohibit any elected officials, any City departments, City Boards and Commissions from holding public forums.
- c) **Mayor's Office** – No one present to give report.
- d) **City Attorney** – Mr. Jeramy Schmehl, Assistant City Attorney, gave a report on behalf of the City Attorney's office, as follows:
1. The City Legal will continue a dialog as it relates to Policy 3-52.
 2. Discussed the Promotional policy. The Promotion policy is ongoing and is currently in a discussion phase between Legal, the APD Union and DOJ and will not be seen for a while.
 3. City Legal will like to have a follow up meeting regarding the POB's concerns of the City's action plan, IA Pro access, etc.
 4. Mr. Schmeil will attend the working group meeting at the academy on the 27th of September.
- e) **CPOA – Edward Harness, Executive Director.** Director Harness gave his report for the CPOA, as follows:
1. **CPOA Data Analyst Contract:** Members discussed the analyst contract. UNM Institute for Social Responsibility has submitted their scope of work for the CPOA Data Analyst contract position. The following documents were distributed to the POB members in their packets:
 - **G1:** Draft Scope of Work
 - **G2:** Budget Summary
 - **G3:** CPOA Research Budget SpreadsheetDirector Harness explained that the UNM-ISR will be a team that will be working on the data analysis for the CPOA for fiscal year 2018.
 2. **Memorandum of Understanding for Mediation:** Director Harness presented to the POB Members about the MOU of understanding for the mediation. The two draft MOU's are both awaiting comment from the DOJ Attorney Riles so they can present this issue to Judge Brack in November to start a Mediation program. **See attachments H1 and H2.**
 3. **Chief's Response to CPC 093-17.** The CPOA has not received a response from the Chief regarding CPC 093-17. Director Harness will draft a letter for Chair Fine's signature regarding the Chief's response and why he hasn't responded the findings letter in this matter.

- i. A motion was made by Member Kass to approve Director Harness to draft a letter without further review for Chair Fine's signature as it relates to the Chief's response in CPC 093-17. Chair Fine seconded the motion. The motion was carried by the following vote:

For: 9 – Armijo, Brown, Cruz, Fine, Garcia, Kass, Ring, St. John, Waites

4. Independent Monitor's Report (IMR6) timelines:

- October 2, 2017: Draft report will come from the Monitor
- October 17, 2017: Responses are due to the Monitor
- November 2, 2017: Final IMR report to be filed with the Court
- By November 7, 2017: Stakeholders, such as the POB, to present their concerns to the Court
- November 16, 2017 (all day hearing): IMR Report will be presented to the Court

5. Training at the Emergency Communications Center (ECC). The CPOA will be conducting training at the ECC on the September 26, 2017 and on October 5, 2017. Director Harness will train all three shifts so that employee the ECC has a better understanding of the CPOA and the POB.

6. UNM Class titled Policing and Planning. The CPOA has been invited by UNM to present at UNM about police oversight.

7. Dr. Moore from Texas Tech is doing research on police oversight across the country and is available to provide the CPOA/POB information about other cities websites that are easily accessible. Dr. Moore will be coming back to Albuquerque in November.

8. IA Weekly Update: There are currently 22 open internal affairs investigations.

9. 2016 Semi-Annual Report.

- i. Director Harness discussed that the 2016 Semi-Annual report was distributed to the POB member on July 28, 2017 for their review. However, it was not an agenda item for approval by the POB prior to it being presented to City Council.
- ii. Chair Fine has suggested to the POB that the CPOA's Semi-Annual reports be presented to the POB at a POB meeting and voted and approved on before it goes to City Council for approval.
- iii. Members discussed their position on the 2016 Semi-Annual report.
- iv. A motion was made by Vice Chair Garcia to accept the verbiage as presented by Attorney Matthew Jackson. Member Cruz seconded the motion.

- v. During the intermission of the discussion of the 2016 Semi-Annual report, Member Cruz asked several questions about the UNM-ISR proposal. Member Cruz will be sending Director Harness some proposed edits on the proposal.
- vi. After the intermission and after Member Cruz's discussion with Director Harness on the UNM-ISR proposal, Vice Chair Garcia resurrected the pending motion that was pending as presented by her to accept the verbiage provided by Attorney Matthew Jackson and seconded by Member Cruz. The motion failed.

Against: 9- Armijo, Brown, Cruz, Fine, Garcia, Kass, Ring, St. John, Waites

- vii. Member Waites made a motion and read Attorney Matthew Jackson's email as follows:

"It has come to the board's [POB] attention that I [we, the POB] may have not approved the draft of the Semi-Annual report. Having reviewed the draft report, I would entertain a motion to approve it and ratify its previous submission to the City Council."

Member Brown seconded the motion. The motion was carried by the following vote:

For: 8- Armijo, Brown, Cruz, Fine, Kass, Ring, St. John, Waites

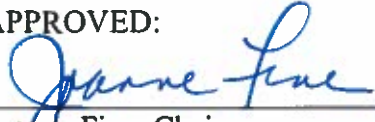
Against: 1 - Garcia

- XIV. **(Previously listed on agenda as item XIII) - Meeting with Counsel re: Pending Litigation or Personnel issues.** This item was moved to item XI.
- XV. **(Previously listed on agenda as item XIV) - Other Business.** None.
- XVI. **(Previously listed on agenda as item XV) - Adjournment -** A motion was made by Member Cruz to adjourn the meeting. Vice Chair Garcia seconded the motion. The motion was carried by the following vote:
For: 9 – Armijo, Brown, Cruz, Fine, Garcia, Kass, Ring, St. John, Waites

The meeting adjourned at 8:52 p.m.

Next regularly scheduled POB meeting will be on Thursday, October 12, 2017 at 5 p.m. in the Vincent E. Griego Chambers.

APPROVED:



Joanne Fine, Chair
Civilian Police Oversight Agency

10/12/17

Date

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

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

Attachments



APD Involved Crash Analysis

Thursday, September 21, 2017
Version 5.0



Methodology

The Police Oversight Board requested the Police Department to provide data and conduct an analysis of officer-involved crashes. Specifically they requested:

- Number of crashes to police-issued vehicles.
- Number of sworn officers.
- Number of crashes involving injuries.
- Number of preventable crashes.
- Number of officers involved in multiple crashes.
- Amount paid in liability per year.
- Amount of vehicle damage paid per year.
- How Albuquerque compares to other cities.

As the analysis was being conducted, APD noticed there was an increase in preventable employee-involved crashes and started looking into other possible causes and included them in this study: the number of miles driven by APD; calls for service; priority 1 calls; all crashes that occurred in the city; and the average years of experience per employee.

2

Attachment "A"



Data Sources

- A compiled list of all claims kept by risk management.
- A compiled list of the findings of the APD fleet accident review board.
- Recorded miles reported by APD employees when they collect gas from city fuel pumps kept by the Department of Finance and Administration.
- Compiled data of all traffic crash reports kept by the APD Traffic Division.
- Calls for service data kept by the APD Emergency Communications Center.
- FBI Uniform Crime Report officer staffing.
- Bid sheets kept by Operations Review.
- Employee Hire Dates stored in the City Kronos System.
- Questionnaires completed by other agencies.



Margin of Error and Disclaimers

- 2017 data is a projection using actual data collected for the first 6 months of the year and does not take into account weather etc.
- Medical liability and property damaged paid for 2016 and 2017 are likely to increase as claims get settled. Claims paid are as of July 27, 2017
- The number of crashes for 2017 could increase as more cases are brought to the Fleet Accident Review Board.
- All crashes and miles driven include all police vehicles - marked and unmarked – sworn and civilian.
- The number of officers fluctuates on a daily basis due to hiring and attrition.
- Some crashes provided by the Fleet Accident Review Board did not have a finding nor did it go through the board process. Some crashes have yet to be heard by the board, others involved parked vehicles and it is unclear looking at historical records why there is not a finding listed. More research would need to be done on these crashes. This analysis only counted findings that were officially deemed preventable.

Attachment “A”



Raw Data

Year	APD Involved Crashes	Preventable APD-Involved Crashes	Percentage of Crashes Preventable	All Crashes in Albuquerque	Miles Driven	Property Damage Paid	Total Medical Paid	Crashes in Which Medical Was Paid And City Was Liable	Total Officers	Officers who participated in the Field Services Bid	Dispatched Calls	Priority 1 Calls	Preventable Crash Per Miles Driven	Preventable crash per Priority 1 Call	Percentage of All ABQ Crashes that were APD at fault	Percentage of Crashes in ABQ involving an APD vehicle	Property Damage Paid Per Crash	Miles Driven Per Dispatched Call
2012	INC	INC	INC	22,498	8,110,966	\$153,472.16	\$489,753.45	25	992	394	478,606	65,354	INC	INC	INC	INC	INC	16.9
2013	153	117	76%	22,822	9,037,720	\$140,383.10	\$8,906,280.78	35	923	452	463,020	65,193	77,245	557	0.513%	0.670%	\$917.54	19.5
2014	137	87	64%	23,430	9,509,746	\$121,141.54	\$240,034.90	22	903	411	449,441	68,904	109,307	792	0.371%	0.585%	\$884.24	21.2
2015	208	96	46%	22,574	10,385,478	\$145,063.75	\$132,676.61	11	849	416	454,361	68,181	108,182	710	0.425%	0.921%	\$697.42	22.9
2016	304	125	41%	25,620	11,001,047	\$121,141.13	\$100,088.91	8	833	408	449,495	70,324	88,008	563	0.488%	1.187%	\$398.49	24.5
2017 (P)	304	124	41%	24,030	11,030,532	INC	INC	INC	844	416	467,068	73,538	88,956	593	0.516%	1.265%	INC	23.6
2017 (A)	152	62	41%	12,015	5,515,266	INC	INC	INC	844	416	233,534	36,769	88,956	593	0.516%	1.265%	INC	23.6

NOTE: Miles driven and crashes, includes all APD vehicles such as civilian and utility vehicles. INC= Incomplete data, P=projected, A=actual. Paid amounts on damages and medical paid on recent years are likely to continue to grow as claims are paid out.



Percentage of Change Compared to Previous Year

Category	2016	2017(P)
APD-Involved Crashes	46%	0%
Preventable APD-Involved Crashes	30%	-1%
All Crashes in Albuquerque	13%	-6%
Miles Driven	6%	0%
Property Damage Paid	-16%	INC
Total Officers	-2%	1%
Officers who participated in the Field Services Bid	-2%	2%
Priority 1 Calls	3%	5%
Dispatched Calls	-1%	4%

NOTE: Bid Officers only includes patrolman. Sergeants and Lieutenants were excluded.

Attachment "A"



All APD-Involved Crashes

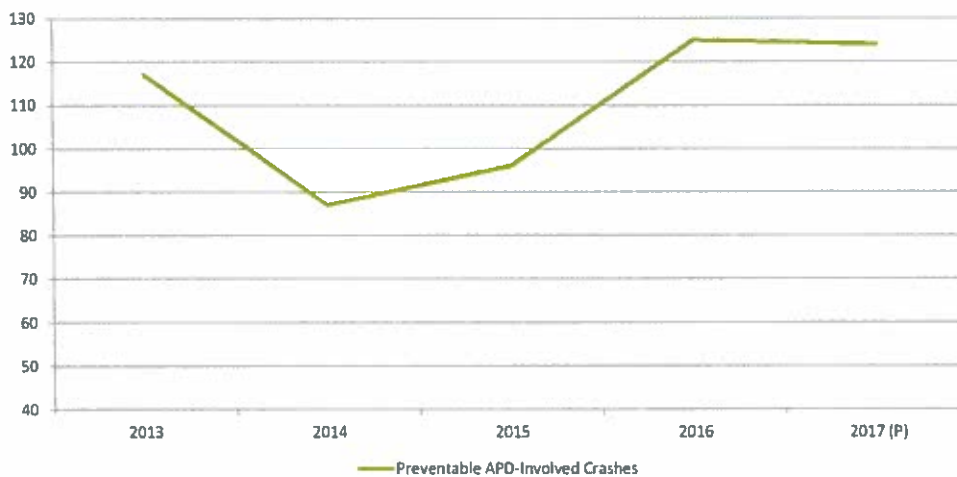


NOTE: Includes all APD vehicles such as civilian and utility vehicles



Preventable APD-Involved Crashes

Includes any crash in which the Fleet Accident Review Board determined the employee could have prevented the crash

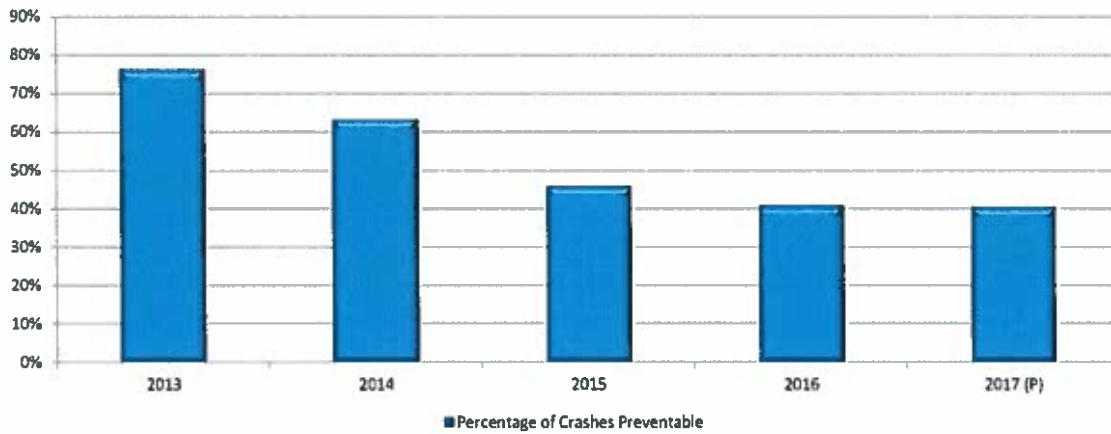


NOTE: Includes all APD vehicles. Not all crashes had a finding of preventable/non-preventable.

