

**From:** Hammer, Robin  
**To:** Davila, Natalie Z.; Funes, Ana R.; Gonzalez, Arturo E.; Medrano, Michael V.; Norris, Scott; DuBois, John E.; Cash, Paul; Contreras, Michelle; Davidson, Christopher; Hammer, Robin; McDermott, Diane L.; O'Neill, Erin; Skotchdopole, Paul A.; Beth A. Mohr (CABQ.POB.Mohr@gmail.com); David Z. Ring (dzt3@juno.com); Eric H. Cruz (eric.hulzar.cruz@gmail.com); Eva P. Sandoval (Evaps3716@yahoo.com); Jeannette Baca (jvbaca.pob@gmail.com); Joanne Fine (joannefine413@gmail.com); Leonard Waites (phamason.lw@gmail.com); Moira Amado-McCoy (moiraamado@gmail.com); Scott Wilson (jswilsonpob@outlook.com)  
**Cc:** Bullock, Nicholas  
**Subject:** 2014 Annual and Semi Annual Reports; Police Oversight Ordinance and Draft Rules  
**Date:** Wednesday, March 11, 2015 2:13:44 PM  
**Attachments:** Police Oversight and Review Bodies.docx  
POC Ordinance Enacted -Word.docx  
Strikethrough.POC Rules and Regulations 2015.rtf

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Dear Board Members:

Attached is a link to the 2014 Semi-Annual and 2014 Annual Report from the Independent Review Office/POC/CPOA.

<https://www.dropbox.com/sh/8oj78yb3bbsp=bf/AABnFJoliWwOBMItoRXalwKXa?dl=0>

These Reports are also available on the CPOA's website (www.cabq.gov/cpoa), under the tab "Reports and Documents.&#221;

One Board Member had requested a listing of all the bodies which have some review or oversight responsibilities for APD. I prepared a summary of these agencies, which is attached.

A WORD version of the enacted Police Oversight Ordinance is attached, and is searchable through the Word Program.

- Section 9-4-1-4(A)(3), page 3, addresses Independent Legal Counsel.

- Section 9-4-1-7(B)(1-3), pages 11-12 address the Executive Director position.

A Strikethrough version of POC Rules, which are in the process of being revised to conform to the Amended Police Oversight Ordinance is attached. The Board may wish to consider forming a subcommittee to complete a draft of Rules which the entire body could adopt at a future meeting.

As a cost saving measure and for efficiency of staff time, the office has not provided copies of all of the documents for each meeting in the past and will not do so tomorrow. Typically, Board Members have either downloaded the documents to a laptop and reviewed the documents electronically and/or printed out their own copies as needed.

Tomorrow, please plan to arrive a few minutes early to City Council Chambers. Because it is televised, we try to begin the meetings on time at 4 pm. The Administrative Office validates parking for the parking garage under City Hall, so please bring in your parking ticket stub to be validated.

Please let me know if you have any questions.

All the best,  
Robin

Robin S. Hammer, =sq.  
Acting Executive Director  
Civilian Police Oversight Agency=/o:p>  
City of Albuquerque=/p>  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3774  
Fax: (505) 924-3775=/p>  
=ttp://www.cabq.gov/cpoa

## **Police Oversight and Review Bodies Overseeing Albuquerque Police Department**

March 11, 2015

### **CIVILIAN POLICE OVERSIGHT AGENCY** - Police Oversight Board staffed by volunteers & Administrative Office-staffed by paid City staff

- Exclusive jurisdiction to investigate and make findings in Civilian Police Complaints
- Concurrent jurisdiction to review Serious Use of Force incidents and administrative investigations of Officer Involved Shootings
- Engages in Community Outreach
- Reviews systemic issues of APD practices and procedures

### **APD INTERNAL AFFAIRS** - APD Sergeants investigators, a Lieutenant, and a Commander

- Exclusive jurisdiction to investigate misconduct reported by APD employees about APD employees (Internal cases)
- Conducts administrative investigation into Officer Involved Shootings and refers completed Administrative investigation to the CPOA for findings
- Reviews systemic issues of APD practices and procedures

### **APD POLICY AND PROCEDURE REVIEW BOARD**-Command Staff

- Exclusive jurisdiction to recommend revisions to APD Standard Operating Procedures

### **MULTI-JURISDICTIONAL POLICE SHOOTING INVESTIGATIVE TASK FORCE** - Criminal Violent Crime Detectives from several police agencies, including APD, BCSO, NMSP & the District Attorney (Has been in place for 14 years or so)

- Exclusive jurisdiction to conduct criminal investigation of Officer Involved Shootings

### **APD COMMUNITY POLICING COUNCILS**-6 Councils comprised of volunteers and APD Command Staff, one for each APD Area Command-Meet monthly

- Engages in Community Outreach
- Reviews systemic issues of APD practices and procedures by Area Command

### **MAYOR'S OFFICE POLICE & COMMUNITY RELATIONS COLLABORATIVE**- Series of facilitated meetings to obtain input from community members and practitioners

Began in October 2014. Three meetings remaining. Schedule listed at <http://www.cabq.gov/mayor/police-outreach/police-community-relations-collaborative/>

### **APD USE OF FORCE REVIEW PANEL** -Members of APD Command staff (Not yet implemented)

- Exclusive jurisdiction to review non-serious Use of Force incidents
- Concurrent jurisdiction to review Serious Use of Force incidents and administrative investigations of Officer Involved Shootings

### **FEDERAL COURT'S INDEPENDENT MONITOR AND MONITORING TEAM**, lead by Dr. Ginger, selected but not yet operational- scheduled to be in place for 4 years

- Exclusive jurisdiction to determine and report on compliance with all mandates enumerated in Federal Court Settlement Agreement between City of ABQ and DOJ

COUNCIL BILL NO. F/S(3) O-14-13 ENACTMENT NO. \_\_\_\_\_

ORDINANCE

AMENDING CHAPTER 9, ARTICLE 4, PART 1 ROA 1994, THE POLICE  
OVERSIGHT ORDINANCE, TO ABOLISH THE POLICE OVERSIGHT  
COMMISSION AND ESTABLISH THE CIVILIAN POLICE OVERSIGHT AGENCY  
WITH NEW OR AMENDED DUTIES, QUALIFICATIONS AND  
RESPONSIBILITIES, AND ADOPTING RELATED AMENDMENTS DEALING  
WITH THE CIVILIAN POLICE OVERSIGHT AGENCY AND THE INTERNAL  
REVIEW OFFICE.

BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
ALBUQUERQUE:

26 (D) Gather and analyze data on trends and potential issues



1 concerning police conduct and practices and the related impacts on the  
2 community and individuals; and

3 (E) Provide policy guidance to the City Council, the Mayor and the  
4 Chief of Police.

5 § 9-4-1-3 LEGISLATIVE FINDINGS.

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

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

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

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

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

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

31 § 9-4-1-4 ESTABLISHMENT OF A CIVILIAN POLICE OVERSIGHT AGENCY.

32 There is hereby created a Civilian Police Oversight Agency (the  
33 "CPOA") as an independent agency of City Government, not part of either the

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1 City Administration or City Council that consists of a Police Oversight Board  
2 (the "POB") and an Administrative Office led by the CPOA Executive Director.  
3 In addition to any other duties, the Administrative Office, through the  
4 Executive Director and staff, shall investigate all civilian complaints relating to  
5 police conduct, monitor and report on police internal affairs matters, provide  
6 staffing to the POB, and manage the day to day operations of the CPOA. The  
7 POB shall provide policy guidance for, and civilian oversight of the  
8 Albuquerque Police Department and review and approve or amend the  
9 findings and conclusions of all investigations completed by the Administrative  
10 Office.

11 (A) Independence. The CPOA is independent of the Mayor's  
12 Office, the City Council, and the Albuquerque Police Department with respect  
13 to the performance of its oversight role and duties under this ordinance.

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

18 (2) Budget. The CPOA shall have a dedicated and  
19 independent source of funding equal to, at a minimum, ½% of APD's annual  
20 operation budget, administer its own budget and supervise its own staff in  
21 compliance with the City's Merit Ordinance and contractual services policies  
22 and procedures. The CPOA shall recommend and propose its budget to the  
23 Mayor and City Council during the City's budget process to carry out the  
24 powers and duties under §§ 9-4-1-1 through 9-4-1-14, including the funding for  
25 staff, and all necessary operating expenses.

26 (3) Professional Legal Services. The CPOA may retain or  
27 employ independent legal counsel on a contractual basis to advise and  
28 represent the CPOA. If so retained, the CPOA's legal counsel shall represent  
29 the CPOA in the courts, and shall advise the CPOA as to any legal matters  
30 relating to this ordinance and the CPOA's duties, responsibilities, and  
31 procedures except for CPOA personnel matters which shall remain under the  
32 authority of the City Attorney's Office.

33 (4) Applicability of City Policies and Ordinances. The CPOA



1 shall comply with all City ordinances and policies dealing with administrative  
2 functions including but not limited to those dealing with personnel, the merit  
3 system, and procurements.

4 (B) Staff. The CPOA shall employ such staff as necessary to carry  
5 out its functions as prescribed by this Article, including but not limited to an  
6 executive director, professional investigative staff and other staff as may be  
7 necessary, subject to budget sufficiency and City personnel policies and  
8 procedures.

9 (C) Responsibilities. The Civilian Police Oversight Agency is  
10 responsible for civilian police oversight and has the following powers and  
11 duties:

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

20 (2) Promotion of Accountability. The CPOA shall promote a  
21 spirit of accountability and communication between the civilians and the  
22 Albuquerque Police Department while improving community relations and  
23 enhancing public confidence.

24 (3) Investigations. The Administrative Office shall  
25 independently investigate all civilian complaints; shall audit and monitor all  
26 incidences of use of force by police and all matters under investigation by  
27 APD's Internal Affairs (IA); and shall prepare proposed findings and  
28 recommendations on all officer involved shootings. All complaints filed by  
29 police officers will be investigated by Internal Affairs. Internal Affairs shall  
30 provide a weekly update to the Director on all open internal investigations. The  
31 Director's investigation report and findings shall indicate whether within the  
32 past year there were any IA investigations or supervisor generated complaints  
33 against the officer(s) involved in the incident being investigated or that are

1 otherwise relevant to the subject matter of the investigation, the general  
2 nature of the prior investigations or complaints, and whether they resulted in  
3 any discipline. Redacted personnel records including those of the Internal  
4 Affairs Unit shall be made available to the POB on demand. Access to  
5 information that could be construed to be covered by *Garrity* will be made  
6 available to the POB only by application in writing, and by majority vote by the  
7 POB.

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

11 (b) POB Audits; Access to Files. The POB may,  
12 by majority vote, perform an annual audit, or direct that an audit be performed,  
13 on a random sample of up to 10% of individual civilian police complaint  
14 investigations involving allegations of use of force. For purposes of its audit  
15 function, the POB shall have full access to investigation files and may  
16 subpoena such documents and witnesses as relevant to its audit function. In  
17 its review of the investigation file, the POB may review *Garrity* material or  
18 confidential material only in a closed session as permitted under the New  
19 Mexico Open Meetings Act. The POB shall maintain the confidentiality of any  
20 *Garrity* material or records that are made confidential by law and is subject to  
21 the same penalties as the custodian of those records for violating  
22 confidentiality requirements. In addition to any other penalty, any POB  
23 member or other person who violates the confidentiality provisions of this  
24 section shall be removed from the POB, and shall be subject to prosecution  
25 for a misdemeanor subject to the penalty provisions set forth in § 1-1-99.  
26 Access to information that could be construed to be covered by *Garrity* will be  
27 made available to the POB only by application in writing, and by majority vote  
28 by the POB.

29 (c) Disciplinary Recommendations. The POB  
30 may, in its discretion, recommend officer discipline from the Chart of  
31 Sanctions for investigations that result in sustained civilian police complaints;  
32 and may also recommend discipline based on any findings that result from  
33 review of internal affairs investigations, including but not limited to officer



1 involved shootings. Imposition of the recommended discipline is at the  
2 discretion of the Chief of Police, but if the Chief of Police does not follow the  
3 disciplinary recommendation of the POB, the Chief of Police shall respond in  
4 writing, within thirty (30) days, with the reason as to why the recommended  
5 discipline was not imposed.

6 (4) Reports to Mayor & Council. The CPOA shall submit a  
7 semi-annual written report to the Mayor and City Council according to § 9-4-1-  
8 10 herein. The CPOA Executive Director shall provide a quarterly oral report to  
9 the City Council at a regular or special meeting.

