

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT BOARD

Thursday, January 10, 2019 – 5:00 PM
Vincent E. Griego Chambers, Basement Level
City/County Government Center – One Civic Plaza NW
Albuquerque, New Mexico

Members Present:

Chantal M. Galloway, Vice-Chair
Joanne Fine
Dr. William Kass
Chelsea Van Deventer

Members Absent:

Leonard Waites, Chair
Valerie St. John

Others Present

Edward Harness, CPOA
Katrina Sigala, CPOA
Julian Moya, City Council
Tina Gooch, Atty
Cdr. Mark Velarde, APD
Jeremy Schmehl, Asst. City Atty
James Lewis, Mayor's Office
Chris Sylvan, CPC

Meeting Minutes

PO Box 1293 I. **Welcome and call to order.** Vice-Chair Galloway called to order the regular meeting of the Police Oversight Board at 5:00 p.m.

Albuquerque II. **Pledge of Allegiance.** Member Fine led the meeting in the Pledge of Allegiance.

III. **Mission Statement.** Vice-Chair Galloway read the Police Board's mission statement.

NM 87103 IV. **Approval of the Agenda.**

a) **Motion.** A motion was made by Member Fine to approve the agenda as written. Member Van Deventer seconded the motion. The motion was carried by the following vote:

www.cabq.gov

For: 4 – Galloway, Fine, Kass, Van Deventer

V. **Public Comments**

1. Tadeusz Niemyjski

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 December 13, 2018

1. Copies of the draft minutes from the December 13, 2018 POB meeting were distributed to each member in their packets.

2. **Motion.** A motion was made by Member Van Deventer to approve the minutes as written. Member Fine second the motion. The motion was carried by the following vote:

For: 4 – Galloway, Fine, Kass, Van Deventer

VII. Reports from City Staff

a) APD – Commander Mark Velarde with Internal Affairs-Professional Standards gave the following report for APD:

1. **Statistical Data.** Commander Velarde read the Statistical Data for the month of December 2018. A document titled *Police Oversight Board, APD Internal Affairs: Statistical Data for the Month of December 2018* was distributed to the POB members. (see attached)

b) City Council-

1. **City Council Representative – Julian Moya** presented his report.

c) Mayor’s Office-

1. **Mayor’s Office Representative.** - James Lewis presented his report and advised the board that Judge Brack has stepped down from overseeing the CASA.

d) City Attorney-

1. **Assistant City Attorney – Jeramy Schmehl** presented his report.

e) Community Policing Council

1. **CPC Representative.** Chris Sylvan presented his report.

f) Albuquerque Police Officer’s Association

1. There was no one from APOA present to give a report.

g) Civilian Police Oversight Agency

1. **Executive Director.** Edward Harness presented his report.

VIII. Reports from Subcommittees

a) Community Outreach Subcommittee – Chantal Galloway-

1. Next meeting January 22, 2019 at 1:00pm

- b) **Policy and Procedure Review Subcommittee – William Kass–**
 - 1. Met January 3, 2019 at 12:30pm
 - 2. Discussion on the process of PPRB voting.
 - 3. Next meeting February 7, 2019 at 12:30pm

- c) **Case Review Subcommittee – Valerie St. John –**
 - 1. Met December 18, 2018 at 11:00am
 - 2. CRC has a scheduled meeting with Chief Geier on February 1, 2019 regarding the recent child abuse cases on assessments and changes that APD has made.
 - 3. Next meeting January 22, 2019 at 11:30pm

- d) **Personnel Subcommittee – Joanne Fine-**
 - 1. Met January 7, 2019 at 9:30am
 - 2. Update on the process of the employment agreement, job description and the evaluation tool for Executive Director’s annual review.
 - 3. Next meeting February 1, 2019 at 9:30am

IX. Discussion

- a) **Ordinance Amendments.**
 - 1. Member Fine briefed the board on the Oversight Ordinance Study Session with City Council.

- b) **POB Members Reappointment.**
 - 1. **Motion.** Motion by Member Fine suggest to the City Council that they reconfirm Member Galloway and St. John for another term. Second by Member Van Deventer. The motion was carried by the following vote:
For: 4 – Galloway, Fine, Kass, Van Deventer

- c) **Resolution of the communication ban between the POB and the City.**
 - 1. **Motion.** Motion by Member Kass move that we direct our counsel to cease efforts contesting City Council and City Attorney actions related to reconfirmation of the Executive Director’s contract and POB Board appointments and we further direct our counsel to unconditionally retract without reservation all communication bans that have been previously issued in these matters and all the parties originally addressed. Motion Failed for the lack of a second.

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

a) Administratively Closed Cases

130-18 269-18 271-18 272-18

b) Sustained

202-18

c) Not Sustained investigation by IA

047-18

1. Motion. Member Van Deventer motioned to approve all Consent Agenda Cases presented. Member Fine seconded the motion and there was no discussion of any cases. The motion was carried by the following vote:

For: 4 - Galloway, Fine, Kass, Van Deventer

XI. Non-Consent Agenda.

a) There was no Non-Consent Cases to present

XII. Non-Concurrence Cases.

a) There was no Non-Concurrence Cases to present

XIII. Review of Appeals

a) There was no Review of Appeal Cases to present

XIV. Serious Use of Force/Officer Involved Shooting Cases.

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

XV. POB's Review of Garrity Materials.

a) There was no Garrity Materials to present

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

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

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

i. **Pending Litigation to include *Arasim v. CPOA et al.*,**

D-202-CV-2018-08758

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

i. Executive Director's contract

- a) **Motion.** Motion by Member Van Deventer to take a member by member vote to move into a closed session for the limited purpose of discussing a personnel matter. Vice-Chair Galloway seconded the motion. The motion was carried by the following vote:
- b) **Roll call vote by board members.**
For: 4 – Galloway, Fine, Kass, Van Deventer

**--- Meeting on Personnel issues began at 6:43 p.m. and
the meeting reconvened at 7:36 p.m. ---**

- a) **Motion.** Member Van Deventer motioned to reconvene the POB meeting into regular session. Member Fine seconded the motion. The motion was carried by the following vote:
Roll call vote by board members.
For: 4 – Galloway, Fine, Kass, Van Deventer
- b) Vice-Chair Galloway stated that the only discussion in closed session were on the listed agenda items.