Attachment "A"



Percentage of APD-Involved Crashes that Were Preventable

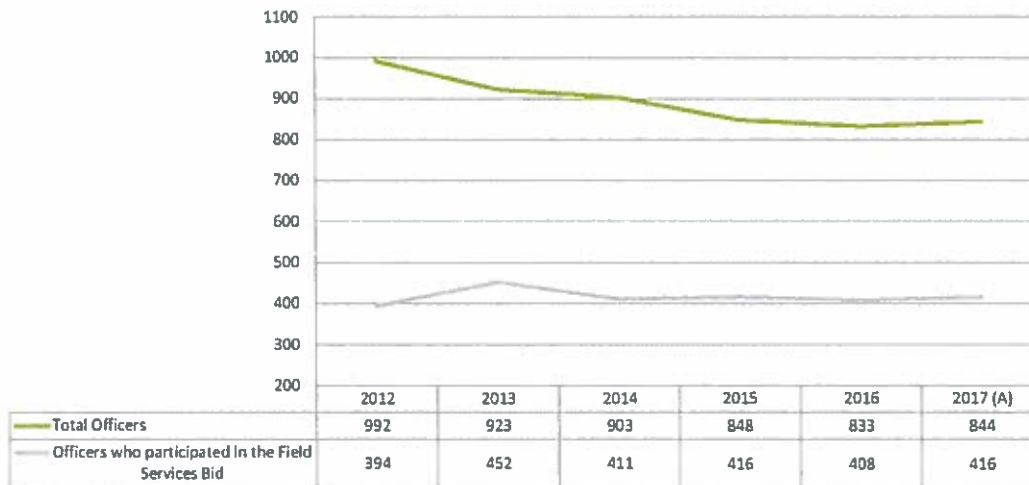


NOTE: Operations review reports there was a policy change after 2013 on how officers respond to priority one calls that could account for the decrease. Not all crashes had a finding of preventable/non-preventable from the Fleet Accident Review Board.



APD Sworn Officers

Total sworn count is based on what is reported to the FBI every October. FSB Count is the number of patrolman who participated in the summer bid and does not include lieutenants and sergeants



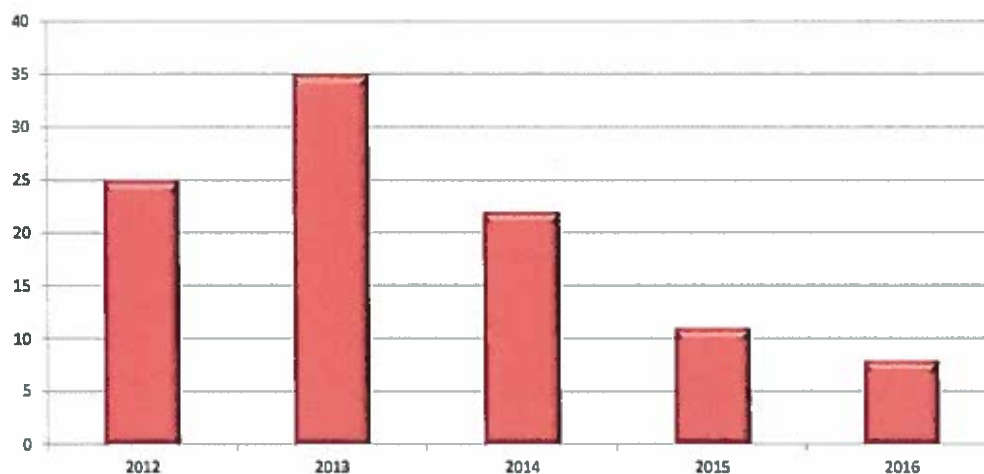
NOTE: 2017 Actual number is what Human Resources reported on June 22, 2017

Attachment "A"



APD-Involved Injury Crashes

This only includes crashes in which the city paid medical and bodily injury expenses.



NOTE: This only includes crashes in which the city is expecting to pay medical expenses on crashes it has deemed that there could be some sort of liability. Numbers are likely to increase as claims are settled.



Duty Status of APD Employee

Includes all crashes reviewed by the Fleet Accident review Board

Year	Crashes	Preventable	On Duty	Off Duty	Unk	Blank	On Duty Preventable	Off Duty Preventable
2016	304	125	207	16	26	55	104	5
2017	152	62	106	0	0	29	30	0

NOTE: 2017 is actual year to date. Fleet accident Review Board did not record a duty status for all crashes. Duty status started being kept in mid-2015. There are 17 crashes from 2017 that the Fleet Accident Review Board has yet to complete a report on. Of the data provided by Fleet Accident Review Board 26 listed the duty status was unknown and 16 were left blank. More research needs to be done to determine the duty status of these 26 crashes.

Attachment "A"



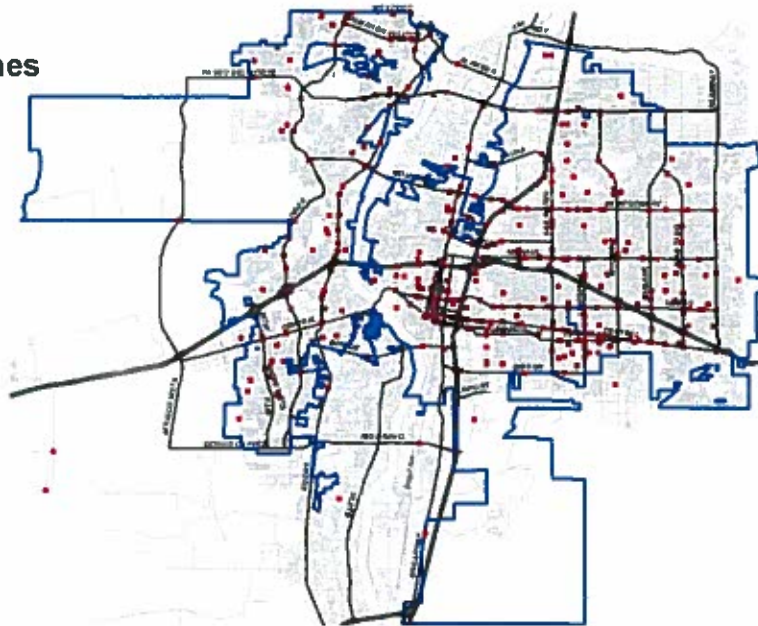
APD Employees Involved in Multiple Crashes

	2 Preventable Crashes from 2013-2017	3 Preventable Crashes from 2013-2017	4 Preventable Crashes from 2013-2017	2 preventable crashes in a single year from 2013-2017	3 preventable crashes in a single year from 2013-2017
Number of Employees	63	15	2	24	5

NOTE: There are 17 crashes in 2017 that are not included in this calculation due to awaiting reports from the Fleet Accident Review Board. In some cases there were not accurate names listed for the employees or employees had the same name as others. Those cases were excluded from this calculation. The categories in red are looking at officers who had multiple crashes in a single year during the study period. The categories in blue are the number of officers involved in multiple crashes over the entire study period. If an officer had three crashes they would not be included in the count of 2 crashes.



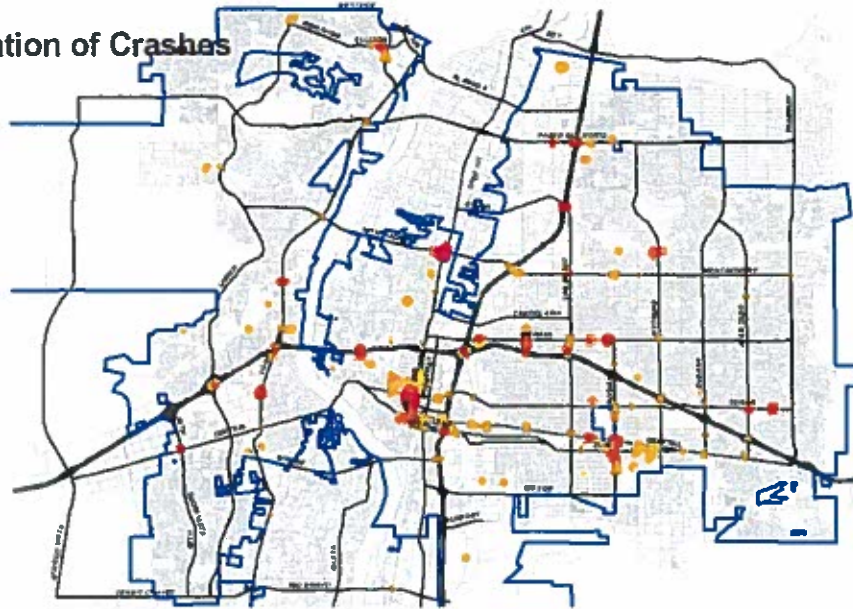
Pin-Map of Crashes



NOTE: Not all Crashes are included in this map. There were several crashes – about 25 percent – in which an address was not listed or the address was not recognized as valid by the City GIS system.

Attachment “A”

Hot-Spot Location of Crashes



NOTE: Not all Crashes are included in this map. There were several crashes – about 25 percent – in which an address was not listed or the address was not recognized as valid by the City GIS system

Experience of Drivers involved in all APD crashes



Year	Average Experience
2013	08 years , 02 months , 04 days
2014	08 years , 06 months , 28 days
2015	08 years , 04 months , 17 days
2016	08 years , 08 months , 02 days
2017	07 years , 05 months , 14 days

Average of All Employees	09 years , 02 months , 01 days
Average Sworn	10 years , 03 months , 03 days

NOTE: Data was compiled using crash data provided by Risk Management and compared to APD personnel records. Certain officers who shared common names were excluded because it was not clear which officer was involved in the crash. There are 17 crashes in 2017 that are not included in this calculation due to awaiting reports from the Fleet Accident Review Board

Attachment “A”



Types of Crashes

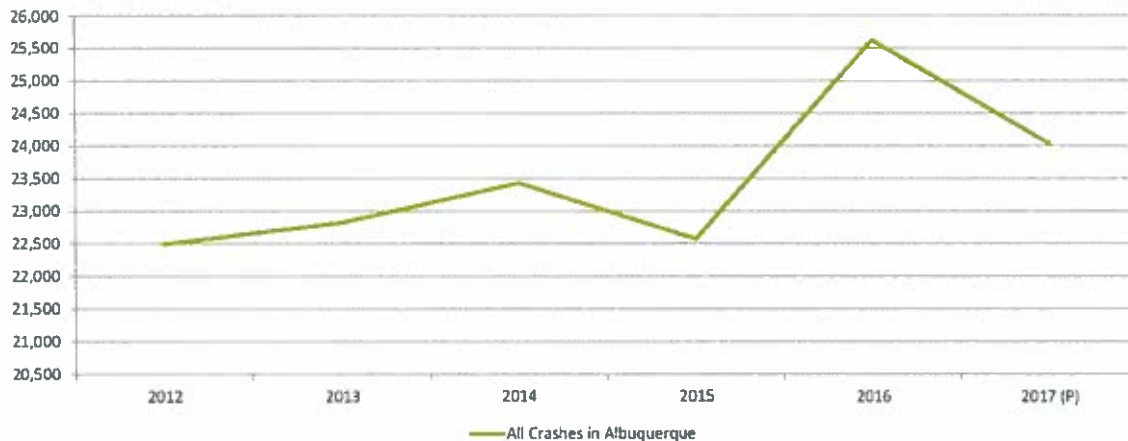
Crash Type	2013	2014	2015	2016	2017(p)	2017 Total	%
Backing	33	29	23	39	36	18	23.2%
Front End Collision	29	18	27	28	20	10	17.7%
Rear End Collision	11	19	25	27	38	19	17.4%
Fixed Object	26	20	23	24	16	8	15.8%
Intersection	11	13	14	30	22	11	13.1%
Lane Encroachment	12	12	12	28	12	6	11.0%
Parking	9	2	13	18	18	9	8.7%
Distracted Driving	0	11	11	11	10	5	6.2%
Turning	8	4	8	12	10	5	6.1%
Alleys, Driveways, Entra	6	3	5	3	2	1	2.8%
Weather	4	0	8	2	2	1	2.3%
Other	2	2	1	3	0	0	1.2%
While Being Passed	0	0	0	1	2	1	0.4%
Opposing Vehides	0	0	0	3	0	0	0.4%
Mechanical Failure	0	1	0	0	2	1	0.4%
Passing	0	0	1	1	0	0	0.3%
Single Vehicle	1	1	0	0	0	0	0.3%
Pedestrian	0	1	0	0	0	0	0.1%
Grade Crossing	0	0	0	0	0	0	0.0%
Involving Passengers	0	0	0	0	0	0	0.0%

NOTE: Total only includes 2013-2016. Not all crashes collected by Fleet Accident Review Board had a crash type. Percentage is based only on crashes in which a type was known. There are 17 crashes in 2017 the Fleet Accident Review Board has yet to provide a finding or report on.