10 (5) CPOA Policy Recommendations. The CPOA shall  
11 engage in a long-term planning process through which it identifies major  
12 problems or trends, evaluates the efficacy of existing law enforcement  
13 practices in dealing with the same, and establishes a program of resulting  
14 policy suggestions and studies each year. The CPOA's policy  
15 recommendation process shall be as follows:

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

23 (b) The Chief of Police shall respond in writing within  
24 forty-five (45) days to any such policy recommendations by the CPOA, and  
25 indicate whether they will be followed through standard operating procedures  
26 or should be adopted as policy by the City Council, or explain any reasons  
27 why such policy recommendations will not be followed or should not be  
28 adopted.

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

33 § 9-4-1-5 THE CPOA POLICE OVERSIGHT BOARD

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1 (A) Composition. The POB shall be composed of nine at-large  
2 members who broadly represent the diversity and demographics of the City by  
3 way of, including but not limited to, cultural, gender and geographic diversity;  
4 and who are representative of the stakeholders of the police oversight  
5 process, and who reside within the City of Albuquerque.

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

9 (1) Have not been employed by law enforcement for one  
10 year prior to appointment; and

11 (2) Successfully pass a background check; and

12 (3) Personal history lacking any pattern of unsubstantiated  
13 complaints against APD; and

14 (4) A demonstrated ability to engage in mature, impartial  
15 decision making; and

16 (5) A commitment to transparency and impartial decision  
17 making; and

18 (6) Residency within the City of Albuquerque.

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

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

31 (E) Removal of Members. Any POB member may be removed for  
32 cause by a two-thirds majority vote of either the POB itself or the City Council.  
33 The appointment of any member who has been absent and not excused from

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three consecutive regular or special meetings shall automatically expire effective on the date the fact of such absence is reported by the POB to the City Clerk. The City Clerk shall notify any member whose appointment has automatically terminated and report to the City Council that a vacancy exists requiring an appointment for the length of the unexpired term.

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

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

(a) Be trained by the CPOA staff or CPOA legal counsel on CPOA and APD rules, policies, and procedures; and

(b) Attend at least one POB meeting as an observer (except initial appointees).

(2) Required Training. Each POB member shall complete a training program within the first six months of the member's appointment that consists, at a minimum, of the following:

(a) Completion of the APD Civilian Police Academy;

(b) Civil Rights training;

(c) At least two (2) APD ride-alongs;

(d) Annual firearms simulation training;

(e) Internal Affairs training;

(f) Use of Force training, including a review and familiarization with the APD Use of Force Policy;

(g) Equity and Cultural Sensitivity training; and

(h) Periodic additional training on items (b) through (g) above, or other periodic training as determined by the Mayor, City Council or the CPOA.

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

(G) Chair. The POB shall elect one of its members as the Chairperson and one as Vice-Chairperson, who shall each hold office for one



1 year and until their successors are elected. No officer shall be eligible to  
2 immediately succeed himself or herself in the same office. Officers shall be  
3 elected in the month of March of each calendar year or upon vacancy of an  
4 office to fill the remaining term.

5 (H) Subcommittees. The POB may appoint such subcommittees  
6 as are deemed necessary or desirable for the purposes of §§ 9-4-1-1 through  
7 9-4-1-14, provided that, membership on such subcommittees shall be limited  
8 to POB members.

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

19 1. Public Comment. The POB shall allow general public  
20 comment at each of its meetings, and the POB shall also allow comment on  
21 each of its agenda items.

22 § 9-4-1-6 CPOA ADMINISTRATIVE OFFICE.

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

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

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

30 (2) Review and monitor all Internal Affairs investigations  
31 including but not limited to officer involved shooting investigations. The  
32 Director shall prepare and submit findings and recommendations to the POB  
33 relating to officer involved shootings, and shall report on general trends and

1 issues identified through monitoring or auditing of Internal Affairs;

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

5 (C) The Administrative Office will receive and process all civilian  
6 complaints directed against the Albuquerque Police Department and any of its  
7 officers. The Director shall independently investigate and make findings and  
8 recommendations for review by the POB for such civilian complaints, or  
9 assign them for independent investigation by CPOA staff or an outside  
10 independent investigator. If assigned to staff or an outside investigator, the  
11 Director shall oversee, monitor and review all such investigations and findings  
12 for each. All findings relating to civilian complaints and police shootings shall  
13 be forwarded to the POB for its review and approval. For all investigations,  
14 the Director shall make recommendations and give advice regarding Police  
15 Department policies and procedures to the POB as the Director deems  
16 advisable.

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

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

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

31 (4) The Director shall monitor all claims of excessive force  
32 and police shootings. No APD related settlements in excess of \$25,000 shall  
33 be made for claims without the knowledge of the Director. The Director shall



1 be an ex-officio member of the Claims Review Board; and

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

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

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

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

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

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

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

29 § 9-4-1-7 CPOA DIRECTOR QUALIFICATIONS AND SELECTION.

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

33 (B) The Director will be a full-time contractual City employee to be

1 selected as follows:

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

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

23 (3) The term of the Director shall be for three (3) years.  
24 Once confirmed, the Director may be removed only upon: 1) a  
25 recommendation of removal to the City Council by the affirmative vote of two-  
26 thirds (2/3) of the members of the POB; and 2) acceptance of the POB's  
27 recommendation by a simple majority vote of the City Council.

28 § 9-4-1-8 CIVILIAN COMPLAINT PROCEDURES.

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

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1 civilians' complaints against members of the police department. Anonymous  
2 complaints shall be accepted.

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

8 (C) After the investigation of a civilian complaint is completed, the  
9 Director shall analyze all relevant and material circumstances, facts and  
10 evidence gathered under the investigation. For each investigation, the Director  
11 shall prepare investigation reports with proposed findings and  
12 recommendations and submit them to the POB for its review and  
13 consideration. The Director may share any disciplinary recommendations  
14 with the Chief of Police in advance of their submission to the POB only as  
15 necessary to help ensure timeliness pursuant to any applicable personnel or  
16 union contract requirements. The POB shall review the proposed findings and  
17 recommendations, and shall by majority vote of members present: 1) approve  
18 the findings and recommendations as proposed; 2) approve other findings  
19 and recommendations as determined by the POB and supported by the  
20 investigation file; or 3) defer action on the matter to allow for further  
21 investigation or analysis by the Director. As part of its review, the full  
22 investigation file shall be made available to the POB. In its review of the  
23 investigation file, the POB may review *Garrity* material or confidential material  
24 only in a closed session as permitted under the New Mexico Open Meetings  
25 Act. Access to information that could be construed to be covered by *Garrity*  
26 will be made available to the POB only by application in writing, and by  
27 majority vote by the POB. The POB shall maintain the confidentiality of any  
28 *Garrity* material or records that are made confidential by law and is subject to  
29 the same penalties as the custodian of those records for violating  
30 confidentiality requirements. In addition to any other penalty, any POB  
31 member or other person who violates the confidentiality provisions of this  
32 section shall be removed from the POB, and shall be subject to prosecution  
33 for a misdemeanor subject to the penalty provisions set forth in § 1-1-99. Upon

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1 approval of findings and recommendations by the POB, the Director shall  
2 prepare and submit a public record letter to the civilian complainant, with a  
3 copy to the Chief of Police, that outlines the findings and recommendations as  
4 approved. Unless a hearing is requested by the civilian complainant, within 30  
5 days of receipt of the decision of the POB, the Chief of Police shall notify the  
6 POB and the original civilian complainant of his or her final disciplinary  
7 decision in this matter in writing, by certified mail.

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

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

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



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

11 § 9-4-1-10 REPORTS.

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

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

17 (B) Discussion of issues of interest undertaken by the POB which  
18 may include suggested policy and/or procedural changes, a listing of  
19 complaints and allegations by Council District, statistical ethnicity of subject  
20 officers, statistical ethnicity of complainants, and updates on prior issues  
21 and/or recommendations;

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

25 (D) Information on all public outreach initiatives undertaken by the  
26 POB or the Director such as speaking engagements, public safety  
27 announcements, and/or public information brochures on the oversight  
28 process;

29 (E) The status of the long-term planning process identifying major  
30 problems, policy suggestions, and studies as required by § 9-4-1-4(C)(5) of  
31 this ordinance;

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

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1 Ordinance; and

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

5 § 9-4-1-11 EVALUATION.

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

12 § 9-4-1-12 SPECIAL MEETINGS.

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

20 § 9-4-1-13 CONFIDENTIALITY.

21 The POB hearing process shall be open to the public to the extent  
22 legally possible so that it does not conflict with state or federal law. However,  
23 upon the opinion of the CPOA Attorney, some of the details of the  
24 investigations of the Director, or the designated independent investigator,  
25 shall become privileged and confidential. The details of investigations should  
26 not be open to the public subject to the opinion of the CPOA Attorney and the  
27 Director. Compelled statements given to the Director, or the designated  
28 independent investigator, will not be made public. The Director may  
29 summarize conclusions reached from a compelled statement for the report to  
30 the POB and the Chief of Police, and in the public record letter sent to the  
31 complainant. Nothing in this ordinance affects the ability of APD to use a  
32 compelled statement in a disciplinary proceeding.

33 § 9-4-1-14 MANDATORY COOPERATION AGREEMENT.

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

17       SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence,  
18 clause, word or phrase of this ordinance is for any reason held to be invalid or  
19 unenforceable by any court of competent jurisdiction, such decision shall not  
20 affect the validity of the remaining provisions of this ordinance. The Council  
21 hereby declares that it would have passed this ordinance and each section,  
22 paragraph, sentence, clause, word or phrase thereof irrespective of any  
23 provision being declared unconstitutional or otherwise invalid.

24       SECTION 3. COMPILATION. The ordinance amendment prescribed by  
25 SECTION 1 shall amend, be incorporated in and made part of the Revised  
26 ordinances of Albuquerque, New Mexico, 1994.

27       SECTION 4. EFFECTIVE DATE. This ordinance shall take effect five days  
28 after publication by title and general summary.  
29  
30  
31

32       X:\CITY COUNCIL\SHARE\CL-Staff\Legislative Staff\Legislation\21 Council\O-13fs3final.docx

**Police Oversight Commission Board**  
**Rules and Regulations 2015~~2012~~**

(amended 9/14/06, 3/8/07, 3/5/09,  
11/8/12, ~~and~~ 12/13/12, and 4/9/15)

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**Police Oversight ~~Commission~~Board**  
**For the**  
**City of Albuquerque**

**Rules and Regulations Governing the Police Oversight**  
**CommissionBoard**

**ARTICLE I-MEETINGS**

**Section 1. Regular Meetings.**

- A. The regular meetings of the Police Oversight ~~Commission~~Board (~~POC~~POB) for the City of Albuquerque shall be held at 4:00 p.m. on the second Thursday of every month and at times consistent with resolutions adopted by the ~~POC~~POB. Meetings are normally held in the City Council/~~Commission~~Board Chambers, Albuquerque/Bernalillo County Government Center.
- B. In December or as early as possible each calendar year, the Chair of the ~~POC~~POB shall introduce a resolution in compliance with the Open Meetings Law specifying the date and time for the regular meetings of the ~~POC~~POB. If these meetings need to be changed, such action should be taken as soon as it becomes clear that a change is appropriate.
- C. Regularly scheduled public meetings will be conducted with a prepared agenda that is distributed in advance to the Mayor, City Council, Police Chief, and City Attorney and will comply with the New Mexico Open Meetings Law.
- D. Each ~~POC~~POB meeting will begin with public comment.
- E. The POB shall allow general public comment at each of its meetings, and the POB shall also allow comment on each of its agenda items.
- F. Regularly scheduled meetings will be televised live on the appropriate government access channel, if it is operating.
- G. If the ~~POC~~POB needs to consult with their attorney on an issue during the public meetings, the ~~POC~~POB will comply with the State Open Meetings Law, but may properly have privileged communications with their attorney. These closed consultations will be kept to a minimum.

**Section 2. Special Meetings.**

- A. Special meetings may be called by the Chair or by three ~~Commissioner~~Board Members provided that written notice of such meetings shall be given to each ~~commissioner~~Board Member at least 24 hours before the time set for the meeting.
- B. These meetings must comply with the Open Meetings Law and shall be videotaped and aired on the appropriate government access channel; however there is no requirement for providing live television coverage.
- C. Special meetings may also be required in accordance with §941 12 Revised Ordinances of Albuquerque 1994 (ROA 1994) upon petition of 1000 or more citizens in the City of Albuquerque and filed in the Office of the City Clerk.
- D. Notice of these meetings shall be given in the same manner and shall comply with the State Open Meetings Law. These meetings will be televised live on the appropriate government access channel, if operating.