XVII. Vote on Executive Director's Employment Agreement

Motion. Motion made by Member Van Deventer to delegate the authority to Vice-Chair Galloway to finalize the term, compensation and effective date for the contract and to finalize the contract in its entirety with the city. In addition that the board delegate the Chair the authority to sign the contract. Member Fine second the motion. The motion was carried by the following vote:
For: 4 – Galloway, Fine, Kass, Van Deventer

XVIII. Other Business.
No other business.

XIX. Adjournment – A motion was made by Member Kass to adjourn the meeting. Member Fine second the motion. The motion was carried by the following vote:
For: 4 – Galloway, Fine, Kass, Van Deventer
The meeting adjourned at 7:38pm

Next Regularly scheduled POB meeting will be on February 14, 2019 at 5:00 p.m. in the Vincent E. Griego Chambers.

APPROVED:



Leonard Waites, Chair
Civilian Police Oversight Agency

2/14/19

Date

CC: Julian Moya, City Council Staff
Katy Duhigg, City Clerk
Klarissa Pena, City Council President (via email)

Minutes drafted and submitted by:
Katrina Sigala, Senior Administrative Assistant

Attachments

POLICE OVERSIGHT BOARD

PUBLIC QUESTION AND COMMENT SIGN IN

DATE: 1/10/19

NAME (PLEASE PRINT)

1. Tadeusz Niemyjski

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POLICE OVERSIGHT BOARD
INTERNAL AFFAIRS
STATISTICAL DATA FOR THE MONTH OF DECEMBER 2018

APD 911 Communications Center

Dispatched calls for Service for DECEMBER 2018: 40,411 (increase from November (324))

INTERNAL CASES FOR THE MONTH OF DECEMBER 2018

I's

Total Internal Cases Completed the Month of DECEMBER: 2

Comprised of:

- **2-Internal Affairs Investigations**
- **0-Area Command Investigated case**

Internal Cases Administratively Closed: 8

Internal Cases Mediated: 0

Discipline imposed for Internal Cases DECEMBER 2018

1: Suspension = 16 hours

EIRS FOR DECEMBER 2018: 52 alerts distributed

Pending IA Cases for the Month of DECEMBER 2018: 22

IA/IAC Cases opened in the month of DECEMBER 2018: 6



PROJECT STATUS REPORT

THE GOAL

The goal is to assign two cases per detective per week until all cases in the backlog are reviewed.

DISCLAIMER/NOTE

There are 303** distinct case numbers that make up the backlog, which will be reviewed. Cases will be assigned to the detectives by case number. There will be overlap amongst all three force types (Show of Force, Use of Force, and Serious Use of Force) which accounts for the starting total not equaling 303.

BACKLOG LISTING

ENTRY TYPE	STARTING TOTAL	CASES AT DETECTIVE	CASES AT SERGEANT	CASES CLOSED IN-POLICY	CASES CLOSED OUT OF POLICY	ORIGINAL FINDING IN-POLICY	ORIGINAL FINDING OUT OF POLICY
Use of Force	205	38	14	79	1	79	0
Show of Force	101	10	12	9	1	10	0
Serious Use of Force	STARTING TOTAL	CASES AT DETECTIVE	CASES AT SERGEANT	CASES CLOSED IN-POLICY	CASES CLOSED OUT OF POLICY	ORIGINAL FINDING IN-POLICY	ORIGINAL FINDING OUT OF POLICY
Pending Force Review Board	30	7	3	8	0	8	0

TARGET LETTERS

- 0

REFERRED TO CRIMINAL AND MISCONDUCT: 3 CASES

- 17-0045438
- 17-0043297
- 17-0043196

CASES PENDING OUT OF POLICY PROCEDURES: 9 CASES

- 17-0034322
- 17-0036290
- 17-0030526
- 17-0056097
- 17-0043396
- 17-0033431
- 17-0091310
- 17-0086718
- 17-0004712

INVESTIGATION TIMES

NUMBER OF TIME LOGS	MEAN TIME SPENT ON REPORTS	MEAN TIME SPENT ON VIDEOS	MEAN TIME SPENT ON DATA FORM	MEAN TIME SPENT ON NARRATIVE FORM	MEAN TOTAL TIME SPENT
97	5.3	9.1	5.3	11.8	30.9

Total time spent on the cases: 2994 hours

Minimum reported time spent: 6.5 hours

Maximum reported time spent: 212hours

SUMMARY TOTAL

ENTRY TYPE	STARTING TOTAL	CASES IN REVIEW	CASES CLOSED	REMAINING TOTAL	% COMPLETED
Backlog Review Cases	303	86	86	217	28.4%

Issued 14 cases to Performance Review-12 are at PRU Chain and 2 are at Detectives (included in numbers above)

**Through investigation it was discovered two entries for the same incident had different case numbers. The correct case number has been updated in the wrong entries.