All Crashes in the City Limits of Albuquerque

Includes any crash in which a report was filed with APD



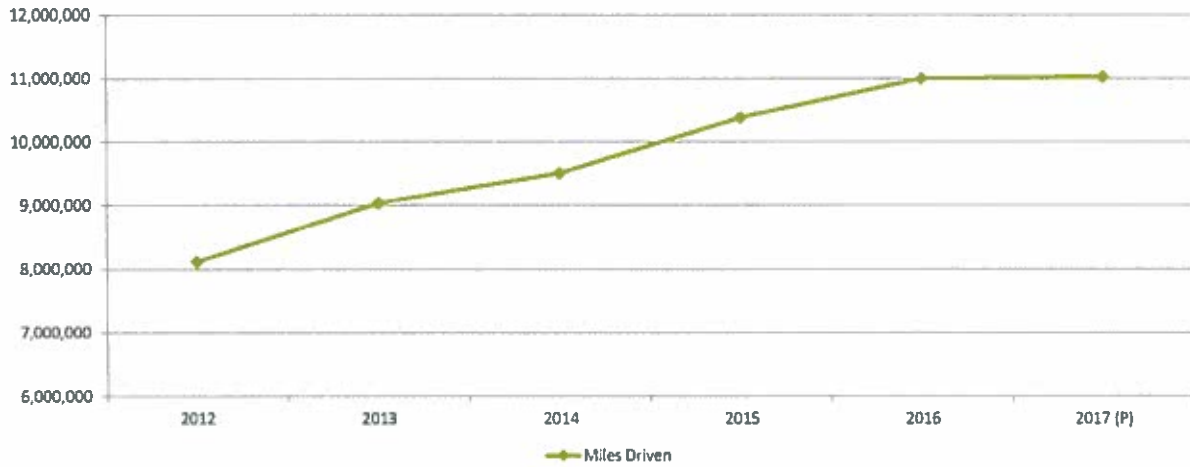
NOTE: Data reflects any crash reported to APD. Minor crashes in which drivers exchange information are not included.

Attachment "A"



Miles Driven By Police Vehicles

Includes all marked and unmarked sworn and civilian vehicles.



NOTE: Data was compiled using records from the Department of Finance and Administration of recorded fuel transactions of all APD vehicles. It was not possible to break out civilian versus sworn vehicles.



Property Damage Paid

Includes all damage to vehicles and property paid by Risk Management



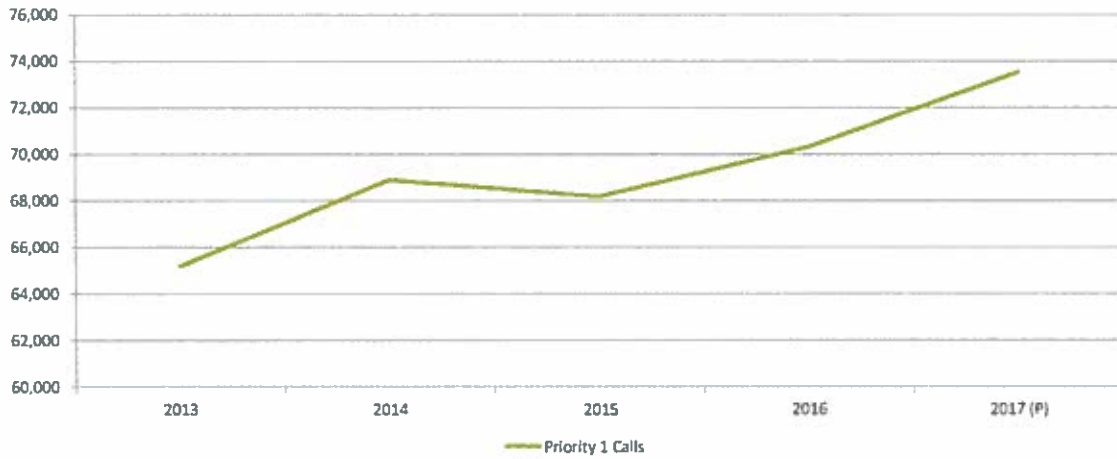
NOTE: This data does not include any bodily injury, medical claims, or legal fees paid by the city. That data was excluded since it is variable based on legal negotiations. Also, the Police Oversight Board requested data that can determine the seriousness of the collisions focusing on property damage paid on collisions that were preventable was determined to be the best way to determine seriousness.

Attachment "A"



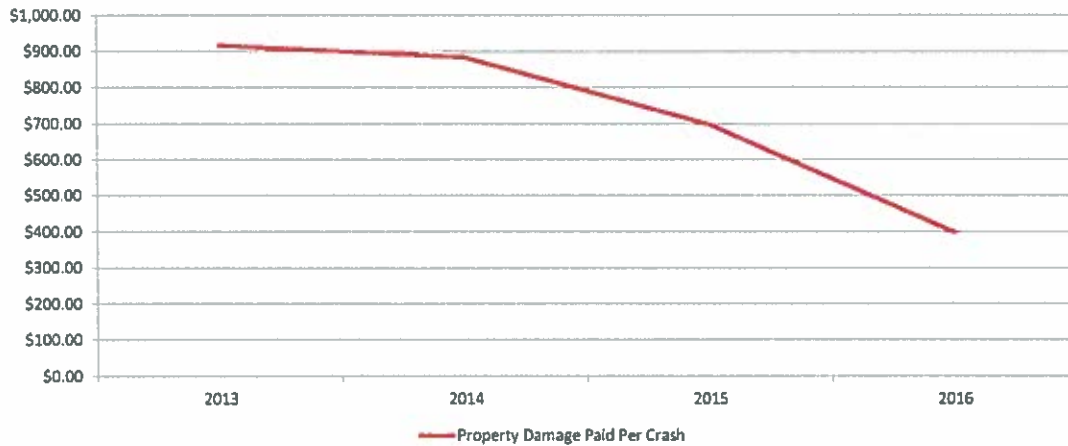
Priority 1 Calls For Service

These include all calls dispatched involving an immediate threat to life or property



Property Damage Paid Per APD-Involved Crash

On average this shows the amount risk management had to pay for property damage per ALL APD-involved crashes – not just crashes that were preventable

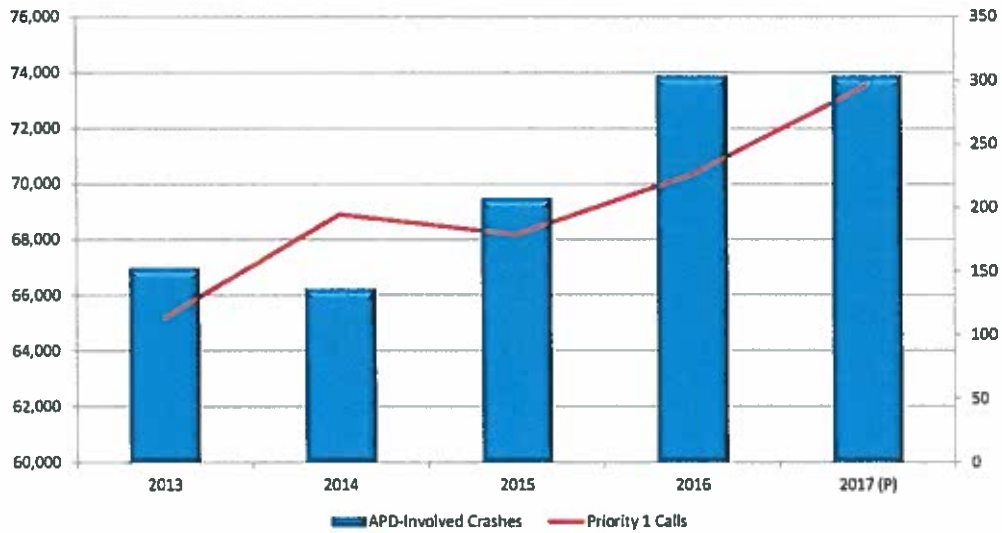


NOTE: This data does not include any medical, bodily injury or legal fees paid. Also the rapid decline trend could be attributed to the lack of development in more recent claims. Risk Management notes that on larger claims it can take up to 3 to 5 years to be settled.

Attachment “A”



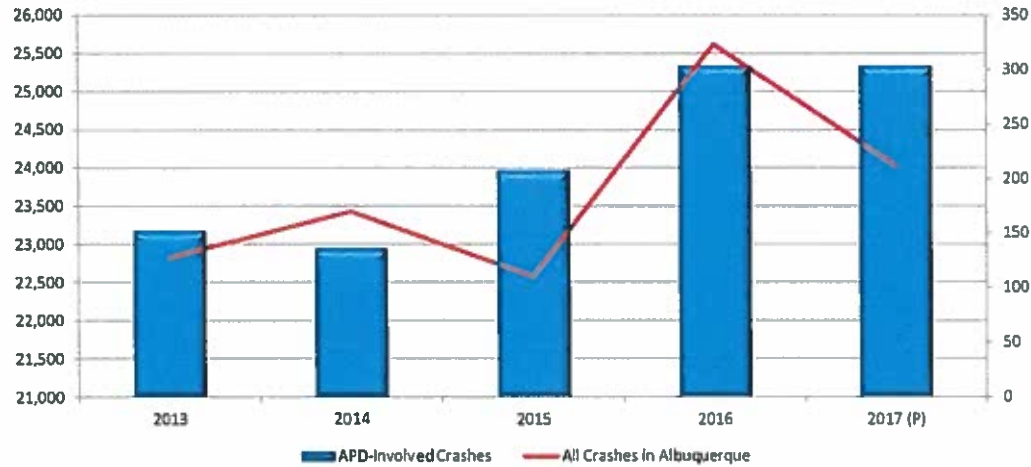
APD-Involved Crashes Compared to Priority 1 Calls



NOTE: Crashes include all APD vehicles such as ones driven by civilians. It was not possible to break out the civilian-driven vehicles. Priority 1 calls are any calls in which there is an immediate threat to life and property.



APD-Involved Crashes Compared to All Crashes in City

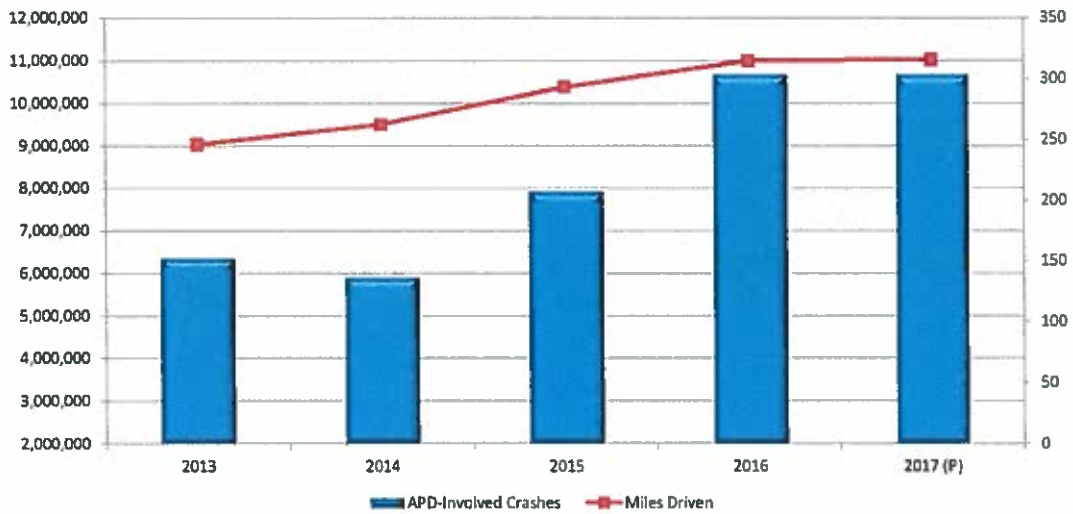


NOTE: Crashes include all APD vehicles such as ones driven by civilians. It was not possible to break out the civilian-driven vehicles. Crashes in the city include any collision that was reported to APD. Minor collisions in which driver's exchanged information was not included.