- E. The POCPOB may have closed meetings for training purposes or any other purpose allowed by law. No business or other POCPOB issues may be discussed during these closed meetings unless otherwise allowed by Law.
- F. Closed meetings must be announced in advance and explained in public as to the reasons for a closed meeting (only for training). After the closed meeting and at the next regularly scheduled meeting, the Chair will announce what occurred at the closed meeting, if it is appropriate to do so.
- G. The New Mexico Open Meetings Act, §I 01 51, et seq., NMSA will be complied with for closed meetings. Nothing in this rule is meant to forbid CommissionerBoard Members from receiving training individually or in groups constituting less than a quorum.

### Section 3. Emergency Meetings.

- A. Notwithstanding any provision contained herein, the Chair of the POCPOB, may in the event of an emergency, call with whatever notice is possible under the circumstances, a meeting of the POCPOB to consider any matter. "Emergency" for the purpose of this section includes an unexpected occurrence or condition, or the state resulting there from, which may require immediate consideration or action by the POCPOB.
- B. These meetings will comply with the New Mexico Open Meetings Act and shall be videotaped and aired on the appropriate government access channel. There is no requirement for providing live television coverage.

### Section 4. Notice of Public Meetings.

- A. Notice to the public shall be given at least ~~24~~ 72 hours in advance of any regular meeting of a quorum of the members of the POCPOB. Such notice may be given:
  - 1. By posting a written notice in the lobby on the first floor of the Albuquerque/Bernalillo County Government Center, Albuquerque, New Mexico; or.
  - 2. By written notice published in a newspaper of general circulation in the City of Albuquerque.
- B. Notice to the public shall be given at least 24 hours in advance of any special meeting of a quorum of the members of the POCPOB. Such notice may be given in the same manner as set forth above.
- C. The foregoing notice is sufficient, as long as the date, time and -place of such meeting is given; but as to special matters, the POCPOB, in its sole discretion, additionally may include in such notice a brief description as to an item or items to be considered at such meeting, by reference to the general topic or by reference to all or a portion of the agenda.
- D. Except for emergency matters, the POCPOB shall take action only on items appearing on the agenda. For the purpose of this subsection, an "emergency matter" refers to unforeseen circumstances that if not addressed immediately by the POCPOB will likely result in injury or damage to persons or property or substantial financial loss to the City.

### Section 5. Compliance with City Ordinances and State Statutes.



- A. Substantial compliance with any one of the foregoing methods of giving notice shall constitute compliance with Ordinance No. 401974 and with Chapter 10, Article 15, NMSA, 1978, as amended.
- B. Nothing herein shall prevent the use of additional means or methods of giving notice of regular or special meetings; nothing herein shall require new notice for any public meeting for which notice has been given pursuant to these rules and which is recessed or adjourned, except an oral announcement of the date, time, and place shall be made by the Chair before such meeting is recessed or adjourned.
- C. The Chair of the POCPOB or anyone designated by the Chair is hereby authorized to give any such foregoing notice and the Chair of the POCPOB may establish additional means or methods of making known to the public the date, time, and place of any regular meeting of the POCPOB.

#### Section 6. Quorum.

- A. A majority of the ~~commissioner~~Board Members of the POCPOB shall constitute a quorum thereof. The majority of ~~commissioner~~Board Members shall be of those ~~commissioner~~Board Members who have been appointed and approved and have not resigned.
- B. For example, the current number of approved and serving ~~commissioner~~Board Members is eight, but the amended ordinance provided for a total of nine ~~commissioner~~Board Members. A quorum is five ~~commissioner~~Board Members, since only eight ~~commissioner~~Board Members are currently serving. If one ~~commissioner~~Board Member resigned before additional ~~commissioner~~Board Members were appointed, the quorum would be four of the seven ~~commissioner~~Board Members.

#### Section 7. Addressing Meetings.

- A. Public Comment. Members of the public may sign up for public comment before the meeting begins. Pursuant to §9415H, each POCPOB meeting will begin with public comments. Members of the public are limited to two minutes unless modified at the discretion of the Chair.
- B. Persons may be invited by the POCPOB to address it on a particular agenda item or for the purpose of a general address. These invitees may be given a time to be established by the Chair, but normally will be 10 minutes.
- C. The Mayor or the Mayor's designated representative may be invited to address the POCPOB or may request to speak before the POCPOB.
- D. The City Councilors or their designated representative may be invited to address the POCPOB or may request to speak before the POCPOB.
- E. The City Attorney or his/her designated representative may be invited to address the POCPOB or may request to speak before the POCPOB.
- F. The Chief of Police or his/her designated representative may be invited to address the POCPOB or may request to speak before the POCPOB.
- G. The Independent Review Officer or his/her designated representative may be invited to address the POCPOB or may request to speak before the POCPOB.

## Section 8. Records.

Unless otherwise provided, the staff of the IRO shall serve as the clerk for the POCPOB. The clerk shall keep the minutes and records of all POCPOB proceedings. The proceedings are videotaped by Media Services.

## Section 9. Attendance.

~~Commissioner~~Board Members shall attend all meetings of the POCPOB unless excused by the Chair. The appointment of any member of the POCPOB who has been absent and not excused from three consecutive regular or special meetings shall automatically expire effective on the date the fact of such absence is reported by the POCPOB to the City Clerk.

## Section 10. Disturbing Meetings.

- A. It shall be unlawful to disturb any meeting of the POCPOB or any of its committees, or to behave in a disorderly manner at any such meeting.
- B. Any person who disturbs any meetings may be removed immediately at the request of any ~~Commissioner~~Board Member for the remainder of that meeting.

## Section 11. Open Meetings.

All meetings of the POCPOB and its Committees shall be open to the public. The POCPOB may close such meetings upon proper notice and recording to the public or as otherwise allowed by law.

# **ARTICLE II-ORGANIZATION OF THE POLICE OVERSIGHT COMMISSIONBOARD**

## Section 1. Election of Chair and Vice Chair.

- A. At the first meeting of the POCPOB in the month of March of each year, the POCPOB shall elect one of its members to act as Chair and another member to act as Vice Chair of the POCPOB. The Chair and Vice Chair shall serve at the pleasure of the POCPOB until March of the next year and until their successors are elected.
- B. No officers shall be eligible to succeed themselves in the same office.
- C. The POCPOB shall be the judge of the election and qualification of its members.

## Section 2. Powers and Duties of the Chair and Vice Chair.

- A. The Chair shall call the ~~commissioner~~Board Members to order, and upon a quorum being present, shall proceed to business.
- B. The Chair shall possess the powers and perform the duties herein described, to wit the Chair:
  - 1. Shall preserve order and decorum and have general direction of the ~~commission~~Board/chambers or any location where the POCPOB holds its meetings.
  - 2. Shall assign agenda items and have the responsibility for preparation of the

- agenda and dissemination of the agenda with the public notice for the meeting.
3. Shall decide all questions of order, subject to a ~~Commissioner~~Board Members right to appeal to the ~~POCPOB~~ as a whole.
4. Shall speak to points of order in preference to other ~~Commissioner~~Board Members.
5. May speak, as other ~~Commissioner~~Board Members, on general questions.
6. Shall vote upon all questions in the same manner as other ~~Commissioner~~Board Members.
7. Shall announce the result promptly on the completion of every vote.
8. Shall appoint all Committees whether standing, joint, or special, subject to the approval of the ~~POCPOB~~. Committees shall consist of any number of ~~Commissioner~~Board Members less than a quorum. The Chair shall designate the Chair for each committee, subject to the approval of the ~~POCPOB~~.
9. Shall sign all letters in conjunction with the business of the ~~POCPOB~~.
10. Shall receive all formal messages and communications from the Mayor, City Council, and others.
11. Shall hold over or refer to the appropriate Committee any issues of interest to the ~~POCPOB~~.
- C. In the absence of the Chair, upon the Chair's inability to act, or upon request of the chair, the Vice Chair shall preside and shall have all the powers and authority of the Chair.

### Section 3. LTTC and Other Committees.

- A. The ~~IRO/POCPOB~~ budget shall be considered by ~~at the~~ Long Term Planning Committee. In addition, the ~~POCPOB~~ Chair or the Chair's designee, may meet with the Mayor and City Council to review and make recommendations on the ~~IRO/POCPOB~~ budget.
- B. Membership on any committee shall be limited to ~~POCPOB~~ members.
- C. No Committee shall hold a hearing without a quorum of the Committee present. Any ~~Commissioner~~Board Member who is not a member of the Committee may be designated as an alternate for any Committee member who cannot be present at the meeting. The alternate shall be selected by the ~~Commissioner~~Board Member for whom the alternate is serving.
- D. The Chair of a Committee shall vote on all matters before the Committee as other members of the Committee, The chair may make motions and second motions.
- E. Every report of a Committee, upon matters referred to the Committee, shall be in writing and addressed to the Chair of the ~~POCPOB~~. Reports of a minority of a Committee may be submitted and included in the Committee report.
- F. The Committees shall report on all matters referred to them without unnecessary delay. If a Committee refuses or neglects to report on any matter referred to it, the Chair may take the matter from the Committee.
- ~~G.~~ G. The rules and orders of the ~~POCPOB~~ shall apply to all committees, except as otherwise provided and except that committees may establish their own time limitations for witnesses addressing the committee and for debate by members of the Committee, and except that notice to the public, including an agenda, shall be given of

- any regular or special meeting of a quorum of the members of any Committee.
- H. In order to maximize the time the POB spends analyzing policy, the LTPC shall hear minor traffic, speeding, and Conduct CPCs.
  - I. The LTPC will also hear CPCs that the Executive Director Proposes to administratively close.
  - J. Civilians will be notified one week prior to the LTPC hearing when their CPC will be heard.
  - K. At the request of any LTPC member, a CPC will instead be heard by the POB.
  - L. When the minor and administrative closing CPCs findings are approved by the LTPC, they will be placed on a consent agenda to go before the POB.
  - M. At the request of any Board Member, a CPC will be removed from the consent agenda and will be placed on the regular POB agenda.

## ARTICLE III- PROCEDURES

### Section 1. General Rules.

Any matter not covered by these rules shall be governed by Roberts' Rules of Order (latest edition), or by a decision of the Chair, subject to the right of appeal.

### Section 2. Motions by the Chair.

The Chair may make motions or second motions at the Chair's discretion.

### Section 3. Amendment of Rules.

These rules, or any part thereof, may be amended, repealed, altered or rescinded by a vote of a majority of all ~~Commissioner~~Board Members and after one week's notice of an intended motion.

Such notice shall be presented in writing at a regular meeting of the ~~POCPOB~~. This rule shall not be used to change the clear meaning of the Police Oversight Ordinance.

### Section 4. Suspension of the Rules.

Except for charter, statutory, or ordinance provisions, these rules, or any part thereof, may be temporarily suspended by a vote of two-thirds of the ~~Commissioner~~Board Members present. When the suspension of a rule is requested and no objection is offered, the Chair shall announce the rule is suspended and the ~~POCPOB~~ may proceed accordingly.

### Section 5. Order of Business.

A. The ~~POCPOB~~ shall consider business in the following order:

1. Welcome and Call to Order
2. Pledge of Allegiance
3. Public Comment
4. Review/Approval of Minutes
5. Citizen Appeals
6. Findings by ~~POCPOB~~
7. Non-concurrences
8. Issues from LTTC
9. Reports from City Staff, including the IRO, Mayor, City Council, City Attorney, and Albuquerque Police Department.
10. Reports from Committees
11. Other Business
12. Civil Rights Training (when scheduled)

B. The ~~POCPOB~~ may, upon the affirmative vote of a majority of the ~~Commissioner~~Board Members present, proceed out of order to any order of business or return to any prior order of business.

C. During the business for Findings by the ~~POCPOB~~, if any ~~Commissioner~~Board Member wishes to discuss a particular Finding (CPC or Police Shooting), the ~~Commissioner~~Board Member may have that Finding placed separately in that portion of the agenda. Those Findings will be handled individually from the remaining monthly ~~IRO~~Executive Director Findings.

- D. The public record letter will not be sent to the citizen until approved by the POCPOB. This approval may be delegated to the Long Term Planning Committee or other POCPOB committee.
- E. The public record letter will be mailed to the complainant the next business day after approval by the POCPOB. While the public record letter may be provided to the complainant immediately, the public record letter will not be provided to the public or the media until five days after approval by the POCPOB or upon receipt by the complainant. The delay is to provide the complainants a reasonable opportunity to receive the information before another member of the public or the media. This is an effort to notify the complainant about the decisions of the POCPOB before the citizen might be informed of them from another person or in the media. (Section E amended 9/ 14/06)
- F. ~~If the POC and Chief do not agree on their findings, the POC will wait until after the citizen has decided whether or not to appeal. If the citizen does not exercise the right to appeal, then the POC will decide whether to appeal their disagreement with the Chief to the CAO. Not all disagreements must be appealed. The POC may exercise its discretion and appeal or not as the POC decides. If the POC appeals to the CAO, upon completion of his/her review, the CAO shall take any action necessary, including overriding the decision of the Chief of Police regarding disciplinary action, to complete the disposition of the complaint. The CAO shall notify in writing and by certified mail, the complainant, the individual against whom the complaint was filed, the chief of Police, and the IRO of the results of his/her review and any action he/she has taken.~~

Section 6. Procedures for Investigation and Review of CPCs (added 4/9/15 per 9-4-1-8(A)(3))

- A. The CPOA shall accept all complaints regardless of when they are filed. The CPOA shall encourage civilians to promptly report police misconduct so that full investigations can be made expeditiously and the full range of disciplinary and corrective action be made available.
- B. Complaints may be made in writing or verbally, in person or by mail, telephone (or TDD) (Settlement Agreement Paragraph 172)
- C. Anonymous and complaints made on behalf of another person will be accepted
- D. Any Spanish-speaking individual with limited English proficiency who wishes to file a complaint about APD personnel shall be provided with a complaint form in Spanish to ensure that the individual is able to make a complaint.
- E. The misconduct complaint investigator shall interview each complainant in person, absent exceptional circumstances, and this interview shall be recorded in its entirety, absent specific, documented objection by the complainant.
- F. All officers in a position to observe an incident, or involved in any significant event before or after the original incident, shall provide a written statement regarding their observations, even to state that they did not observe anything.
- G. If at any time during misconduct complaint intake or investigation the investigator

determines that there may have been criminal conduct by any APD personnel, the investigator shall immediately notify the Internal Affairs Bureau commanding officer. If the complaint is being investigated by the Civilian Police Oversight Agency, the investigator shall transfer the administrative investigation to the Internal Affairs Bureau.

H. After the investigation of a civilian complaint is completed, the Director shall analyze all relevant and material circumstances, facts and evidence gathered under the investigation.

I. For each investigation, the Director shall prepare investigation reports with proposed findings and recommendations and submit them to the POB for its review and consideration.

J. In each investigation, APD and the Civilian Police Oversight Agency shall consider all relevant evidence, including circumstantial, direct, and physical evidence.

K. There will be no automatic preference for an officer's statement over a non-officer's statement, nor will APD or the Civilian Police Oversight Agency disregard a witness's statement merely because the witness has some connection to the complainant or because of any criminal history.

L. During their investigation, APD and the Civilian Police Oversight Agency shall take into account any convictions for crimes of dishonesty of the complainant or any witness.

M. The Civilian Police Oversight Agency shall also take into account the record of any involved officers who have been determined to have been deceptive or untruthful in any legal proceeding, misconduct investigation, or other investigation.

N. The Director's investigation report and findings shall indicate whether within the past year there were any IA investigations or supervisor generated complaints against the officer involved in the incident being investigated or that are otherwise relevant to the subject matter of the investigation, the general nature of the complaint, and whether they resulted in any discipline

O. The Civilian Police Oversight Agency shall make efforts to resolve material inconsistencies between witness statements.

P. All administrative investigations conducted by the Civilian Police Oversight Agency shall be completed within 90 days of the initiation of the complaint investigation.

Q. The 90-day period shall not include time for review. An extension of the investigation of up to 30 days may be granted but only if the request for an extension is in writing and is approved by the Chief.

R. Review and final approval of the investigation, and the determination and imposition of the appropriate discipline, shall be completed within 30 days of the completion of the investigation.

S. If an investigation exceeds a timeframe of nine months the Director must report the reasons to the POB.

T. Civilian Police Oversight Agency investigator shall explicitly identify and recommend one of the following dispositions for each allegation of misconduct in an administrative investigation:

a) "Unfounded," where the investigation determines, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer;

b) "Sustained," where the investigation determines, by a preponderance of the evidence, that the alleged misconduct did occur;

c) "Not Sustained," where the investigation is unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred;

d) "Exonerated," where the investigation determines, by a preponderance of the



evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training;

e) "Sustained violation not based on original complaint," where the investigation determines, by a preponderance of the evidence, that misconduct did occur that was not alleged in the original complaint but that was discovered during the misconduct investigation; or

f) "Administratively closed," where the policy violations are minor, the allegations are duplicative, or investigation cannot be conducted because of the lack of information in the complaint.

U. Administratively closed complaints may be re-opened if additional information becomes available.

V. In addition to determining whether APD personnel committed the alleged misconduct, administrative investigations shall assess and document whether the action was in compliance with training and legal standards and whether the incident suggests the need for a change in policy, procedure, or training. In reviewing completed administrative investigations

#### Section 7. Procedures for Review and Analysis of CPCs (added 4/9/15 per 9-4-1-8(A)(3))

A. The complainant or complainant's authorized representative in a Citizen Police Complaint will be provided with a minimum of five minutes to address the POB relating to the complaint and investigation.

B. The Civilian Police Oversight Agency will send a letter to the complainant one week before the CPC will be heard by the POC.

C. The Civilian Police Oversight Agency will reschedule the hearing of a CPC up to two times in order to accommodate the schedule of the complainant.

D. The Director may share any disciplinary recommendations with the Chief of Police in advance of their submission to the POB only as necessary to help ensure timeliness pursuant to any applicable personnel or union contract requirements.

E. The POB shall review the proposed findings and recommendations, and shall by majority vote of members present: 1) approve the findings and recommendations as proposed; 2) approve other findings and recommendations as determined by the POB and supported by the investigation file; or 3) defer action on the matter to allow for further investigation or analysis by the Director.

F. The POB may, by majority vote, perform an annual audit, or direct that an audit be performed, on a random sample of up to 10% of individual civilian police complaint investigations involving allegations of use of force, or in exceptional circumstances, for the purpose of promoting an enhanced measure of quality assurance in the most challenging cases the POB may, by a vote of two-thirds (2/3) of the members of the POB, perform an audit, or direct that an audit be performed, on any individual Citizen Police Complaint Investigation completed by the Administrative Office. For purposes of its audit function, the POB shall have full access to investigation files and may subpoena such documents and witnesses as relevant to its audit function.

G. The POB may recommend officer discipline based on any findings that result in sustained civilian police complaints. Imposition of the recommended discipline is at the discretion of the Chief of Police, but if the Chief of Police does not follow the disciplinary recommendation of the POB, the Chief of Police shall respond in writing, with in thirty days, with the reason as to why the recommended discipline was not imposed.

- H. The POB shall review and analyze policy suggestions, analysis, studies, and trend data collected or developed by the Administrative Office, and shall by majority vote recommend policies relating to training, programs and procedures or other matters relating to APD. The POB's policy recommendations shall be submitted to APD and to the City Council. The POB shall dedicate a majority (more than 50%) of its time to the policy analysis.
- I. The Chief of Police shall respond in writing within forty-five (45) days to any such policy recommendations by the CPOA, and indicate whether they will be followed through standard operating procedures or should be adopted as policy by the City Council, or explain any reasons why such policy recommendations will not be followed or should not be adopted.
- J. As part of its review, the full investigation file shall be made available to the POB. In its review of the investigation file, the POB may review *Garrity* material or confidential material only in a closed session as permitted under the New Mexico Open Meetings Act. Access to information that could be construed to be covered by *Garrity* will be made available to the POB only by application in writing, and by majority vote by the POB. The POB shall maintain the confidentiality of any *Garrity* material or records that are made confidential by law and is subject to the same penalties as the custodian of those records for violating confidentiality requirements.
- K. In addition to any other penalty, any POB member or other person who violates the confidentiality provisions of this section shall be removed from the POB, and shall be subject to prosecution for a misdemeanor subject to the penalty provisions set forth in § 1-1-99.
- A-L. Upon approval of findings and recommendations by the POB, the Director shall prepare and submit a public record letter to the civilian complainant, with a copy to the Chief of Police, that outlines the findings and recommendations as approved. Unless a hearing is requested by the civilian complainant, within 30 days of receipt of the decision of the POB, the Chief of Police shall notify the POB and the original civilian complainant of his or her final disciplinary decision in this matter in writing, by certified mail.

#### Section 8. Appeals to the POB.

- A. Any person who has filed a civilian complaint and who is dissatisfied with the findings and/or recommendations approved by the POB may request reconsideration by the POB within thirty days of receipt of the public record letter.
- B. The POB may grant a request for reconsideration only upon a showing by the complainant that: 1) a policy was misapplied in the evaluation of the complaint; 2) that the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion, or 3) that the findings and recommendations were not consistent with the record evidence.
- C. The POB shall notify the Chief of Police of the request for hearing and hold a hearing on the matter at its next regularly scheduled meeting provided that there is a period of at least ten (10) days between the receipt of the request for hearing and the next POB meeting. (revised 4/9/15 Ordinance 9-4-1-9)

D. The Complainant shall be notified one week prior to a hearing on their appeal.

~~A. Any person who has filed a citizen complaint and who is dissatisfied with the findings of the IRO or the Chief of Police may appeal that decision to the POC. Such persons must appeal in writing within ten business days of the receipt by the complainant of the public record letter from the IRO. If the US Postal Service is unable to deliver the public letter for reasons outside the IRO's control, the ten business days shall commence after the last attempted delivery date.~~

B.E. Notice for any appeal hearing shall be given in the agenda for the POC. The appellant shall also be notified by certified mail of the date of their appeal hearing. Appellants may request a delay in writing to a hearing date within the next two months. Failure to appear at the hearing or to request a delay in writing may result in the POC acting on the appeal without further input from the appellant.

C. Time allowed for appeals shall be as follows:

1. The preferred sequence and normal maximum times allowed shall be as follows:

- a. 15 minutes for the appellant
- b. 5 minutes for the police officer, if present
- c. 10 minutes for APO
- d. 10 minutes for the IRO
- e. 5 minutes for appellant rebuttal

2. The POC may combine separate appeals of the same action, in which case each appeal will receive an equal share of the appellant's time. The Chair shall indicate in advance the division of time. The parties shall decide on the speakers to use the time. This decision is not subject to further appeal.

D. Evidence:

1. The POCPOB will make its decision and findings exclusively on the record of the decision appealed supplemented by any evidence allowed to be presented and matters officially noted during the appeal hearing.

2. New evidence may be accepted by the POCPOB at the appeal hearing.

Acceptance of new evidence is discretionary and the POCPOB may rely on the evidence on the record.

3. If the POCPOB decides that certain additional evidence is necessary and appropriate for the proper disposition of the appeal, it may accept the evidence offered during the hearing or require the IRO to obtain such evidence for them.

4. New evidence, which could have been put in the record during previous investigations or hearings, is not favored for introduction at POCPOB appeal hearings. New evidence, which clarifies evidence already in the record, may be allowed. New evidence, which is offered to contradict evidence in the record, may be allowed if such evidence appears convincing and is on an important matter.

5. ~~Commissioner~~Board Members may ask questions at any time of the appellants, the IRO, APO, witnesses, and/or, if present, the police officer. When a ~~Commissioner~~Board Member asks questions, the time limit is stayed until questioning is completed. (Amended 03/05/09)

E. With regard to any appeal that has been filed with and is pending before the POCPOB:

a. No ~~Commissioner~~Board Member shall communicate outside a hearing with the appellant or the appellant's representative.