Attachment "A"



APD Involved Crashes Compared to Miles Driven

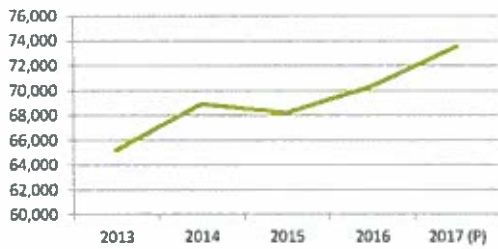


NOTE: Crashes and miles driven include all APD vehicles such as ones driven by civilians. It was not possible to break out the civilian-driven vehicles.

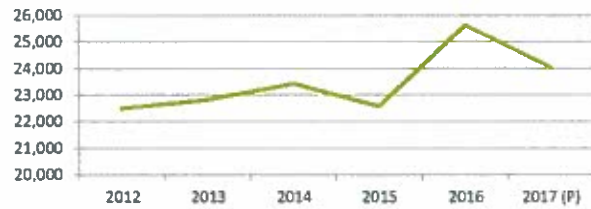


Factors to Consider

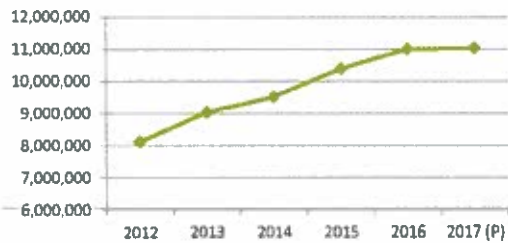
Priority 1 Calls



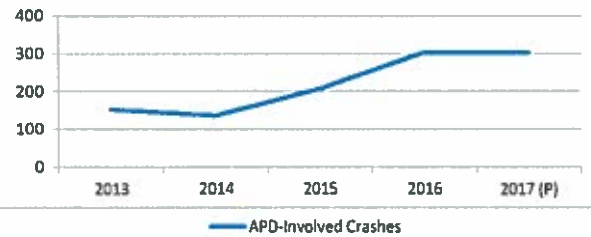
All Crashes in Albuquerque



Miles Driven



APD-Involved Crashes



Attachment "A"



Other Cities

- As part of the analysis, APD sent out several emails to police list serves including all chiefs of police, police researchers and police planning managers. Agencies were asked these questions:
 - Number of crashes involving police vehicles for 2016 (This includes all on-duty and off duty collisions, any collision that is reported by agency including minor damage accidents and any collisions involving police civilian employees such as police service aids etc.)
 - Number of those crashes that were deemed by your agency to be preventable
 - Number of those crashes that involved any type of injury.
 - Number of those collisions that occurred off duty.
 - Does your agency have take-home cars for every police officer.
 - The number of marked vehicles currently in your fleet. (This should include all vehicles assigned to the police department)
- Louisville, Columbus, Cincinnati, Oklahoma City, Tucson, Newport News and El Paso responded. Miami-Dade County was excluded since they only answered one question
- Albuquerque ranked the lowest in terms of the percentage of crashes which the agency determined was preventable; however, it ranked high in the number of crashes when compared to the size of the jurisdiction and the number of officers.
- It is difficult to look at the data from the other agencies and draw conclusions as to whether Albuquerque has a high crash rate.
- There is no consistent standard amongst agencies on how to determine whether crashes are preventable. Some agencies have various versions of a take-home-car programs, and the standard for what is considered a reported collision also varies. APD felt it was difficult to run a comparative analysis due to the numerous variables. The data collected is included in this report



Other Cities

City	Crashes Involving Police Vehicles	Preventable Crashes	Percentage Preventable	Crashes Involving Injuries	Off Duty Crashes	Take Home Cars	Number of marked vehicles in fleet	Number of Officers	Square Miles	Population
Albuquerque Police Department	304	125	41%	8	16	Yes	705	833	181	559,721
Louisville Metropolitan Police Department	350	134	38%	15	71	Yes	794	1241	399	680,550
Columbus (Ohio) Division of Police	299	123	41%	N/A	N/A	No	488	1855	223	847,745
Newport News (Virg.) Police Department	88	47	53%	N/A	N/A	No	478	416	120	182,975
Oklahoma City Police Department	307	158	51%	DNA	DNA	DNA	DNA	1081	621	630,621
Cincinnati Police Department	186	97	52%	N/A	N/A	DNA	DNA	1000	80	298,478
El Paso Police Department	160	69	43%	DNA	DNA	DNA	DNA	1010	256	686,077

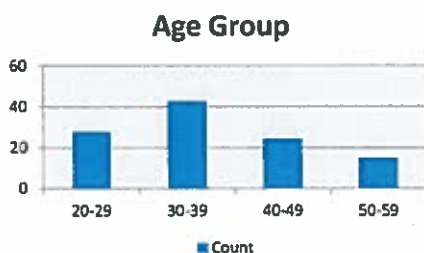
- 2015 FBI Manpower and population numbers were used since the FBI has yet to issue its 2016 report.
- Not Clear by response if Oklahoma City and Cincinnati includes all police vehicles.
- Definitions of preventable vary from agency.
- Louisville does not issue take home cars to officers with under 4 years of experience.
- Columbus and Newport News does not track Crashes involving injuries and off duty crashes
- DNA = Did Not Answer. N/A = The agency does not track.
- Cincinnati has not reported its staffing numbers to FBI. Staffing numbers were taken from web site.

Attachment "A"

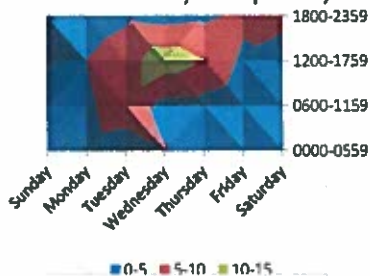


Tucson Crash Analysis

Best Practice?



Time of Day Frequency



By Rank		
Rank	Count	%
AC	2	1.8%
CAPT	1	0.9%
CHIEF	1	0.9%
CIV	1	0.9%
CSO	1	0.9%
DET	8	7.3%
LPO	4	3.6%
LT	3	2.7%
OFC	78	70.9%
SGT	11	10.0%
Total:	110	100.0%

Injury to Other Party? with Previous Priors?		
Inj w/O Priors	40	36.4%
Inj w/ 1-4 Priors	30	27.3%
No Inj to Others	40	36.4%
Total:	110	100.0%

By Reason/Cause		
Description	Count	%
Distracted/Inattention	40	36.4%
Backing up	26	23.6%
Fall to Yield/Stop	3	2.7%
Fall to Control/Rear End	27	24.5%
Speed	5	4.5%
Turning	2	1.8%
Lane Change	1	0.9%
Fatigue	1	0.9%
Unknown	1	0.9%
Policy Violation	1	0.9%
Mechanical	1	0.9%
Parking	2	1.8%
Total:	110	100.0%

Call-Related?	
Yes	40.0%
Rank	% of Rank
CSO	100.0%
DET	50.0%
LPO	75.0%
OFC	43.6%
SGT	18.2%



Observations

- 2016 had the highest number of preventable crashes and the fewest number of officers. Thus far property damage paid by Risk Management has continued to decrease in 2016.
- 2013 was statistically the worse year of the study period. It ranked the highest in miles driven per preventable crash, property damage paid per crash, total medical paid per crash, the number of crashes involving injuries, priority 1 calls per preventable crash and it had the highest percentage of crashes that were preventable.
- The data suggests that officers are traveling further to respond to calls for service. More analysis needs to be done to pinpoint exactly which cars were responding to the calls.
- Many factors increased in 2016 which could be a cause for the increase in crashes. They include the number of miles driven, the number of priority 1 calls and the overall number of crashes in the City of Albuquerque.
- Preliminary data for 2017 suggests that city will see a decrease in all crashes involving citizens, no change in APD-related crashes and an increase in priority 1 calls for service and miles driven.

Attachment "A"



Observations

- Majority of crashes are occurring in areas where there is a lot of crime/calls for service
- There is no significant change from year-to-year on the experience level of the officers.
- Every year the number one cause of officer collisions have been backing up. Backing up collisions increased 69-percent in 2016.



Recommendations

- Department could adopt a better record keeping system to track the following data: age of officer, general cause of collision, whether injuries were involved, if vehicle was marked, if officer was en route to a call, road conditions etc. This data is collected on reports but not entered into an electronic database such as SharePoint. Operations Review is already in the process of developing system.
- Once a data collection system is in place, data should be analyzed on a quarterly basis to see if any trends exist. Operations is already addressing the issues discovered in this report and are taking certain training actions.
- It's impossible with the time period and the data provided to draw a direct correlation to any one factor. The limited data provided suggests correlations can be drawn between miles traveled, calls for service and number of officers. A more comprehensive study in which each individual report is examined could be beneficial to decision making. The police department could work with the Citizen Police Oversight Agency analyst to accomplish this.

Attachment "A"

Community Policing Council (CPC) Meeting Information

Area Command	Meeting Times	Meeting Information
Foothills Command	Meets 6 p.m. to 7:50 p.m. on the second Monday of each month. Council Chair: Rod Kontny Email: rkontny@aol.com	Holiday Park Community Center 11710 Comanche NE
Northeast Command	Meets from 6:30 to 8 p.m. on the second Tuesday of every month. Council Chair: Eric Olivas Email: necpcerc@gmail.com	North Domingo Baca Multigenerational Center 7521 Carmel Ave NE
Northwest Command	Meets from 6 to 8 p.m. on the third Tuesday of every month Council Chair: Eric Jackson Email: jackson.nwpc@gmail.com	Northwest Substation 10401 Cibola Loop NW
Southeast Command	Meets from 6 to 8 p.m. on the third Thursday of every month. Council Chair: Ron Halbgewachs Email: ronhalbgewachs@peoplepc.com	Cesar Chavez Community Center 7505 Kathryn SE
Southwest Command	Meets from 6 to 7:30 p.m. on the second Wednesday of every month. Council Interim Chair: Michael Zocholl Email: fr.michael.ofm@gmail.com	Patrick J. Baca Library 8081 Central NW
Valley Command	Meets from 6 to 8 p.m. on the fourth Thursday of every month. Council Interim Chair: Rowan Wymark Email: rowymark@gmail.com	Albuquerque Police Academy Training Center 5412 2nd NW



ALBUQUERQUE POLICE DEPARTMENT
GENERAL ORDERS

SOP 4-25

Effective: xx/xx/xx Review Due: xx/xx/xx Replaces: xx/xx/xx

4-25 DOMESTIC VIOLENCE

4-25-1 Purpose

It is the policy of the Department to enforce laws dealing with domestic abuse and to take appropriate action in cases involving domestic abuse.

4-25-2 Policy

The policy establishes deadlines for investigating a domestic violence incident. It provides guidance on conducting investigations, identifying the predominant aggressor, restraining orders and ensuring the safety of the victim and relating parties.

4-25-3 Definitions

A. Domestic Violence/Abuse

Any incident resulting in physical harm, bodily injury or assault, or a threat causing imminent fear of such harm by any household member.

B. Household Member

A spouse, former spouse, parent, present or former stepparent, present or former parent-in-law, grandparent, grandparent-in-law, a co-parent of a child or a person with whom a person has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member for the Crimes Against Household Members Act.

Household members	Non-household members
Married couples/divorced couples	Brother/sister Aunt/uncle/cousin
Current or former boyfriend or girlfriend	Niece/nephew Current or former sibling-in-law
Parents or co-parent (child in common)	
Mother-in-law or father-in-law	Current or former step-grandparent Current or former brother/sister-in-law
Grandparent or grandparent-in-law	Minor or adult children
Continuing personal relationship	



ALBUQUERQUE POLICE DEPARTMENT
GENERAL ORDERS

SOP 4-25

Effective: xx/xx/xx Review Due: xx/xx/xx Replaces: xx/xx/xx

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

4-25-3 Rules and Procedures

A. Investigation

1. Officers responding to requests for assistance shall take whatever steps are reasonably necessary to protect the victim(s) from further domestic abuse. Including the following:
 - a. Officers may arrest the alleged offender where it has been determined arrest is reasonably necessary to protect the victim(s) from further domestic abuse.
 - b. Officers will enforce the provisions of valid court orders of protection if one exists. (see Section 4-25-3, D; "Enforcement of Orders of Protection")
 - c. Officers will advise the victim of the procedures and remedies available under the Family Violence Protection Act, i.e., the right to file a written statement or request for an arrest warrant, and the availability of domestic



ALBUQUERQUE POLICE DEPARTMENT
GENERAL ORDERS

SOP 4-25

Effective: xx/xx/xx Review Due: xx/xx/xx Replaces: xx/xx/xx

violence shelters, medical care, counseling, other services, and the importance of preserving evidence.

d. Upon request of the victim, the officer shall arrange for transportation to a shelter, safe refuge, or medical facility, for victims of domestic abuse. When it is possible, and the Sheriff's Department is available, arrangements can be made for transportation to destinations substantially outside the city limits but within Bernalillo County. A reasonable effort to resolve the situation locally is sufficient until other arrangements can be made at a more appropriate time.

e. Officers shall, upon request of the victim, accompany the victim to the victim's residence to remove the victim's clothing and personal effects required for immediate needs and the clothing and personal effects of any children in care of the victim.