- b. No ~~Commissioner~~Board Member shall knowingly communicate with a member of the public or an organization about the subject of the appeal. Information and correspondence ~~that~~ is not in the record at the time the appeal is filed is not evidence and should not be considered in making a decision unless accepted as new evidence.
- c. No ~~commissioner~~Board Member shall conduct their own investigations or add their own evidence to the record regarding any appeals.
- d. Any correspondence regarding the subject of an appeal that is an *ex parte* communication and is inadvertently received by a ~~Commissioner~~Board Member shall be delivered to the Executive Director and be available for review by the appellant.
- e. Notwithstanding the above, the Executive Director and CPOA staff may, upon the request of a ~~Commissioner~~Board Member, communicate with that ~~Commissioner~~Board Member at any time and by any means. Copies of any written materials from the Executive Director shall be distributed to all parties.
- F. A ~~Commissioner~~Board Member shall withdraw from any proceeding in which he or she has a direct or indirect conflict of interest or the ~~commissioner~~Board Member does not believe he or she can provide a fair and impartial hearing.
  - a. ~~Commissioner~~Board Members should err on the side of caution and withdraw from any proceeding in which there is an appearance of a conflict of interest.
  - b. If the number of ~~commissioner~~Board Members drops below a quorum, appellants may waive the quorum and the remaining ~~commissioner~~Board Members may hear and vote on the appeal.
  - c. If the number of ~~commissioner~~Board Members drops below a quorum, the hearing may still be heard by the POCPOB without a vote and the entire appeal forwarded to the CAO for final decision.
- G. The POCPOB may affirm, modify or change their original findings
- H. The POCPOB may make further recommendations to the Chief regarding the findings and any discipline imposed or proposed by the Chief.
- J. Decisions on appeals shall be made by a majority of the ~~Commissioner~~Board Members present. If the POCPOB vote on the appeal ends in a tie, the findings of the ~~IRO remain~~original findings remain the final findings.

#### Section 97. Appeals to the CAO.

- A. Appeals of the Disciplinary Decision. If any person who has filed a civilian complaint under this ordinance is not satisfied with the final disciplinary decision of the Chief of Police or any matter relating to the Chief of Police's handling of his or her complaint, he or she may request that the Chief Administrative Officer review the complaint, the findings of the POB and the action of the Chief of Police by requesting such review in writing within thirty days (inclusive of weekends and holidays) of receipt of the Chief of Police's letter pursuant to § 9-4-1-9(A).
- B. Upon completion of his or her review, the Chief Administrative Officer shall take any action necessary, including overriding the decision of the Chief of Police regarding disciplinary action, to complete the disposition of the complaint.
- C. The Chief Administrative Officer shall notify in writing, by certified mail, the complainant, the individual against whom the complaint was filed, the Chief of Police and the Director, of the results of his or her review and any action. (revised 4/9/15 Ordinance 9-4-1-9)



- ~~A. Any person who has filed a citizen complaint in accordance with the Police Oversight Ordinance and is not satisfied with the final decision of the Chief of Police or the POC on any matter relating to his/her complaint, may request that the CAO review the complaint, the findings of the IRO and POC, and the action of the Chief of Police by requesting such review in writing within ten business days of receipt of the Chiefs letter pursuant to §9419 (A).~~
- ~~B. The POC may appeal the findings of the Chief of Police to the CAO as soon as possible. As a general rule, the POC should wait until the citizen has failed to appeal before the POC appeals to the CAO.~~
- ~~C. The CAO shall take any action necessary, including overriding the decision of the Chief of Police regarding disciplinary action.~~
- ~~D. The CAO shall notify in writing, by certified mail, the complainant, the individual against whom the complaint was filed, the Chief of Police, the POC, and the IRO of the results of his/her review and any action he has taken. This completes the disposition of the complaint.~~

#### Section 108. Final Findings.

- A. The final findings of the ~~POC~~POB shall be placed with the Chiefs findings in the Internal Affairs Unit Discipline Status Sheet in the officer's Retention File.
- B. If the case is appealed to the CAO, then the CAO's findings shall be the final findings. The Chief s findings and the ~~POC~~POB's findings in APD's records shall be retained.

#### Section 119. Motions.

No motions shall be entertained or debated until announced by the Chair, and every motion shall be seconded. The Chair may make motions or second motions.

#### Section 120. Debate.

- A. Any ~~Commissioner~~Board Member wishing to speak, debate, make a motion, submit a report, or conduct other business shall address the Chair and shall not proceed further until recognized by the Chair.
- B. If two or more ~~Commissioner~~Board Members seek recognition at the same time, the Chair shall name the one who shall speak first.
- C. The ~~Commissioner~~Board Member who sponsors a motion shall have the privilege of opening and closing debate. A ~~Commissioner~~Board Member may direct an inquiry and receive a response without yielding the floor.
- D. No ~~Commissioner~~Board Member shall be permitted to speak more than once on any motion until every ~~Commissioner~~Board Member desiring to be heard has been allowed to speak. Nor shall any ~~Commissioner~~Board Member, except the sponsor of the motion speak more than a total of five minutes on any motion.
- E. No ~~Commissioner~~Board Member shall be interrupted when speaking, nor shall any motion be in order until the ~~Commissioner~~Board Member has concluded.
- F. No question shall be asked of the ~~Commissioner~~Board Member except those directed through the Chair with the consent of the ~~Commissioner~~Board Member.

#### Section 134. Voting.

- A. Voting shall be in the form of "Yes" or "No". Any action on a question is lost by a

- tie vote. Every ~~Commissioner~~Board Member who is within the room shall vote upon each question, except those who have disqualified themselves due to a conflict of interest.
- B. A ~~Commissioner~~Board Member shall be allowed to change his/her or her vote but only before the result has been announced.
  - C. A ~~Commissioner~~Board Member may request to vote by telephone or other similar device when a medical or emergency situation exists. Such voting can only take place upon the approval of the Chair and provided that the ~~Commissioner~~Board Member can be heard on a speaker to enable the ~~POC~~POB and the public to determine when the ~~Commissioner~~Board Member is speaking and casting a vote.
  - D. Reconsideration. Any ~~Commissioner~~Board Member who voted with the prevailing side on any question may move at the same meeting to reconsider the question. A motion to reconsider shall require the affirmative vote of a majority of ~~Commissioner~~Board Members present.
  - E. An appeal may be made on any decision of the Chair. The ~~Commissioner~~Board Member appealing the Chair's decision will speak and the Chair may respond. Such appeals shall be acted upon immediately and no other motions shall be entertained until the question has been decided. A vote of the majority of the ~~Commissioner~~Board Members present shall be required to sustain an appeal.
  - F. Any ~~commissioner~~Board Member may move to end debate. A majority of the ~~commissioner~~Board Members present must agree to end the debate or it may continue.

#### Section 142. Decorum.

~~Commissioner~~Board Members or other speakers shall confine their remarks to the question under discussion or debate, avoiding personal attacks. No ~~Commissioner~~Board Member shall engage in private discourse or commit any other act tending to distract the attention of the ~~POC~~POB from the business before it.

#### Section 135. Early Departure.

Any ~~commissioner~~Board Member leaving a ~~POC~~POB meeting early shall make the Chair aware of such departure as early as possible, so that allowances in scheduling business can be made. Any ~~Commissioner~~Board Member leaving a Committee meeting when the departure will cause a loss of quorum shall make every effort to secure and alternate ~~Commissioner~~Board Member to sit on the Committee.

#### Section 156. Selection of the ~~Independent Review Officer~~-Executive Director

- A. Qualifications for the position of Director shall minimally include the requirement of a law degree and experience in criminal investigations.
- B. The Director will be a full-time contractual City employee to be selected as follows:
  - (a) The POB, through CPOA staff, shall accept applications from candidates. The POB shall review the applications and interview candidates, and submit to the City Council a ranked list of the three candidates that it finds to be the best qualified to be the Director and the City Council shall appoint the Director from the three by majority vote. The POB's recommendation to Council shall be based on the candidates' integrity, capability for strong management and abilities in investigations, law,

management analysis, public administration, criminal justice administration or other closely related fields.

(b) In lieu of recommending three candidates to the Council, the POB may recommend to the Council the reconfirmation of the incumbent Director.

(c) Should the Council decline to reconfirm the incumbent Director, the Council President shall notify the POB that it needs to provide the Council with three alternate candidates.

(d) Should the Director not be reconfirmed, the current Director may continue to serve in the same capacity until a new Director is selected and approved by the City Council. If for any reason there is a period of time during which there is no Director, the City Council may appoint a temporary Director of its choosing by a majority vote. A temporary Director shall serve in that capacity only for a period not to exceed six months.

(e) The term of the Director shall be for three (3) years. Once confirmed, the Director may be removed only upon: 1) a recommendation of removal to the City Council by the affirmative vote of two-thirds (2/3) of the members of the POB; and 2) acceptance of the POB's recommendation by a simple majority vote of the City. (Revised 4/9/15 Ordinance 9-4-1-7)

C. The POB shall annually review the performance of the Director taking into consideration the obligations and duties prescribed by the Police Oversight Ordinance and the performance of the Administrative Office.

- ~~A. When the IRO position becomes vacant or will become vacant in the near future, the POC will undertake a candidate search. The POC will screen, interview, and select three candidates to be considered by the Mayor. The interviews and selection of the three candidates will occur during regularly scheduled meetings and be televised to the public.~~
- ~~B. The IRO staff will assist the POC in the placement of the advertisements and any work with the Human Relations staff as required.~~
- ~~C. The qualifications for the IRO position will minimally include the requirement of a law degree and five years' experience in criminal investigations. The position of IRO will be a fulltime contractual city employee.~~
- ~~D. The Mayor will select one of the three candidates and forward the nomination to the City Council.~~
- ~~E. In the event the City Council rejects the nominee, the Mayor shall submit his/her second recommendation from the remaining two names submitted by the POC.~~
- ~~F. If the City Council rejects the second nominee, the process shall begin with a second candidate search by the POC.~~

#### Section 175. Time Computation.

In computing any period of time prescribed or allowed by these rules, by the Police Oversight Ordinance, or by any applicable statute or ordinance, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included. The requirement to file a complaint within 90 days of the incident is to be counted by calendar days, including weekends and holidays. If a complaint is filed on the 91st day, regardless of whether it is a weekend or holiday, the POC has no authority to investigate that complaint. (revised

## ARTICLE IV-POWERS AND DU TIES OF THE COMMISSIONBOARD

### Section 1. Source of Authority.

- A. The Police Oversight ~~Commission~~Board and the Independent Review Office were established in 1998 by the City Council for the City of Albuquerque in the Police Oversight Ordinance, 3 11998, subsequently codified as Chapter 9 of the Albuquerque Code of Ordinances, §9411 et seq. ROA 1994.
- B. The ~~Commission~~Board is the governing authority of the Independent Review Office and has the power to promulgate rules implementing the provisions of the Jaw upon City Council approval of these rules and regulations.

### Section 2. Purpose.

- ~~A. A properly conceived and functioning police oversight system is necessary to promote accountability of the police officers and protect the rights of civilians.~~
- B. The ~~commission~~Board is to provide a means for prompt, impartial, and fair investigation of all citizen complaints brought by individuals against the Albuquerque Police Department.
- C. The commission is to foster and perpetuate policing policies and practices that effectively maintain social order and which at the same time foster mutual trust and cooperation between police and civilians.
- D. The commission is to ensure that the civilian police oversight body functions as independently as possible from the executive and legislative branches of government of the City of Albuquerque.
- E. The commission is to gather and analyze data on trends and potential issues concerning police conduct and practices and the related impacts on the community and individuals.
- F. The commission is to provide policy guidance to the City Council, the Mayor and the Chief of Police. (revised 4/9/15 Ordinance 9-4-1-4)
- ~~F. The commission is to provide for community participation in recommending and reviewing police department policies, practices and procedures.~~
- G. ~~The commission is to promote a spirit of accountability and communication between the citizens and APO while improving community relations and enhancing public confidence.~~
- H. The ~~commission~~Board will oversee the full investigation and/or mediation of all citizen complaints.
- I. Mediation should be the first option for resolution of Citizen Police Complaints. Mediators should be independent of the CPOA, APD, and the City, and should not be former officers or employees of APD (How do you reconcile this (F) Ordinance, with (G) which is from Settlement Agreement)
- H.J. Complaints other than misconduct that may be resolved informally or through mediation. Administrative closing or inactivation of a complaint investigation shall be used for the most minor policy violations that do not



constitute a pattern of misconduct, duplicate allegations, or allegations that even if true would not constitute misconduct.

- K. ~~The commission~~Board will audit and monitor all investigations, incidences of use of force and/or police shootings under investigation by APD's Internal Affairs.
- L. ~~The commission~~Board will gain the cooperation of APD and solicit public input by holding regularly scheduled meetings.
- M. ~~The commission~~Board will engage in a long term planning process through which it identifies major problems and establishes a program of policy suggestions and studies each year.
- N~~i~~. ~~The commission~~Board will recommend to the Mayor and City Council during the City's budget process, their proposed budget for provision of such staff as is necessary to carry out the powers and duties of the Police Oversight Ordinance, including the funding for the Independent Review Office, staff, and all necessary operating expenses.

### Section 3. Access to Documentation and Personnel/Subpoenas.

- A. The Police Oversight ~~Commission~~Board may issue subpoenas on its own initiative, in which case a showing of relevance is not required and an appeal need not be pending.
- B. The subpoena shall be issued by the City Clerk's Office and signed by the Chair of the Police Oversight ~~Commission~~Board or his/her designee.
- C. Any applicable witness and travel fees and costs associated with service of process shall be the responsibility of the Police Oversight ~~Commission~~Board.
- D. ~~Subpoenas will not be issued for Albuquerque Police Department officers to appear before the Police Oversight Commission or any of its committees. (revised 4/9/15 Ordinance 9-4-1-4~~
- E. The City shall ensure that the agency, including its investigative staff and the Executive Director, have access to all APD documents, reports, and other materials that are reasonably necessary for the agency to perform thorough, independent investigations of civilian complaints and reviews of serious uses of force and officer-involved shootings. At a minimum, the City shall provide the agency, its investigative staff, and the Executive Director access to:
  - a) all civilian complaints, including those submitted anonymously or by a third party;
  - b) the identities of officers involved in incidents under review;
  - c) the complete disciplinary history of the officers involved in incidents under review;
  - d) if requested, documents, reports, and other materials for incidents related to those under review, such as incidents involving the same officer(s);
  - e) all APD policies and training; and
  - f) if requested, documents, reports, and other materials for incidents that may evince an overall trend in APD's use of force, internal accountability, policies, or training.
- F. The City shall provide reasonable access to APD premises, files, documents, reports, and other materials for inspection by those appointed to the agency, its investigative staff, and the Executive Director upon reasonable notice. The City shall grant the

agency the authority to subpoena such documents and witnesses as may be necessary to carry out the agency functions identified in this Agreement. (revised 4/9/15 Settlement Agreement Paragraph 282 and 283)

#### Section 4. Burden of Proof.

- A. All findings will be made based on a preponderance of the evidence.
- B. The burden of proof is not on any particular party to the complaint.

#### Section 5. Inactivation /Dismissal of Civilian~~Citizen~~-Police Complaints.

- A. The ~~IRO~~ Executive Director, with the approval of the ~~POC~~POB, may ~~inactivate or dismiss~~administratively closed CPCs.

- B. Complaints may be ~~inactivated~~ administratively closed for any one of the following reasons :

~~1. The complaint was not filed within 90 days of the incident. In counting the number of days, the day of the incident is not counted, regardless of the time of day. The day after the incident is the first day.~~

~~2.1.~~ The officers complained about are not APD officers.

~~3.2.~~ The officer is deployed for military duty for an extended period of time.

~~4.3.~~ If, after thorough investigation, the officer involved in the alleged conduct cannot be identified.

~~5.4.~~ The complaint was successfully mediated.

~~6.5.~~ The citizen withdrew the complaint. If the Executive Director ~~IRO~~ determines the complaint is too serious to ignore, the complaint may be investigated even if the ~~civilian~~citizen attempts to withdraw it.

~~7.6.~~ The complaint contains no allegations of violations of Standard Operating Procedures.

~~8.7.~~ Allegations concern the perjury of officers during testimony in court. These are determinations to be made by the court or District Attorney.

8. Complaints of criminal action by the officers. Criminal cases may be investigated first as a criminal matter and after the criminal investigation is completed, the CPC may be reopened.

9. Administrative closing of a complaint investigation shall be used for the most minor policy violations that do not constitute a pattern of misconduct, duplicate allegations, or allegations that even if true would not constitute misconduct.  
(revised 4/9/14 Settlement Agreement Paragraph 184)

~~10. The IRO/POC determines the complaint is frivolous on its face or is being brought for the purpose of harassment.~~

~~11. The IRO/POC determines that the complainant has mental health issues and is unable to comprehend the situation. In this case, CIT may be asked to evaluate the complainant prior to the complaint being fully investigated.~~

~~The IRO/POC may require the full investigation of a complaint before inactivating it. The complaint may also be referred to the Internal Affairs for them to conduct an Internal investigation. (Last sentence added and amended 9/14/06)~~

- ~~C. Dual CPC and Internal Administrative Investigations~~

~~1. If a citizen complaint is timely filed and directly related to an incident that is the subject of an Internal affairs administrative investigation that has not been completed, the investigation shall become a CPC.~~

~~2. If a citizen complaint is timely filed and directly related to an incident that is the subject of an Internal Affairs administrative investigation that has been completed, the investigation shall remain an internal administrative investigation except that the citizen shall have all the rights of appeal just as if it were a CPC.~~

~~3.1. Regardless of whether there have been dual CPC and Internal Affairs administrative investigations, only one entry shall be made into the officers' files.~~

~~4.~~

Section 6. Attendance at the National Association of Civilian Oversight of Law Enforcement annual conferences.

- A. Attendance by all ~~commissioner~~Board Members is highly encouraged. The POB will ~~The City of Albuquerque will~~ pay the travel and attendance expenses of as many ~~commissioner~~Board Members each year as fiscally responsible. Commissioner~~Board Members~~ are also encouraged to attend at their own expense. (revised 4/9/15 Ordinance 9-4-15(F)(3))
- B. The Chair shall select which ~~commissioner~~Board Members may attend and in which priority order for funding. The Chair shall consider such factors as whether the ~~commissioner~~Board Member has attended previously and when the term of the ~~commissioner~~Board Member ends. The decision of the Chair is final.
- C. The Executive Director and CPOA staff~~IRO and IRO staff~~ should attend whenever financially feasible.

Section 7. Complaints about ~~POCPOB~~ Commissioner~~Board Members~~.

- A. The Police Oversight ~~Commission~~Board will not address complaints against another ~~commissioner~~Board Member. All Complaints of this nature will be forwarded to the Mayor's liaison to the ~~POCPOB~~.
- B. If the complaint relates to a possible conflict of interest, ~~commissioner~~Board Members will consider the complaint and decide whether an appearance of a conflict of interest exists and act accordingly.

Section 8. Complaints about the ~~IRO~~Executive Director.

- A. The ~~POCPOB~~ acts like the supervisor over the ~~IRO~~CPOA office. See §9415(B), 9416(H), and 9417(0).
- B. The Executive Director~~IRO~~ is a full-time contractual city employee governed by the contract with the City and the Police Oversight Ordinance.
- C. The Police Oversight ~~Commission~~Board reviews all complaints against the Executive Director~~IRO~~ and may take some actions or may recommend to the Mayor that certain supervisory actions be taken, including dismissing the complaint, conducting their own informal investigation into the complaint, recommending specific administrative action, requesting additional formal investigation, etc.
- D. To the fullest extent possible and in accordance with the Police Oversight Ordinance, this process will be made public.

Section 9. Complaints by the Executive Director, CPOA Staff~~IRO/POCPOB~~ against



~~APD employees~~ officers.

- A. This section applies to complaints that the ~~IRO~~ Executive Director, CPOA Staff, or POCPOB ~~commissioner~~ Board Members may file as individuals based on incident they may have personally witnessed or where they are claiming to be aggrieved by actions of the ~~APD employees~~ Police.
- B. Complaint filed by a ~~commissioner~~ Board Member.
  - 1. The ~~Commissioner~~ Board Member will be excused from participating on any findings, votes, or recommendations concerning the complaint.
  - 2. POCPOB ~~commissioner~~ Board Members will decide individually whether or not they have an appearance of a conflict of interest. Any POCPOB ~~commissioner~~ Board Member may raise the possibility of a conflict of interest by another POCPOB ~~commissioner~~ Board Member.
  - 3. If there is not a quorum of ~~commissioner~~ Board Members available to make decisions, then the appeal may be heard by the POCPOB but no findings or recommendations will be made on the complaint and the appeal will be forwarded to the CAO for final decision.
- C. Complaints filed by the ~~IRO staff~~ CPOA Staff.
  - 1. The ~~IRO staff~~ CPOA staff will not investigate this complaint. ~~It may be investigated by IA at the discretion of the IRO. It may be investigated by an outside investigator at the discretion of the Executive Director~~
  - 2. ~~If the IRO decides it would be inappropriate for IA to investigate the complaint, the IRO may hire an independent investigator to investigate the complaint.~~
  - 3.2. The ~~IRO~~ POCPOB will make findings unless there is a conflict of interest. These findings will be reviewed by the Chief of Police and finalized by the POCPOB in the same manner as other citizen complaints. (Amended and Section added 9/14/06)
- D. Complaint filed by the ~~Executive Director~~ IRO.
  - 1. The ~~IRO~~ Executive Director will be excused from participating on any findings or recommendations as the Executive Director IRO concerning the complaint, but may act and is entitled to the same rights as any person who filed a complaint.
  - 2. The Executive Director IRO will hire an independent investigator to investigate the complaint, make findings, and write the public record letter.
  - 3. The independent investigator will ~~act as the Executive Director~~ IRO.
    - a. Ensure the investigation is thorough, impartial, and free of political influences.
    - b. Write the public record letter, including therein the summary and conclusions from the officers' compelled statements.
    - c. Ensure the public record Letter is mailed to the IRO, who may appeal the findings to the POCPOB.
    - d. The POCPOB will not make findings or recommendations on the Executive Director's IRO's complaint, but may hear the appeal.
    - e. The appeal will be sent to the CAO for final decision.

Section 10. POCPOB and IRO right to counsel.

- A. The CPOA may retain or employ independent legal counsel on a contractual basis to advise and represent the CPOA. If so retained, the CPOA's legal counsel shall

represent the CPOA in the courts, and shall advise the CPOA as to any legal matters relating to this ordinance and the CPOA's duties, responsibilities, and procedures except for CPOA personnel matters which shall remain under the 31 authority of the City Attorney's Office. (revised 4/9/15 Ordinance 9-4-1-4(A)(3))~~The City Attorney has assigned the Assistant City Attorney for the Police Oversight Commission to be the Commission's and IRO's attorney with full rights to attorney-client privileges and attorney confidences. This privilege extends to the administrative staff for the Assistant City Attorney.~~

- ~~B. Should the Assistant City Attorney believe there is or may be a conflict among the Commissioners and IRO, then he/she will advise the commission and IRO of the possible conflict at the earliest opportunity. The commissioners and IRO may attempt to resolve the possible conflict. If it cannot be resolved, then the Assistant City Attorney will advise the City Attorney, who will make efforts to provide legal advice to all parties at no cost to the commissioners or IRO.~~

#### Section 11. Indemnification of CPOA staff ~~IRO~~ and ~~POCPOB~~.

- A. In the event ~~the IRO~~ the Executive Director, CPOA staff, or POB members ~~is~~ are named as defendants in any lawsuit in connection with advice given or actions properly taken under the terms of the ~~IRO's~~ Executive Director's contract, the City will indemnify, provide representation, including outside counsel, if appropriate, and hold ~~the IRO and/or staff~~ Executive Director and/or CPOA staff harmless for any liability or claim which is or may be asserted in the capacity of ~~IRO~~ Executive Director or CPOA staff arising out of the ~~Executive Director's IRO's~~ Executive Director's agreement with the City and while acting on behalf of and in service to the city in an official capacity.
- B. The City shall provide ~~POCPOB commissioner~~ Board Members with legal representation including, if appropriate, outside counsel. The City will hold the ~~POCPOB Commissioner~~ Board Members harmless for any liability or claim which is or may be asserted while the ~~Commissioner~~ Board Members act on behalf of and in service to the city in their capacity of ~~POCPOB Commissioner~~ Board Members. (revised 4/9/15)

### **ARTICLE V-PROCEDURES WHEN THE ~~IRO~~ EXECUTIVE DIRECTOR IS ABSENT OR THERE IS NO IRO**

(This article was added and amended on 3/8/07)

#### Section 1. The Independent Review Officer ~~Executive Director~~ Is Critical.

The Independent Review Officer is critical to successful civilian oversight of the police department. This is recognized by Section 9-4-1-7 ROA 1994 of the Police Oversight Ordinance which provides ~~the Director may continue to serve in the same capacity until a new Director is selected and approved by the City Council. If for any reason there is a period of time during which there is no Director, the City Council may appoint a temporary Director of its choosing by a majority vote. A temporary Director shall serve in that capacity only for a period not to exceed six months, for the IRO's contract to continue until a new IRO is selected and approved by the City Council. It also provides for the temporary appointment of an IRO to serve no more than six months until a new IRO is~~

Section 2. Prolonged or Temporary Absence of ~~IRO~~Executive Director.