2. Determining whether to issue a summons or effect an arrest:

a. As stated in the Warrantless Arrest Act, Section 31-1-7, NMSA 1978, officers may arrest a person without a warrant when the officer is at the scene of a domestic disturbance and has probable cause to believe that the person has committed an assault or battery upon a household member.

b. An officer shall issue a summons if there is probable cause. On-site arrest is not always required; however, officers shall arrest the alleged offender where it has been determined arrest is reasonably necessary to protect the victim(s) from further domestic abuse, or when exigent circumstances necessitate an arrest.

c. When an arrest is made, officers shall charge domestic violence offenses under the Assault Against a Household Member Section 30-3-12, NMSA 1978, and Battery Against a Household Member Section 30-3-15, NMSA 1978. These laws can be used even when no order of protection exists. This does not preclude the application of felony charges arising out of domestic violence incidents, if and when such probable cause exists. If felony charges are appropriate, the arrest and applicable charges will be handled by SOP 2-14, or NMSA 1978 as applicable. SECTION MOVED FROM BELOW

d. If issuing a summons or effecting an arrest, it is incumbent upon the officers at the scene of a domestic violence incident to determine the predominant aggressor.

Attachment "C"

- 3 -



ALBUQUERQUE POLICE DEPARTMENT
GENERAL ORDERS

SOP 4-25

Effective: xx/xx/xx Review Due: xx/xx/xx Replaces: xx/xx/xx

- e. Dual arrests shall not be made for domestic violence offenses. Summons cannot be issued for both parties arising out of the same incident.
- f. When an arrest has been made under this section, but the offender is taken to the hospital for treatment, an officer will stay with the prisoner until the prisoner can be transported to the Metropolitan Detention Center or PTC and booked. Hospital holds will not be placed on prisoners arrested under the Family Violence Protection Act (Domestic Violence), even when the applicable charges involve only misdemeanor offenses. The transporting officer is responsible for remaining with and guarding the prisoner.
- g. Officers shall complete a standard Albuquerque Police Department offense and incident report on all domestic violence investigations.

3. Criminal Complaints

- a. When a subject is arrested for a charge committed by a household member against a household member, the arresting officer shall list the charge in the "Charges" portion of the criminal complaint as a domestic violence incident. For example, when a household member is charged with battery against a household member (30-3-15) and harassment (30-3A-2), the "charges" portion of the complaint should read "Domestic Violence, Battery against a Household Member, Harassment" The bottom of the complaint where each section is listed, should read "31-1-7, 30-3-15, 30-3A-2". This procedure shall be followed for all domestic situations where an offender is arrested or summoned following a domestic violence incident.
- b. Officers will not offer or accept any waivers of prosecution in any domestic violence case.
- c. Handwritten statements from the victim(s) and witness(es) will be obtained at the scene, whenever possible.
- d. Officers shall scan all domestic violence statements to be included with their report. The handwritten statement will be turned into the supervisor to be logged and sent to Report Review.
- e. Any visible injuries relating to the battery shall be documented and photographed to be used as evidence for prosecution whenever possible. Lapel cam footage will not meet this requirement, a Crime Scene Specialist (CSS) or supervisor will need to take photographs of any injuries.
- f. Officers shall have available and provide to victims the necessary court petition forms and instructions (Domestic Violence Packets) for their completion. These forms are available in both English and Spanish.
- g. All officers should utilize the following guidelines in determining the need to locate and arrest an offender in domestic violence.
- h. If an offender is still at or near the scene of a domestic violence case, the officer shall, when arrest is reasonably necessary to protect the victim from



ALBUQUERQUE POLICE DEPARTMENT
GENERAL ORDERS

SOP 4-25

Effective: xx/xx/xx Review Due: xx/xx/xx Replaces: xx/xx/xx

further domestic abuse, make every reasonable attempt to place the offender under arrest, rather than merely issuing a criminal summons, where there is probable cause to believe that the person has committed an assault or a battery upon a household member.

- i. If an offender has fled the scene of a domestic violence case, before officer's arrival, and cannot be located at or near the scene of the domestic violence, a summons or warrant will be issued for the offender.
- j. Officers should take whatever steps that are reasonably necessary to protect the victim from further domestic abuse that may include writing an arrest warrant.
- k. On all domestic violence calls when an officer requests authorization to change the call to something other than a domestic violence, the supervisor will conduct a thorough investigation before granting the change. Additionally, the officer will supply sufficient remarks in the "added remarks" to justify the change in the status of the call.

~~Supervisor will conduct a thorough investigation before granting the change in the status of the call.~~
~~ASTT Unit for purposes of the vehicle assessment.~~

~~B. Encountering and Assisting Individuals with Behavioral Health Issues on a DV call~~

- ~~0. All Officers who respond to domestic disturbance calls must familiarize themselves with SOP 2-10: Response to Behavioral Health Issues~~
- ~~0. If an officer is called to a domestic disturbance and is informed by dispatch or discovers through investigation that the individual whose behavior, criminal or otherwise, appears to stem from a behavioral health disorder, the Officer shall:~~
 - ~~— Immediately call for assistance from an eCIT officer.~~
 - ~~— While waiting for an eCIT officer, or supervisor to arrive, Officers shall de-escalate and calm the situation as much as possible. See SOP 2-10-7.~~
 - ~~— If an eCIT is not available and the Officer believes the individual to be a danger to his/herselves or others, the Officer may transport the individual to UNMH or another available mental health evaluation facility. See SOP 2-10-8; NMSA 43-1-10.~~
 - ~~— Officers shall reasonably accommodate the disabilities of an individual who either has a behavioral health disorder, or is perceived to have a behavioral health disorder.~~
 - ~~— Officers shall not arrest an individual whose actions appear to stem from a behavioral health disorder, to MDC or PTC solely for the purpose of getting mental health treatment for the person. Mental health evaluation and treatment facilities may be used for that purpose.~~
- ~~0. An Arrest or charge is not necessary to transport the person to UNMH or other mental health treatment or evaluation facility if the individual who has or appears to have a behavioral health disorder or who is experiencing a behavioral health crisis presents a likelihood of a danger to themselves or~~



ALBUQUERQUE POLICE DEPARTMENT
GENERAL ORDERS

SOP 4-25

Effective: xx/xx/xx Review Due: xx/xx/xx Replaces: xx/xx/xx

~~others, including danger to himself/herself due to grave passive neglect and that immediate detention is necessary to prevent such harm NMSA 43-1-10.~~

~~— An individual's apparent criminal behavior appears to stem from a behavioral health disorder and he or she would be better served at a treatment location rather than in a criminal justice setting. Officers should seek such interventions in lieu of arrest or criminal charges. See SOP 2-19-B(C).~~

~~— Officers shall not arrest individuals who have or appear to have behavioral health issues solely because they are resisting the assistance of their friends, family members, care givers, or officers.~~

S.B. Order of Protection

1. An Order of Protection is issued by any state district court judge under the Family Violence Protection Act and is granted for the protection of victims of domestic abuse with a specific expiration date, valid for the period listed by the court.
2. A victim of domestic abuse may petition the district court under the Family Violence Protection Act for an Order of Protection. The Department is required to keep blank petition forms for distribution to victims of domestic violence. These forms will be available at all police substations and will be in possession of police officers for distribution to victims. Officers should familiarize themselves with these forms and their implication to instruct family violence victims seeking such relief.

T.C. Emergency Order of Protection (EOP)

1. EOP may be obtained to the provisions of this subsection, where there is neither a temporary order of protection nor an order of protection that is in effect.
2. Officers are authorized to obtain an emergency order of protection after regular business hours. Officers responding to a domestic violence incident shall complete an application for an EOP when appropriate, adhering to the following guidelines:
 - a. Probable cause exists that an act of domestic violence/abuse has occurred.
 - b. The victim wants an order of protection issued.
 - c. The victim and/or children are in danger of or believe they are in danger of receiving additional acts of domestic violence/abuse.
 - d. Once the location of the restrained part is known by the officer a supervisor will approve the requesting of an order of protection from a judge.

Attachment "C"

- 6 -



ALBUQUERQUE POLICE DEPARTMENT
GENERAL ORDERS

SOP 4-25

Effective: xx/xx/xx Review Due: xx/xx/xx Replaces: xx/xx/xx

3. If the conditions above exist, officers will complete Sections 1 through 4 of the Application (Order of Protection), APD Form 3094.
4. Officers must contact a district court judge for approval.
 - a. Permanent numbers to all district court judges can be obtained through ECC or the on-call victim advocate.
 - b. Officers must provide the judge a brief description of the facts surrounding the incident.
 - c. Officers must provide the judge with viable reasons/facts as to why the EOP should be granted.
 - d. If the EOP is denied, officers will indicate in the report the name of the judge and the reason denied.
5. After approval by the judge, sections 7 through 9 (the actual EOP) will be filled out indicating judge's approval.
6. EOP will be distributed as follows:
 - a. The original white copy (top page) will be hand-carried immediately to the Bernalillo County Sheriff's Department, Warrants Section.
 - b. The yellow copy will be given to the victims.
 - c. If the offender is at the scene, serve the offender his/her copy (pink copy) and complete proof of service portion of the EOP.
 - d. The goldenrod copy will be scanned and logged in the sergeant's report log.

- 1. If the offender is not present, leave the EOP with the victim/protected party.
- 2. If officers are responding to a call where an EOP has already been approved by a judge and the offender is present but has not been serviced, officers will:
 - a. Obtain the EOP from the victim/protected party and serve the offender.
 - b. Complete a Return of Service Form. These forms should be available at all substations.
 - c. The original Return of Service will be hand-carried to the Bernalillo County Sheriff's Office, Warrants Section, immediately.
 - d. The officer will scan and submit the goldenrod copy to be retained with the original report.

U.D. Temporary Orders of Protection

1. Temporary orders of protection are granted by a judge at the 2nd Judicial District Court, during normal business hours.



ALBUQUERQUE POLICE DEPARTMENT
GENERAL ORDERS

SOP 4-25

Effective: xx/xx/xx Review Due: xx/xx/xx Replaces: xx/xx/xx

2. Initial temporary orders of protection are granted as non-mutual and apply to only one party, therefore, can only be violated by the restrained part. Initial orders are valid until the listed date; then a hearing is held on whether the order should be extended for six months or more.
3. After the hearing date noted on the temporary order of protection, an order of protection may be granted for an extended period.

V.E. Out-of-State Protective Orders

1. All out-of-state protective orders shall be enforced as written.
2. All out-of-state protective orders are presumed valid upon presentation to law enforcement officers and under full faith and credit.
3. Out-of-state orders do not have to be filed in district court to be valid and enforceable.
4. Officers will ensure that out-of-state protective orders are not confused with no-contact orders.

W.F. Civil Service of Court Orders

1. Officers shall serve district court orders of protection under the following circumstances only:
 - a. If the officer is requested to do so.
 - b. The restrained party must be physically served with the order.
 - c. The protected party must have a copy of the valid district court order in his possession.
 - d. Before serving the restrained party with the court order, officers will have ECC contact the Warrants Section of the Bernalillo County Sheriff's Office and determine if the order has already been served.
 - i. If service has not been made, officers will promptly serve the Order of protection on the respondent.
 - ii. If service has been made and the Order of protection prohibits the restrained party from being on the premises.
 - iii. The officer will complete a police report and thoroughly document the incident.
2. Any officer serving a civil district court order as outlined above will fill out a 'Sheriff's Return of Service' form and hand carry the original to the Bernalillo County Sheriff's Office, Warrants Division, immediately.

X.G. Enforcement of Orders of Protection

- 8 -

Attachment "C"



ALBUQUERQUE POLICE DEPARTMENT
GENERAL ORDERS

SOP 4-25

Effective: xx/xx/xx Review Due: xx/xx/xx Replaces: xx/xx/xx

1. An order of protection shall be deemed valid if the following criteria are met:
 - a. The order states the name of the protected and restrained parties.
 - b. The order contains the date it was issued.
 - c. The order has an expiration date and has not expired.
 - d. The order contains the name of the issuing court.
 - e. The order is signed by, or on behalf of a judicial officer.