In the event of prolonged, temporary absence of the ~~Independent Review Officer~~Executive Director or during a period after an ~~IRO~~Executive Director has ended contractual obligations with the City and a temporary appointment has not yet been completed, the following procedures will be used to process Citizen Police Complaints (CPCs).

- A. All Citizen Police Complaints will be assigned to the investigators in the ~~Independent Review Office~~Civilian Police Oversight Agency Administrative Office until the Chair of the Police Oversight ~~Commission~~Board or his/her ~~commissioner~~Board Member designee determines that the investigators workload is too large and some complaints should be assigned to the ~~APD's Internal Affairs Office for investigation outside independent investigators.~~
- B. The ~~Civilian Police Oversight Agency Administrative Office~~ ~~IRO~~Office-investigators will continue recommending findings on allegations of violations of Standard Operating Procedures.
- C. ~~If the Chief of Police non-concurs with an IRO investigator's findings, the Chief or his/her designee will contact the IRO investigator and discuss the disagreement. The IRO investigator will consult with the other IRO investigators.~~
- D. If the investigators agree with the Chief, then the investigator will change the recommended findings to concur with the Chiefs findings in that investigation. Those findings will be entered into the Officers' Retention File and on the Internal Affairs Unit Disciplinary Status Sheet.
- E. If the investigators still disagree with the Chief then the Chief or his/her designee will address the Police Oversight ~~Commission~~Board to support his/her findings. The ~~POC~~POB will vote on the findings for which there are non-concurrences. The findings of the ~~POC~~POB will be entered into the officers' records as required above.
- F. There will be no public record letter containing the IRO summary of the investigation and findings, since there is no person serving as IRO. Therefore, the Chief will submit his/her complainant letters to the Police Oversight ~~Commission~~Board at its monthly meetings.
  1. If the ~~POC~~POB approves the findings concurrently agreed by the Chief and the IRO investigators, then the Chair or his/her designee will send a letter to the citizen complainant indicating the ~~POC~~POB's approval.
  2. If the ~~POC~~POB has a non-concurrence with the Chief, then the Chair or his/her designee will send a letter to the citizen complainant indicating both the ~~POC~~POB's and the Chiefs findings.
- H.G. All investigations into the citizen police complaints conducted by the Internal Affairs during this time period will be reviewed by the Independent Review Officer as soon as practicable upon return or appointment. The IRO will advise the ~~POC~~POB of his/her conclusions.

HISTORY: On November 8, 2012, the ~~POC~~POB deleted former Article II, Sections 3(H) and 3(1), of the Police Oversight ~~Commission~~Board Rules and Regulations 2009, which stated: 3(H). Complaints in which the mo and Chief of Police disagree or non-concur

will be reviewed by the Long Term Planning Committee. Their recommendations will be addressed by the Police Oversight ~~Commission~~Board; and 3(1). The IRO's findings of police shootings will be reviewed by the LTTPC and presented to the ~~POC~~POB at the next regular meeting.

On December 13, 2012, the ~~POC~~POB deleted former Article III, Section 5(F), which stated: If the Chief and the IRO disagree on the findings of any citizen police complaint or police shooting, the LTTPC will review the findings and make recommendations to the ~~POC~~POB. All proposed recommendations will be presented to the ~~POC~~POB for its consideration at the next regular meeting.

On September 18, 2014, the City Council substantively amended the Police Oversight Ordinance. The April 9, 2015 Rule Amendments are intended to reflect those amendments in the Police Oversight process regarding appeals, Board Member appointments, right to counsel.



**From:** Beth Mohr  
**To:** Hammer, Robin; Leonard Waites; Eric Cruz  
**Bcc:** moiraamado@gmail.com  
**Subject:** Attorney for POB  
**Date:** Tuesday, April 21, 2015 8:58:38 AM

---

Ms. Hammer - I have started receiving applications for the contract Independent Counsel position. Among those CVs is that of Joel Young, the person whom you recommended. I have begun an initial review of CVs and I have determined that Mr. Young has not been entirely truthful on his CV. This may be the subject of a complaint to the Disciplinary Board, as two of the parties he claims on his CV were very upset at the manner in which they were listed, and at least one of them has mentioned wishing to file a complaint.

I am directing you not to discuss this with Mr. Young in any way. I am further directing you that Mr. Young will NOT provide training to the POB. If you have scheduled anything involving him, please let me know the topic and date and I will replace him.

Mr. Waites, please confirm this direction, as I am only acting Chair through the next meeting, but I think it's extremely important that the POB not get side-tracked with or by these issues.

I will deal with Mr. Young directly as to this issue. Ms Hammer, please confirm receipt of this email and your understanding of my directions.

Thanks much, -B  
<div>

Beth A. Mohr, Co-Chair  
Albuquerque Police Oversight Board

*Never interrupt someone doing something you said couldn't be done. ~ Amelia Earhart* /b>

**NOTICE: This email may be subject to <=pan>**

< div>

**From:** Saavedra, Sharon L.  
**To:** Hammer, Robin; Beth A. Mohr (CABQ.POB.Mohr@gmail.com); David Z. Ring (dzt3@juno.com); Eric H. Cruz (eric.huizar.cruz@gmail.com); Eva P. Sandoval (Evaps3716@yahoo.com); Jeannette Baca (jvbaca.pob@gmail.com); Jeffrey Scott Wilson (jswilsonnm@live.com); Joanne Fine (joannefine413@gmail.com); Leonard Waites (leonard.waites@yahoo.com); Moira Amado-McCoy (moiraamado@gmail.com)  
**Subject:** background waiver  
**Date:** Monday, February 23, 2015 8:44:35 AM  
**Attachments:** [waiver.pdf](#)

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Hello all,

I have already received some but in addition to the application, I need a signed waiver and liability release form to conduct a background check.

These are the requirements set forth to all applicants by the APD. I have been informed that every applicant has to follow the same steps to attend so that it doesn't appear that I'm giving preferential treatment to anyone or group. Thank you for your cooperation.

Attached is the waiver, can you email or fax a completed and signed waiver to me? The fax is 505-343-5025. Attn: Officer Saavedra please. Also please bring in the original signed copy on the first day. Call me with any questions.

Thank you. I look forward in meeting you on March 3rd.

Officer Sharon Saavedra  
Citizen Police Academy Coordinator  
Albuquerque Police Department  
Email: [ssaavedra@cabq.gov](mailto:ssaavedra@cabq.gov)  
Phone: (505) 224-6641

**From:** Hammer, Robin

**Sent:** Friday, February 20, 2015 10:22 AM

**To:** Beth A. Mohr (CABQ.POB.Mohr@gmail.com); David Z. Ring (dzt3@juno.com); Eric H. Cruz (eric.huizar.cruz@gmail.com); Eva P. Sandoval (Evaps3716@yahoo.com); Hammer, Robin; Jeannette Baca (jvbaca.pob@gmail.com); Jeffrey Scott Wilson (jswilsonnm@live.com); Joanne Fine (joannefine413@gmail.com); Leonard Waites (leonard.waites@yahoo.com); Moira Amado-McCoy (moiraamado@gmail.com)

**Cc:** Saavedra, Sharon L.; Roseman, William G.; Slauson, Bill R.; Gonzalez, Arturo E.; Archibeque, Michael E.; Saladin, David R.

**Subject:** FW: Basic information about Citizen Police Academy for Police Oversight Board Members

Dear Board Members:

Below is an email from Officer Sharon Saavedra regarding the Citizen's Police Academy (CPA), which is scheduled to begin March 3. The City's Police Oversight Ordinance mandates that POB Members complete the Citizen's Police Academy within the first six months after appointment. I waited a few days to forward this information regarding the CPA because a bill was pending before the City Council this week which would have required APD to offer a weekend version of the CPA to POB Members. The bill was amended to permit APD to offer a shortened CPA, but would not require APD to do so. It is my understanding that APD will not be offering a shortened version of the CPA to POB Members at this time.

Therefore, each of you need to apply on-line to Citizen's Police Academy. Here is the

<http://www.cabq.gov/police/programs/citizen-police-academy>

=/span>

Please let me know if you have any questions.

=/span>

Thanks=

Robin<=span>

=/span>

**Robin S. Hammer= Esq.**

Acting Executive Director

Civilian Police Oversight Agency

City of Albuquerque

P.O. Box 1293

Albuquerque, NM 87103

(505) 924-3774

City Cell: (505) 205-6169

Fax: (505) 924-3775

<http://www.cabq.gov/cpoa>

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**From:** Saavedra, Sharon L.

**Sent:** Tuesday, February 17, 2015 2:20 PM

**To:** Hammer, Robin

**Cc:** Archibeque, Michael E.; Saladin, David R.

**Subject:** RE: Basic information about Citizen Police Academy

**Importance:** High

Ms Hammer,

I am glad to announce the official start date for the 47th Citizen's Police Academy, March 3, 2015. We will now be contacting applicants from applications already received and begin the background and seating process. In order to seat at the Police Oversight Commission for the CPA, I will need their application. Could you please urge the POC to fill out their applications online at <http://www.cabq.gov/police/programs/citizen-police-academy>. Please ensure they put down the POC as their Neighborhood, community, or civic Organization so that I know they need to be in the first available class. Or have them email me when they do. Could you also please send me a list of names so that I can ensure they get in. It is also important I get these applications as soon as possible due to the

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high interest from the community for the CPA. I have received a large amount of applications to go through. If you have any questions please feel free to email or call me. Thank you.

**Officer Sharon Saavedra**

**Citizen Police Academy Coordinator**

**Albuquerque Police Department**

**Email: [ssaavedra@cabq.gov](mailto:ssaavedra@cabq.gov)**

**Phone: (505) 224-6641**



## **ADULT – OVER 18**

### **ALBUQUERQUE POLICE DEPARTMENT BACKGROUND INVESTIGATION WAIVER AND LIABILITY RELEASE FORM**

In consideration of the Agency, Albuquerque Police Department, processing my application for employment, I, \_\_\_\_\_, hereby irrevocably consent to the following:

1. I understand that a thorough and complete background investigation will be conducted to determine my fitness and desirability as a candidate for employment.
2. I understand that a background investigation is conducted by gathering and recording information about my past conduct and associations from any and all sources that the Agency, in its sole discretion, may deem appropriate, including: criminal or other Governmental files and records, past and present employers, and any other source of information available.
3. I hereby release from liability and agree to hold harmless; under any and all possible causes of legal action, including negligence, the City of Albuquerque, Bernalillo County, the Albuquerque Police Department Identification Unit, the Agency and any of its officers, agents or employees for any negligent or wrongful statements, acts, omissions made or recorded in the course of my background investigation.
4. I hereby release from liability and agree to hold harmless under any possible cause of legal action, including negligence, any person or entity which furnishes information or opinions to the Agency as a part of my background investigation.
5. I authorize any person or entity contacted by the Agency during the course of my background investigation to furnish any information or opinions such person or entity may have regarding myself, my conduct or associations, regardless of any statutory or other privilege I may have.
6. I understand the need for confidentiality of sources and information in my background investigation, and I expressly agree that I will never attempt to obtain access to any part of the background investigation designated as confidential by the Agency.

This release applies to any cause of action of any nature that might accrue to myself.