2. When an order of protection is presented to an officer by the complainant, the officer shall:
 - a. Officers will deem if the order is valid using the above-noted criteria.
 - b. Determine if the conduct is prohibited by the order.
 - c. ~~Shall Attempt to~~ confirm the order through BCSO Warrant Division or NCIC.
 - d. If it is determined the restrained party has not been served, or they are unable to confirm the service, the officer shall serve the restrained party with a copy of the restraining order and file a return of service through BCSO warrants.
 - e. If the officer has probable cause to believe that the Order of protection has been violated, he may arrest the restrained party for the violation of the order, but only when an arrest is reasonably necessary to protect the protected party from further domestic abuse. NMSA 40-13-6 (D); 40-13-7(B)
 - f. If the officer has probable cause to believe that the Order of protection has been violated, the officer shall charge a violation of an order of protection.
[REDACTED]
 - g. Officers shall, upon request of the victim, assist in placing the victim in possession of the dwelling or premises or otherwise assist in execution or service of an order of protection.
[REDACTED]
 - i. Officers shall, upon request of the victim, assist in placing the victim in possession of the dwelling or premises or otherwise assist in execution or service of an order of protection.
 - j. Officers shall enforce the provisions of custody as outlined in the court order of protection that ~~directs may include~~ removing a child or children from the non-custodial parent or guardian.

3. Orders of protection must be enforced per NMSA 40-13-6D, "Service of Order". A peace officer may arrest without a warrant and take into custody a person whom the peace officers had probable cause to believe has violated order under this section.

Y.H. Victim Notification

Attachment "C"

- 9 -



**ALBUQUERQUE POLICE DEPARTMENT
GENERAL ORDERS**

SOP 4-25

Effective: xx/xx/xx Review Due: xx/xx/xx Replaces: xx/xx/xx

1. The arresting officer at the scene of a domestic abuse incident will ask the victim the following:
 - a. The telephone number and email address where she/he may be contacted personally.
 - b. If a telephone number is not available, a telephone number where a message can be left for the victim to provide notification of offender release.
 - c. The officer will get an address where notification can be made.
2. The arresting officer will complete the Victim Notification Information Worksheet (PD 3075) and telephone the New Mexico Offender Release Notification System at 768-CARE (2263) with the telephone number(s) and or address(es) where the victim can be notified.
3. The arresting officer shall complete the Albuquerque Police Department Pre-booking worksheet (PD 3068). This worksheet contains a section for the Domestic Violence Notification ID# and the CADS number.
4. Upon notification by MDC to the Albuquerque Police Department's Emergency Communications Center that the offender is released from custody, the Communications Center will make every reasonable attempt to notify the victim in accordance to the information provided by the arresting officer.
5. In the rare case where no telephone is available. Emergency Communications will create a 10-10 event and dispatch an officer to make notification at the victim's location.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



ALBUQUERQUE POLICE DEPARTMENT
GENERAL ORDERS

SOP 4-25

Effective: xx/xx/xx Review Due: xx/xx/xx Replaces: xx/xx/xx

[REDACTED]

[REDACTED]

[REDACTED]

8. Family Resource Center Domestic Violence

POB Policy Recommendation Process

STEP 1 POB member sees need for a new policy, conducts some preliminary research, makes observations, writes a proposal and becomes the Policy Champion for this policy.

STEP 2 Policy Champion submits proposal to Policy Subcommittee Chair who will circulate the proposal as a draft for review and comment by all POB members.

STEP 3 Policy champion presents proposal and supporting information (motivation to add or change APD policy, current APD policy, best practices, observations, ...) to POB Policy subcommittee for further review and discussion.

STEP 4 Policy proposal including POB subcommittee edits is forwarded to APD policy point of contact for their review.

STEP 5 POB subcommittee chair and policy champion schedule a meeting with APD process point of contact to discuss proposal and exchange information about known applicable processes.

STEP 6 APD includes POB request into their own policy process, - OPA, PPRB, which allows POB to defend/discuss these changes to APD and subject matter experts.

STEP 7 APD can proceed to adopt the policy recommendations within their normal process and we are done

STEP 8 If APD rejects policy changes, POB can still proceed to write a formal recommendation to the Chief/City Council incorporating the objections of APD into the proposal.

Attachment "D"



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-52

Effective: 05/10/16 Expires: 11/06/16 Replaces: 05/10/12

3-52 POLICY DEVELOPMENT PROCESS

3-52-1 Policy

Policies and procedures are necessary for the Department to operate predictably, objectively, and transparently, as well as to ensure accountability for meeting the Department's mission to provide effective and constitutional policing. Policies and procedures should be clear, up-to-date, and accessible to Department personnel as they fulfill their duties. The Department is developing and expanding a system designed to encourage personnel to contribute their input in the development of policies and procedures for the Department.

3-52-2 Definitions

A. Citizen Police Oversight Agency (CPOA)

An independent agency of City Government, not part of either the City Administration or City Council that consists of a Police Oversight Board (the "POB") and an Administrative Office led by the CPOA Executive Director. The Administrative Office serves as the administrative and investigative unit of the Police Oversight Board (POB).

B. Office of Policy Analysis (OPA)

An administrative body which discusses information on national standards and best practices to integrate their findings into APD policy.

C. Police Oversight Board (POB)

A volunteer citizen board members of which are selected by the City Council and which is tasked with hearing civilian complaints, reviewing administrative investigations of officers, and analyzing Department policies and making recommendations for improvements to those policies.

D. Policy and Procedures Review Board (PPRB)

An administrative body which conducts the final review of policies and procedures forwarded by the SOPRC.

E. Policies

Policies summarize the department's position on specific matters. Policies are concise position statements based on underlying organizational principles, goals, values, and operational philosophies. They are designed for broad general direction and guidance primarily designed for use by all members of the department or by more than one operational division.



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-52

Effective: 05/10/16 Expires: 11/06/16 Replaces: 05/10/12

F. PowerDMS

Intra-agency Document Management System possessing a comment function that allows all Department employees, CPOA, and POB to comment on proposed new policies and those being reviewed.

G. Standard Operating Procedure Liaison

A department civilian employee assigned to the Policy and Planning Division tasked with the upkeep and logistical responsibilities related to department SOPs.

H. Standard Operating Procedure Review Committee (SOPRC)

Committee tasked with assisting PPBR with reviewing, correcting, and updating new and current Department Standard Operating Procedures.

3-52-3 Policy Development Process

A. Flowchart

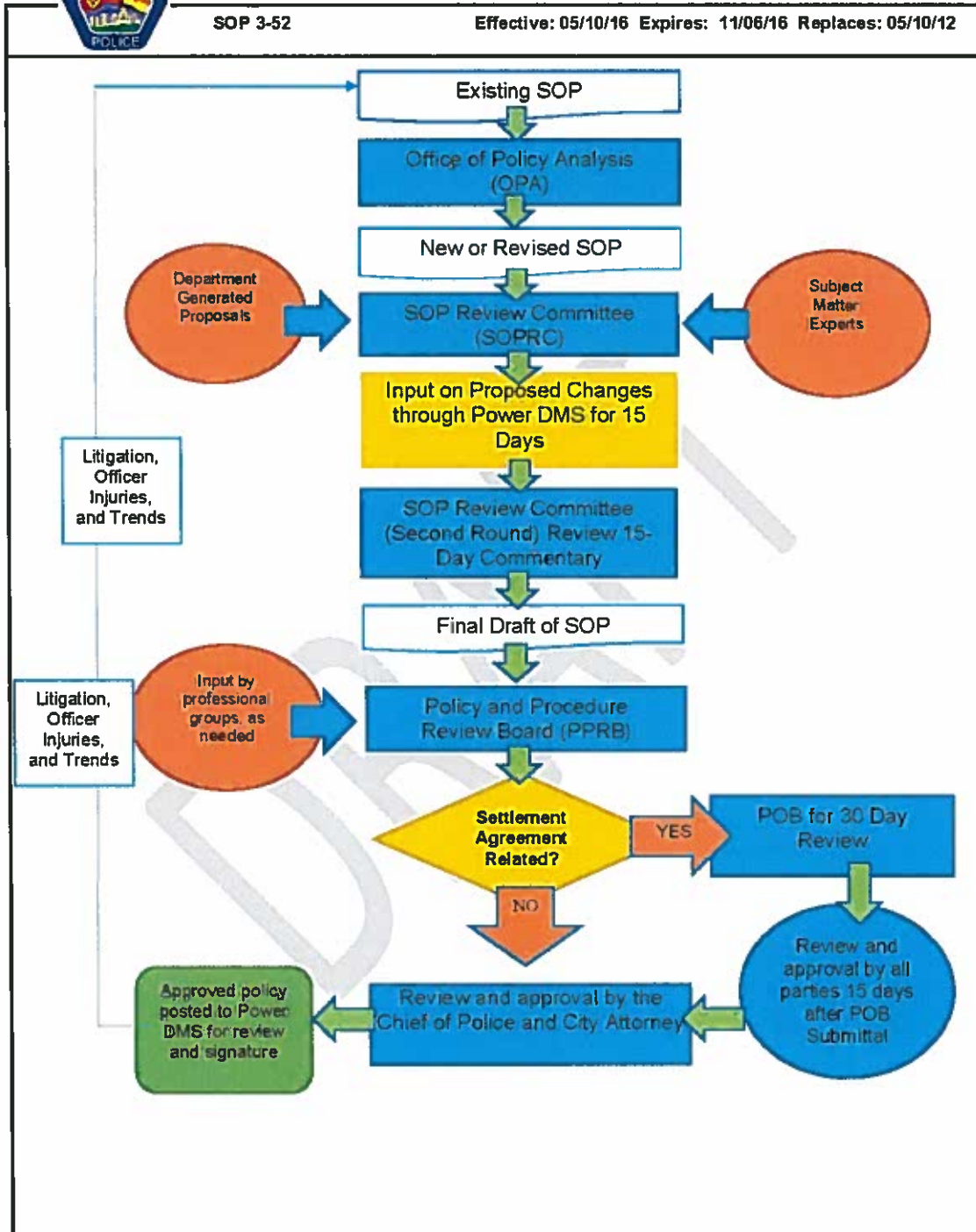
DRAFT



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-52

Effective: 05/10/16 Expires: 11/06/16 Replaces: 05/10/12



Attachment "E"

- 3 -



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-52

Effective: 05/10/16 Expires: 11/06/16 Replaces: 05/10/12

B. Policy Development Overview

1. Anyone, including employees of the department, members of the CPOA, APOA, POB, OPA, and the general public, may submit their ideas and proposals for a new policy or revisions to current departmental policy.
2. Any member of this department who requests, or is made aware of a request for a new policy or revision of current policy shall inform the department SOP Liaison and provide them with the proposed revision and/or contact information for the party requesting the revision.
3. Before initiating the policy development process, the SOP Liaison shall, using their best judgment, training and experience, review and ensure that the submitted request for a new policy or proposed revision to current policy is feasible, reasonable, within the best interests of the public and the department. If any questions arise as to the possibility of introducing the proposal, the SOP Liaison shall consult with department personnel.
4. If the SOP Liaison determines that a proposed policy revision or new policy submittal is not feasible, unreasonable, not in the best interest of the public and/or the department, they shall draft a letter to the submitting party and to the Chief of Police through his or her chain of command and provide the reason(s) why the proposal was not considered.
5. All new policy proposals and requests to revise existing SOPs shall enter the policy development process at the Office of Policy Analysis (OPA). Existing policies that are undergoing minor proposed changes will be added to OPA's agenda under a consent agenda heading. The items within the consent agenda will be approved as a whole by OPA with one vote. Any item listed in the OPA consent agenda can be removed by any OPA member for further discussion at the current or future OPA meeting. OPA members can also request that any existing APD SOP be reviewed in a special session, in addition to the regularly scheduled OPA meetings.
6. Comments and/or suggestions to policy by OPA members will be memorialized in the proposed policy draft forwarded to the SOPRC using the comments function in Microsoft Word. Each comment will include the name and organization of the commenter.
7. Any policy relating to mental health response will be forwarded to the Mental Health Response Advisory Committee (MHRAC) for review and comment before the OPA meeting in which it is heard. MHRAC involvement will also be encouraged during OPA meetings. Additional external stakeholders will be contacted when policies that are of interest to them are on the OPA agenda and will be encouraged to attend.

Attachment "E"

- 4 -



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-52

Effective: 05/10/16 Expires: 11/06/16 Replaces: 05/10/12

8. If a policy is successfully approved by OPA, it will move to the Standard Operating Procedure Review Board (SOPRC) at its next regular meeting.
9. The sponsor of the policy proposal may be present at the SOPRC at the request of any SOPRC member to answer questions and provide input.
10. Once a policy proposal is reviewed by the SOPRC to ensure that it meets best practices, departmental practices, legal standards/case law, and OPA comments are considered, it is placed on PowerDMS for 15-Day commentary.
11. At the end of the 15-Day commentary period, comments generated during this process are reviewed by the SOPRC. The SOPRC makes appropriate changes based on commentary received.
12. The SOPRC, upon completion of its review and appropriate changes to the proposed policy, forwards the policy proposal to the PPRB.
13. The PPRB shall review the policy proposal and changes made by the SOPRC. The sponsor of the policy proposal and members of the SOPRC will be present to explain the proposal and the changes made.
14. The PPRB may make additional changes as they see fit to the policy proposal.
15. The PPRB may pass, table, or deny a policy proposal.
16. If the policy proposal is tabled or denied, the PPRB shall refer the policy proposal to the appropriate departmental policy process body for remediation, if applicable.
17. If the policy is passed by the PPRB and is CASA-related, the proposal shall be sent to the Police Oversight Board (POB) for their review and comment for thirty calendar days from the date of submittal.
18. Fifteen calendar days from the POB submittal, the CASA-related policy will be sent to the parties for review and approval.
19. At the end of 30 days, comments from the POB and the parties will be collected and will be reviewed by the Chief of Police or his designees. If the Chief of Police determines the proposed policy revision submittal is not feasible, unreasonable, or not in the best interest of the public and/or the department, he or she shall draft a letter to the POB and provide the reason(s) why the proposal was not considered.

Attachment "E"

- 5 -



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-52

Effective: 05/10/16 Expires: 11/06/16 Replaces: 05/10/12

20. If the policy proposal is passed, the SOP Liaison shall publish the revised policy on PowerDMS without unreasonable delay once the Chief of Police gives final approval.

C. Office of Policy Analysis (OPA)

OPA will be involved in reviewing CASA-related policies at six month intervals after implementation and annually thereafter. Other departmental policies will be reviewed on an as-needed basis. Part of that review process will be to engage with community groups to solicit their input on policy changes.

1. OPA is designed to gather information on national standards and best practices and to integrate their findings into existing APD policy while providing a "big picture" view and deep analysis of APD policy.
2. OPA will also review collected information on lawsuits, officer injuries, and trend data that may indicate the need for policy change.
3. OPA is composed of the following core representatives, but also include subject matter experts, other departmental representatives, as their schedules and interests provide:
 - a. The OPA coordinator provides guidance and context regarding APD SOPs.
 - b. A representative from the City Attorney's Office is a resource providing information concerning legal standards and lessons learned from litigation.
 - c. A representative from the Civilian Police Oversight Administration provides insight into trends regarding citizen complaints.
 - d. A representative from the Police Oversight Board provides a community perspective to proposed policy changes.
 - e. A representative from the Albuquerque Police Officer Association provides insight into the usability aspect of SOPs.
 - f.
 - g. Volunteer officers and department personnel provide fresh analysis and helpful review of current policy.
4. Although not subject to the Open Meetings Act, the OPA will hold some of its meetings in a public location to provide access to all who wish to participate. The general public is welcome to attend and provide input at those meetings.

C. Standard Operating Procedures Review Committee (SOPRC)

1. The SOPRC considers newly-submitted policies to ensure that they conform to best practices and reviews existing policies to ensure continuing compliance with case law and union contracts.

Attachment "E"

- 6 -



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-52

Effective: 05/10/16 Expires: 11/06/16 Replaces: 05/10/12

2. The SOPRC will have a chair and seven members. The SOP Liaison will serve as the chair of the SOPRC. The members will consist of four Lieutenants, one Quality Assurance Auditor, one representative from the CPOA, and one representative from the APOA. These members will apply for their position on the committee, and will be selected by the Chair of the PPRB. Members will serve for a term of one year.
 3. The SOPRC meets regularly on a weekly or bi-weekly basis, as needed. The Chair will be responsible for the scheduling of meetings.
- D. Policy and Procedure Review Board (PPRB)
1. The PPRB is established under the direct authority of the Chief of Police and has the power to:
 - a. Initiate, review, and evaluate department policies and procedures.
 - b. Involve personnel, who may also attend meetings, by encouraging them to supply facts pertinent to the proposed policy.
 - c. Advise and assist the Chief of Police on policy development.
 - d. Receive and recommend approval/disapproval policies and procedures via PowerDMS.
 2. The Chief of Police (or his designee) appoints PPRB members.
 3. Appointed representatives will serve on the PPRB for one year, unless removed by the Chief of Police. However, the Executive Director, Deputy Chiefs, Majors, a City legal representative, the CPOA Director, and the union representative shall be standing members.
 4. The Executive Director is the chairman (presiding officer) of the PPRB.
 5. This PPRB is permanent within the Department and will conduct regular meetings, as necessary. The scheduling of necessary meetings will be the responsibility of the SOP Liaison.
 6. The PPRB is composed of:
 - a. Executive Director, Administrative Support Bureau
 - b. Deputy Chief, Investigative Bureau
 - c. Deputy Chief, Special Services Bureau
 - d. Major, Field Services Bureau West Division
 - e. Major, Field Services Bureau East Division
 - f. Major, Professional Accountability Bureau
 - g. One Representative, Investigative Bureau
 - h. One Representative, Special Services Bureau
 - i. Two Representatives, Field Services Bureau

Attachment "E"

- 7 -



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-52

Effective: 05/10/16 Expires: 11/06/16 Replaces: 05/10/12

- j. Legal Advisor
 - k. Technical Services Division Manager
 - l. Two Representatives, Emergency Communications
 - m. One Representative, APOA
 - n. CPOA Investigator (non-voting)
 - o. CPOA Director
 - p. POB representative
7. The PPRB will evaluate proposals for the following elements:
- a. Clarity of language;
 - b. Conflict with other existing policies and procedures;
 - c. Compatibility with federal, state, and local laws;
 - d. Compatibility with union contracts;
 - e. Compatibility with City administrative orders or directives; and
 - f. Other applicable issues.
8. If a member should transfer during this period, the member's replacement shall serve a period of one year from the date of appointment.
- a. If a member is transferred, the member shall notify the Chairman.
 - b. The member shall be replaced within the area that the member is being transferred from.
 - c. The transferred member may continue to serve at the discretion of the Chairman or until any unfinished business is completed.
9. All policies, once approved by the Chief of Police, will be marked with an effective date and the date for re-evaluation.
10. The SOP Liaison will publish the approved policy on PowerDMS.

POLICE OVERSIGHT BOARD
INTERNAL AFFAIRS
STATISTICAL DATA FOR THE MONTH OF AUGUST 2017

APD 911 Communications Center

Dispatched calls for Service for AUGUST 2017: 48,700 (increase from ~~JULY~~ ^{August} 1,982)

INTERNAL CASES FOR THE MONTH OF AUGUST 2017

1's

Total Internal Cases Completed the Month of AUGUST: 9

Comprised of:

- 8-Internal Affairs Investigations
- 1-Area Command Investigated case

Internal Cases Administratively Closed: 0

Internal Cases Mediated: 0

Discipline imposed for Internal Cases/ AUGUST 2017:

1: Verbal Reprimand – Conduct, Personnel Rules and Regs

6: Letter of Reprimand – Conduct, Procedure

1: Suspension (32 hours) – Conduct, City Rules and Regs.

1: Suspension (40 hours) – Conduct

1: Suspension (80 hours) – City Rules and Regs, Conduct, Procedure, Preliminary Investigation, OBRD

1: Suspension (88 hours) - Conduct

1: Resignation – Conduct

1: Resignation in Lieu of Termination – Report writing, Timeliness of Reports, Evidence/Property, Tagged Evidence

EIS JULY 2017: 41 Alerts distributed

Pending IA Cases for the Month of AUGUST 2017: 7*

***Is related to the number of cases opened within AUGUST**

Attachment "F"

DRAFT Scope of Work
The City of Albuquerque Civilian Police Oversight Agency
Research and Technical Assistance

Scope of Work:

UNM-ISR, in collaboration with Civilian Police Oversight (CPOA) staff, will provide research, statistical analysis, and technical assistance to track and present findings related data and policy trends of the Albuquerque Police Department (APD) and the CPOA.

1. UNM-ISR will oversee the preparation of charts, graphs, reports, maps, and related materials in order to track and present findings related to police activity to the CPOA and the Police Oversight Board (POB). This might include the collation, analysis and dissemination of a variety of documents used to assess and improve policing in the City of Albuquerque.
 2. UNM-ISR will provide assistance to the CPOA in developing recommendations to improve and standardize policy, procedure, and data management for the CPOA, POB, and APD. In order to complete these tasks, the ISR will complete reviews of available literature to more completely understand best practices or promising practices regarding police oversight, police data, or police policy. This will include the review of any academic literature, unpublished reports, technical literature, information maintained by police agencies, and any other information available via an internet search and other search methods.
 3. UNM-ISR will review, analysis, and report on APD and CPOA data. The goal of the review and analysis of this data is to provide information that will aid the CPOA in the development of a policy and training that will impact police activity and police interaction with the City of Albuquerque community members. UNM-ISR will recommend goals and objectives for police policy and research based on their analysis of the provided data.
 4. As needed, the ISR will consult on assessment methods that will help the CPOA measure progress towards the completion of agency mission and goals/objectives and meet Department of Justice reporting guidelines.
 5. UNM-ISR will ensure the CPOA is able to see and review any data gathered and analyzed, will regularly provide updates on progress and findings, and will coordinate with the CPOA on any changes that become necessary to the substance of the project.
 6. UNM-ISR will help the CPOA maintain awareness of new developments in the field of police activity and police oversight analysis. Advise the CPOA and POB about how to incorporate new developments as appropriate into CPOA Policy and procedure and in making recommendations to APD about changes to their policy and procedure.
 7. UNM-ISR will provide assistance in responding to requests and inquiries about data and policy from CPAO, POB, the DOJ, the City Council, and the Mayor's Office
- B. UNM-ISR will attend Police Oversight Board and Board Sub-committee meetings as requested.

***General disclaimer about release and use of data/findings:

- a. The CPOA is responsible for ensuring that UNM-ISR has full access to all necessary records and data within the custody of the CPOA/APD required to complete any research, analysis, or technical assistance requested.
- b. Decisions about the manner and timing of release of information are made solely by the CPOA.
- c. Electronic data will be stored on UNM computers and a UNM server located at UNM IT, which is encrypted and protected by a firewall and passwords and meets all UNM requirements. UNM computers reside in the locked ISR building and are password protected. Only staff associated with the project will have access to these databases. The staff who are working on this project will have completed CITI training and have completed FCOIs.

Attachment "G1"

FY 2018

Between October and June FY2017 (8 Month Contract)

Name/Position	Computation	Cost
Senior Research Scientist 3 - Paul Guerin	69 hours @ 47.88 an hour.	\$3,304
Principle Investigator - Miriam Verploegh	277 hours @ 31.45 an hour.	\$8,712
Research Scientist 1 - Alex Tonigan	97 hours @ 23.94 an hour.	\$2,322
Research Scientist 1 - New Hire	318 hours @ 16.27 an hour.	\$5,174
Graduate Student Researchers	97 hours @ 17 an hour.	\$1,649
Undergraduate Student Researchers	138 hours @ 10 an hour.	\$1,380
Business Operations Manager	28 hours @ 30.11 an hour.	\$843
Subtotal		\$23,383

B. Fringe Benefits

Name/Position	Computation	Cost
Principal Investigator - Paul Guerin	40.68%	\$1,344
Senior Research Scientist 1 - Dan Cathey	28.20%	\$2,457
Research Scientist 1 - Craig Pacheco	38.60%	\$898
Research Scientist 1 -Anne Minssen	28.01%	\$1,449
Graduate Student Researchers	1.00%	\$16
Undergraduate Student Researchers	1.00%	\$14
Business Operations Managers	38.72%	\$326
Subtotal		\$8,503

C. Travel

		\$500
Subtotal		\$600

D. Equipment

None		\$0
Subtotal		\$0

E. Supplies

Supply Items	Computation	Cost
Copying		
Consumable supplies		\$100
Subtotal		\$100

F. Construction

None		
------	--	--

G. Consultants/Contracts

None		
------	--	--

H. Other Costs

Health Insurance	For Grad Student	\$1,705
Subtotal		\$1,705

I. Indirect Costs

Description	Computation	Cost
Total Direct Costs	\$32,291	
Modified Total Direct Costs	\$32,291	
F+A Costs (F+A=Facilities and Administration)	20%	\$6,458

Total Personnel & Fringe Benefits	\$29,888
Total Non-Personnel Costs	\$8,863
Total Project Cost	\$38,750

Attachment "G2"

Task	Percentage on Each Task	Hours on Each Task
Torture Review	25%	217
Data Analysis/Entry/Calendar/Query	21%	178
Research/Interview Development	17%	143
Research/Interview	8%	67
Consultation on DOJ and DOJ Manuals	6%	51
Complaints	6%	51
Management	7%	58
Total		825

Personnel Working on Project	Percentage	Total Hours Spent over 8 Months
Paul Quinn	6%	50
Allen Verplagen	2%	17
Research Scientist 1	23%	191
Research Scientist 2	1%	7
Undergraduate Student Researcher	15%	124
Undergraduate Student Researcher	2%	16
Total		308

TASKS AND CALCULATIONS

Personnel	Hours	Percentage	Total Hours
Administrative	20	2.4%	20
Research Scientist 1	20	2.4%	20
Research Scientist 2	20	2.4%	20
Undergraduate Student Researcher	20	2.4%	20
Undergraduate Student Researcher	20	2.4%	20
Total			100

Personnel	Hours	Percentage	Total Hours
Administrative	20	2.4%	20
Research Scientist 1	20	2.4%	20
Research Scientist 2	20	2.4%	20
Undergraduate Student Researcher	20	2.4%	20
Undergraduate Student Researcher	20	2.4%	20
Total			100

Personnel	Hours	Percentage	Total Hours
Administrative	20	2.4%	20
Research Scientist 1	20	2.4%	20
Research Scientist 2	20	2.4%	20
Undergraduate Student Researcher	20	2.4%	20
Undergraduate Student Researcher	20	2.4%	20
Total			100

Personnel	Hours	Percentage	Total Hours
Administrative	20	2.4%	20
Research Scientist 1	20	2.4%	20
Research Scientist 2	20	2.4%	20
Undergraduate Student Researcher	20	2.4%	20
Undergraduate Student Researcher	20	2.4%	20
Total			100

Attachment "G3"

Item	2017	2018
1. Budget Error		
Total Direct Costs	\$28,835	\$28,835
Medical Total Direct Costs	\$28,835	\$28,835
F-A-A-Costs	20%	\$5,711
F-A-A-Costs and Administration		\$5,711
Total Personnel & Support Expenses		\$34,546
Total Direct Personnel Costs		\$34,546
Total Indirect Costs		\$49,294

Attachment "G3"

**First Interim Memorandum of Understanding
Civilian Police Oversight Agency---Mediation Protocol**

I. Parties

- II. This Interim Memorandum of Understanding (MOU) sets forth the terms and understandings between the Civilian Police Oversight Agency (CPOA), the Albuquerque Police Department (APD), and the Albuquerque Police Officer's Association (APOA) to clarify when mediation is appropriate for certain types of CPOA complaints.

III. Understanding of the Parties.

The parties agree that Community-Police Mediation is an alternative to existing methods for handling police complaints. Complainants have the opportunity to sit down with the officer in a neutral and confidential setting, and with the assistance of a professional mediator. Research has found that mediation is far more likely to lead to satisfaction among complainants and officers than the traditional complaint-handling process. It also is more likely to result in fewer future citizen complaints against a particular officer than traditional methods, and is more likely to result in a timely resolution when compared to formal investigations.¹

The purpose of this Memorandum is to assert the importance of mediation while clarifying the eligibility requirements for civilian complaints to be considered for mediation.

IV. Misconduct Threshold for Mediation Consideration

City ordinance Section 1, Section 9-4-1-4(C) clause e and section 9-4-1-6(C)(3), provides that mediation should be the first option for resolution of civilian police complaints. Section 3. Section 9-4-1-6 S number 3 assure that "Mediators shall be independent of the CPOA, APD, and the City, and not be former city officers or employees. At the discretion of the Director an impartial system of mediation should be considered appropriate for certain complaints. If all parties involved reach an agreement, the mediation is considered successful and no investigation will occur"²

The CASA requires that, "APD and the Civilian Police Oversight Agency shall investigate all misconduct complaints and document the investigation, its findings, and its conclusions in writing. APD and the Civilian Police Oversight Agency shall develop and implement a policy that specifies those complaints other than misconduct that may be resolved informally or through mediation."³ In order to determine what counts as misconduct two formal definitions were developed. The first comes from a report by produced by the ACLU which defines police misconduct as the inappropriate or illegal actions taken by police officers in connection with their

¹ Proctor, Jon; Clemmons, AJI and Rosenthal, Richard. 2009. "Discourteous Cops and Unruly Citizens: Mediation Can Help" Community Policing Dispatch. COPS.

² Albuquerque City Council Ordinance.

<https://cuba.legislar.com/LegislationDetail.aspx?ID=2724100&GUID=138DB459-1A35-434C-8215-0FE1FDC48D72&Options=ID,Text&Search=police+oversight>

³ Department of Justice and Albuquerque Police Department. Settlement Agreement. Paragraph 184.

Attachment "H1"

official duties. Police misconduct can lead to miscarriage and sometimes involves discrimination or obstruction of justice.⁴

Furthermore, an understanding of misconduct can be gained through the federal civil enforcement of misconduct provision which states that it is unlawful for, "State or local law enforcement officers to engage in a pattern or practice of conduct that deprives persons of rights protected by the Constitution or laws of the United States." (42 U.S.C. 5 14141). The types of conduct covered by this law include, among other things, excessive force, discriminatory harassment, false arrests, coercive sexual conduct, and unlawful stops, searches or arrests.⁵ Based on the requirements for mediation, and the definition of misconduct model examples of eligibility criteria from other agencies, the following requirements have been developed.

V. Eligibility for Mediation

- A. Cases will be evaluated for eligibility for mediation by the CPOA, Executive Director based upon case eligibility.

Case Eligibility: All complaints will be considered eligible for mediation when the complaint is a dispute involving interaction, by and between the officer and civilian. Or, a dispute involving investigation of/for documentation of incidents/reports.

The following types of complaint that the director may consider ripe for mediation are:

- 1) Communications;
- 2) Complaints of traffic investigations; and
- 3) (other discussed types).

The following cases should not be considered for mediation absent exceptional circumstances:

- 1) Cases involving substantial injury to either complainant or officer;
- 2) Cases involving sexual, ethnic, homophobic, or racial slurs;
- 3) Cases involving use of force allegations;
- 4) Cases regarding criminal charges or questions of law such as search or detention issues;
- 4) Or any case deemed suitable for investigation by the Executive Director.

Officer Eligibility: Mediation is not available to officers who have any of the following in their OCC or MCD files:

- 1) Sustained case within the past year;
- 2) A prior mediation within the past six months;
- 3) Three mediations within the past two years;
- 4) Similar misconduct allegation within the previous 12 months; or
- 5) Other factors involving the officer as determined by the Executive Director.

⁴ Gratl, Jason. 2011. "Report Following a Public Interest Investigation into a Chair-Initiated Complaint Respecting the Death in RCMP Custody of Mr. Robert Dziekanski". BC Civil Liberties Association.

⁵ Department of Justice. 2012. "Addressing Police Misconduct" US Department of Justice Civil rights Division, Department of Justice.

VI. Duration

This First Interim MOU is at-will and may be modified by mutual consent of authorized officials from the CPOA, the APD, and the APOA. This MOU shall become effective upon signature by the authorized officials from the Civilian Police Oversight Agency, the Albuquerque Police Department, and the Albuquerque Police Officer's Association and will remain in effect until modified or terminated by any one of the partners by mutual consent.

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

Edward Harness, Executive Director
Albuquerque Civilian Police Oversight
600 2nd Street NM, Room 813
Albuquerque, New Mexico 87102

Shaun Willoughby, President
Albuquerque Police Officer's Association
3813 Hawkins Rd NE
Albuquerque, NM 87109

Date:
Gorden E. Eden, Chief of Police
Albuquerque Police Department

Date:
Edward W. Harness, Esq. Executive Director
Civilian Police Oversight Agency, Albuquerque

Date:
Shaun Willoughby, President
Albuquerque Police Officer's Association

Attachment "H1"

**First Interim Memorandum of Understanding
Civilian Police Oversight Agency—Mediation Protocol**

I. Parties

- II. This Interim *Memorandum of Understanding* (MOU) sets forth the terms and understandings between the Civilian Police Oversight Agency (CPOA), the Albuquerque Police Department (APD), and the Albuquerque Police Officer's Association (APOA) to clarify when mediation is appropriate for certain types of CPOA complaints.

III. Understanding of the Parties.

The parties agree that Community-Police Mediation is an alternative to existing methods for handling police complaints. Complainants have the opportunity to sit down with the officer in a neutral and confidential setting, and with the assistance of a professional mediator. Research has found that mediation is far more likely to lead to satisfaction among complainants and officers than the traditional complaint-handling process. It also is more likely to result in fewer future citizen complaints against a particular officer than traditional methods, and is more likely to result in a timely resolution when compared to formal investigations.¹

The purpose of this Memorandum is to assert the importance of mediation while clarifying the eligibility requirements for civilian complaints to be considered for mediation.

IV. Misconduct Threshold for Mediation Consideration

City of Albuquerque ordinance, Section 1, Section 9-4-1-4(C) clause e and section 9-4-1-6(C)(3), provides that mediation should be the first option for resolution of civilian police complaints. Section 3, Section 9-4-1-6 S number 3, assures that "Mediators shall be independent of the CPOA, APD, and the City, and not be former city officers or former city employees.² At the discretion of the Director an impartial system of mediation should be considered appropriate for certain complaints. If all parties involved reach an agreement, the mediation is considered successful and no investigation will occur"

The CASA requires that, "APD and the Civilian Police Oversight Agency shall investigate all misconduct complaints and document the investigation, its findings, and its conclusions in writing. APD and the Civilian Police Oversight Agency shall develop and implement a policy that specifies those complaints other than misconduct that may be resolved informally or through mediation."³ The CASA includes a definition of "Misconduct" which does not comport with the types of misconduct which may be eligible for mediation.⁴

1. Proctor, Jon; Clemmons, AJI and Rosenthal, Richard. 2009. "Discourteous Cops and Unruly Citizens: Mediation Can Help" Community Policing Dispatch. COPS.

2. Albuquerque City Council Ordinance.
<https://cabq.legistar.com/LegislationDetail.aspx?ID=2724100&GUID=13BDB459-1A35-434C-8215-0FE1FDC48D72&Options=1|D|Text|&Search=police+oversight>

3. Department of Justice and Albuquerque Police Department. Settlement Agreement. Paragraph 184.

4. "Misconduct" means a violation of departmental policies or procedures, violation of federal, state, or local criminal laws; constitutional violations, whether criminal or civil; violation of personnel rules; violations of the merit systems ordinance; violation of administrative rules; violations of regulations; and violation of the labor management relations laws. (Doc. 9 at ¶12 (dd)).

Attachment "H2"

The parties understand and agree that to accommodate the mediation provision found in the CASA, a suspension of the CASA's misconduct definition, for mediation purposes only, is necessary. Paragraph 338 of the CASA permits such a suspension of ". . .the current Agreement requirement for a time period agreed upon at the outset of the suspension."

In order to determine the types of misconduct which may be eligible for mediation, the parties have narrowed the scope of the CASA definition of misconduct for purposes of mediation only, and have developed the following requirements.

The parties further understand and agree that this Memorandum of Understanding is implemented as a pilot mediation program which shall expire by its' terms 120 days from its effective date. Between the effective date of this Memorandum of Understanding and its expiration date, the Executive Director shall report to the parties, the number of mediations, the number of successful mediations and the overall efficacy of this Memorandum of Understanding.

V. Eligibility for Mediation

- A. Cases will be evaluated for eligibility for mediation by the CPOA, Executive Director based upon case eligibility.

Case Eligibility: All complaints will be considered eligible for mediation when the complaint is a dispute involving interaction, by and between the officer and civilian. Or, a dispute involving investigation of/or documentation of incidents/reports.

The following types of complaint that the director may consider ripe for mediation are:

- 1) Communications;
- 2) Complaints of traffic investigations;
- 3) Investigations and documentations; and
- 4) Any complaint deemed appropriate by the director for mediation.

The following cases should not be considered for mediation absent exceptional circumstances:

- 1) Cases involving substantial injury to either complainant or officer;
- 2) Cases involving sexual, ethnic, homophobic, or racial slurs;
- 3) Cases involving use of force allegations;
- 4) Cases regarding criminal charges or questions of law such as search or detention issues;
- 5) Or any case deemed suitable for investigation by the Executive Director.

Officer Eligibility: Mediation is not available to officers who have any of the following in their OCC or MCD files:

- 1) Sustained case within the past year;
- 2) A prior mediation within the past six months;
- 3) Three mediations within the past two years;
- 4) Similar misconduct allegation within the previous 12 months; or
- 5) Other factors involving the officer as determined by the Executive Director.

Attachment "H2"

VI. Duration

This Interim Memorandum of Understanding is at-will and may be modified by the express mutual consent of authorized officials from the CPOA, the APD, and the APOA. This MOU shall become effective upon signature by the authorized officials from the Civilian Police Oversight Agency, the Albuquerque Police Department, and the Albuquerque Police Officer's Association and will remain in effect until modified or terminated by any one of the partners by mutual consent.

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

Edward Harness, Executive Director
Albuquerque Civilian Police Oversight
600 2nd Street NM, Room 813
Albuquerque, New Mexico 87102

Shaun Willoughby, President
Albuquerque Police Officer's Association
3813 Hawkins Rd NE
Albuquerque, NM 87109

Date:
Gorden E. Eden, Chief of Police
Albuquerque Police Department

Date:
Edward W. Harness, Esq. Executive Director
Civilian Police Oversight Agency, Albuquerque

Date:
Shaun Willoughby, President
Albuquerque Police Officer's Association

Attachment "H2"