_____ Signature of Applicant	_____ Date of Birth	_____ Social Security No.		
_____ Street Address	_____ City/Town	_____ State	_____ Zip	_____ Date

Rev. 03/2009

M001929



**From:** Saavedra, Sharon L.  
**To:** moiraamado@gmail.com; Archibeque, Helen M.; karenviviana32@gmail.com; Jeannette Baca (jvbaca.pob@gmail.com); constance\_huls@yahoo.com; dave.bergeron@abarrtech.com; alichachavez@ymail.com; sandichun@comcast.net; grant@claycomb.org; maxcowton@O.com; eric.hulzar.cruz@gmail.com; Diaz, Rene; ddrake3647@msn.com; fine.ioanne@yahoo.com; bforde40@hotmail.com; elacksonnm@gmail.com; 1markkeeling@gmail.com; edwina.kiro@yahoo.com; julielaub82@gmail.com; snl300780@gmail.com; Bengol150@comcast.net; McCaffreyne1469@gmail.com; md87109@gmail.com; CABO.POB.Mohr@gmail.com; miguel\_angel201196@yahoo.com; Snelson@live.com; gfpad@hotmail.com; rascon.fernando9@gmail.com; creckawa@gmail.com; jen@mail2beach.com; stilleil7@yahoo.com; sanchezey726@gmail.com; eve.sandoval@yahoo.com; talktodean@aol.com; ksmith12@unm.edu; KRISTAM@UNM.EDU; oscarsois@sonm.org; revr87@gmail.com; leonard.waites@yahoo.com; ksw@keleher-law.com; jswilsonpoh@outlook.com; dzr3@juno.com  
**Subject:** CITIZEN POLICE ACADEMY OPENING NIGHT TONIGHT  
**Date:** Tuesday, March 03, 2015 10:31:57 AM  
**Importance:** High

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Hello All,

I just wanted to send out a reminder that tonight is the opening night=for the Citizen Police Academy. It will begin at 6pm at the APD's Po=ice Academy building located at 5412 2nd St NW. I am excited to fina=ly get this started. See you all tonight!!!

**Citizen Police Academy Coordinator**

Albuquerque Police Department=/d\>

Email: ssaavedra@cabq.gov

Phone: (505) 224-6641

**From:** Hammer, Robin  
**To:** Beth A. Mohr (CABO.POB.Mohr@gmail.com); David Z. Ring (dzt3@juno.com); Eric H. Cruz (eric.hulzar.cruz@gmail.com); Eva P. Sandoval (Evaps3716@yahoo.com); Hammer, Robin; Jeannette Baca (jvbaca.pob@gmail.com); Joanne Fine (joannefine413@gmail.com); Leonard Waites (phamason.lw@gmail.com); Moira Amado-McCoy (moiraamado@gmail.com); Scott Wilson (jswilsonpob@outlook.com)  
**Cc:** Saavedra, Sharon L.; Archibeque, Michael E.; Roseman, William G.; Gonzalez, Arturo E.; Cash, Paul  
**Subject:** Citizens Police Academy Dates & Ride Along requests  
**Date:** Tuesday, March 03, 2015 9:03:53 AM  
**Attachments:** Copy of 47th CITIZENS POLICE ACADEMY ROSTER2.xls

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Dear POB Members:/o:p>

Attached is an Excel Sheet prepared by Officer Sharon Saavedra, the coordinator of the Citizens Police Academy. APD has chosen not to video tape meetings of the CPA, but rather give the live presentations a second time for classes which POB Members miss. APD needs to know which meetings each POB Member will miss. I have marked the days which will be missed due to POB Meetings. If you are aware of other days which you will need to miss, please mark these and return the annotated sheet to Officer Saavedra as soon as possible, so that APD may begin to plan how to set make-up meeting dates./p>

As you know, each Board Member are required to complete two Ride-a-longs with APD Officers within six months of your appointment. When you wish to participate in a Ride-a-long, please email the date and shift, (day (8am-5pm-ish), swing (3pm-11pm-ish), or graveyard

Once you have completed any Ride-a-long, please email me a second time, so we can keep a record of your completion of this portion of your required training.

Please let me know if you have any questions regarding training requirements. Later this week, I will send out a proposed Agenda and materials for next week's meeting.

Thanks,  
Robin< p>

Robin S. Hammer, Esq.  
Acting Executive Director  
Civilian Police Oversight Agency/o:p>  
City of Albuquerque/p>  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3770  
Fax: (505) 924-3775/p>  
<http://www.cabq.gov/cpoa>



[illegible]



**From:** Hammer, Robin  
**To:** Cash, Paul; Contreras, Michelle; Davidson, Christopher; Hammer, Robin; McDermott, Diane L.; O'Neil, Erin; Skotchdopole, Paul A.; Beth Mohr; David Ring; Eric H. Cruz; Eva P. Sandoval; Jeannette V. Baca; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Scott S. Wilson  
**Cc:** Bullock, Nicholas  
**Subject:** Community Outreach Sub-Committee Meeting  
**Date:** Wednesday, March 25, 2015 11:23:11 AM

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The Community Outreach sub-committee will meet on Monday, March 30, 2015 at 9:30 am.  
The meeting will be held in the hearing room 160, of Plaza del Sol, 600 Second Street NW.

Robin S. Hammer, Esq.  
Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3770  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

**From:** Hammer, Robin  
**To:** Beth Mohr; David Ring; Eric H. Cruz; Eva P. Sandoval; Hammer, Robin; Jeannette V. Baca; Joanne Fine (joannefine413@gmail.com); Leonard Waltes; Moira Amado-McCoy; Scott S. Wilson  
**Cc:** Bullock, Nicholas  
**Subject:** CPOA Budget docs  
**Date:** Thursday, March 19, 2015 1:29:02 PM  
**Attachments:** CP-110.xlsx  
CPOA Budget Forms.xlsx

---

Dear POB Members:

Attached are the CPOA's proposed budget for FY 2016.

Please let me know if you have any questions.

Thanks,  
Robin

Robin S. Hammer, Esq.  
Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3774  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>



**CIVILIAN POLICE OVERSIGHT AGENCY  
GENERAL FUND - 110  
FY/16 PROPOSED BUDGET**

Date: 7/15/2015 Time: +

Page - 1 -

	<u>POS.</u>	<u>PERSONNEL</u>	<u>EXPENSES</u>	<u>CAPITAL</u>	<u>TRANSFERS</u>	<u>TOTAL</u>	<u>REVENUE</u>
FY/15 APPROVED BUDGET						0	
<b>TECHNICAL ADJUSTMENTS:</b>							
Transfer in from the CAO Department	7	569,136	41,221	0	0	610,357	
Salary Forecast Adjustments		34,981				34,981	
OEB - Life, Unemp, Ins. Admin - .92%		5,236				5,236	
Salary Accrual - 1 day		2,128				2,128	
FY/15 Wage Adj. from Reserve		9,423				9,423	
Telephone			159			159	
Rounding						0	
<b>SUBTOTAL</b>	<b>7</b>	<b>620,904</b>	<b>41,380</b>	<b>0</b>	<b>0</b>	<b>662,284</b>	<b>0</b>
<b>DEPARTMENT REQUEST</b>	<b>7</b>	<b>620,904</b>	<b>41,380</b>	<b>0</b>	<b>0</b>	<b>662,284</b>	<b>0</b>
<b>EXECUTIVE DECISIONS</b>							
<b>ISSUE PAPERS:</b>							
<b>SUBTOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>CIP COMING-ON-LINE:</b>							
<b>SUBTOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>TOTAL FY/16 PROPOSED BUDGET</b>	<b>7</b>	<b>620,904</b>	<b>41,380</b>	<b>0</b>	<b>0</b>	<b>662,284</b>	<b>0</b>
<b>NET / PERCENT CHANGE</b>	<b>7</b>	<b>9.1%</b>	<b>-0.4%</b>	<b>n/a</b>	<b>n/a</b>	<b>8.5%</b>	
<b>NONRECURRING APPROPRIATIONS - INFORMATION ONLY</b>							
1 Community Outreach - one-time			3,700			3,700	
<b>SUBTOTAL</b>	<b>0</b>	<b>0</b>	<b>3,700</b>	<b>0</b>	<b>0</b>	<b>3,700</b>	<b>0</b>
<b>ISSUE PAPERS (In Priority Order)</b>							
1 Community Outreach	1	80,890	8,700			89,590	
2 Outside Legal Council			75,000			75,000	
3 Operating Needs			51,000			51,000	
<b>SUBTOTAL</b>	<b>1</b>	<b>80,890</b>	<b>134,700</b>	<b>0</b>	<b>0</b>	<b>215,590</b>	<b>0</b>
<b>CIP COMING-ON-LINE:</b>							
1						0	
2						0	
<b>SUBTOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>TOTAL DEPARTMENT REQUEST</b>	<b>8</b>	<b>701,794</b>	<b>176,080</b>	<b>0</b>	<b>0</b>	<b>877,874</b>	<b>0</b>

M001937

**FORM 1**  
**ISSUE PAPER COST WORKSHEET**  
**FY/16**

**ISSUE TITLE:** Community Outreach

**TOTAL ISSUE COST:**

**89,590**

**EFFECTIVE DATE TO IMPLEMENT PROPOSAL:**

**GOAL:**

**2**

- ☐ **Public Safety Quarter Cent Issue**  
☐ **Neutral Issue**  
☐ Reduce one service to increase another  
☐ Increase revenues to increase service  
☐ Reallocate resources within a service  
☐ **Negative Issue**  
☐ **CIP Coming on Line**

Program Strategy Name/Number: CPOA Administration -1500001  
 Department: Civilian Police Oversight Agency  
 Fund Name/Number: General Fund - 110  
**FY/15 or FY/16 Objective (this issue is linked to):**

**PURPOSE AND EXPLANATION OF ISSUE:**

The DOJ Settlement Agreement and City ordinance require the Civilian Police Oversight Agency (CPOA) to create a Community Outreach program aimed at soliciting public input from broad segments of the community in terms of geography, race, ethnicity, and socio-economic status. The City Ordinance requires the CPOA to have a full-time employee dedicated to conducting Community Outreach.

**HOW WILL CUSTOMER OR COMMUNITY CONDITIONS CHANGE?**

By creating a CPOA Community Outreach program, the CPOA will assist in building relationship between community members and the Albuquerque Police Department. This Community Outreach would educate Albuquerque citizens on the avenues available to them to address their thoughts about APD, both positive and negative, and to provide a vehicle for input to APD for suggesting changes.

**REVENUE ENHANCEMENTS**

Revenue Source	Current Rate	Total Current Revenue	Proposed Rate	Total Proposed Revenue	Approval Authority for Rate Change
<b>Subtotal:</b>				<b>0</b>	

**PERSONNEL COSTS or (SAVINGS):**

Department ID #	Position Title	Grade	Full Time?	# of hours if not FT	# of Positions	Cost (Savings) including Fringe Benefits
1510000	Community Outreach administrator	Uncl	FT	2080	1	80,890
<b>Subtotal:</b>					<b>1</b>	<b>80,890</b>

**NON-PERSONNEL COSTS or (SAVINGS):**

Department ID #	Account Number	Non-personnel Items Requested/Changed/Eliminated	Cost (Savings)
1510000	522000	Supplies for meetings	5,000
1510000	522000	One-time computer, data line, office needs	3,700
<b>Subtotal:</b>			<b>8,700</b>

M001938

**FORM 1**  
**ISSUE PAPER COST WORKSHEET**  
**FY/16**

ISSUE TITLE: Outside Legal Council

TOTAL ISSUE COST:

75,000

EFFECTIVE DATE TO IMPLEMENT PROPOSAL:

GOAL:

2

- ☐ Public Safety Quarter Cent Issue
- ☐ Neutral Issue
- ☐ Reduce one service to increase another
- ☐ Increase revenues to increase service
- ☐ Reallocate resources within a service
- ☐ Negative Issue
- ☐ CIP Coming on Line

Program Strategy Name/Number: CPOA Administration -1500001

Department: Civilian Police Oversight Agency

Fund Name/Number: General Fund - 110

FY/15 or FY/16 Objective (this issue is linked to):

**PURPOSE AND EXPLANATION OF ISSUE:**

Both the DOJ Settlement Agreement and City Ordinance direct the City to fund the CPOA in order for the Agency to have the ability to retain outside contract legal council as necessary. This contract independent legal counsel would provide legal advice to the CPOA when the CPOA has legal questions or concerns which may be in conflict with the City government and/or the Albuquerque Police Department. One mission of the Civilian Police Oversight Agency is to "ensure that the civilian police oversight body functions as independently as possible from the executive and legislative branches of government of the City of Albuquerque." Funding independent contract legal services conforms to this mission.

**HOW WILL CUSTOMER OR COMMUNITY CONDITIONS CHANGE?**

With the ability to retain Independent contract legal services, the CPOA will accomplish its mission of autonomy and independence from the executive and legislative branches of City government.

**REVENUE ENHANCEMENTS**

Revenue Source	Current Rate	Total Current Revenue	Proposed Rate	Total Proposed Revenue	Approval Authority for Rate Change
Subtotal:				0	

**PERSONNEL COSTS or (SAVINGS):**

Department ID #	Position Title	Grade	Full Time?	# of hours if not FT	# of Positions	Cost (Savings) including Fringe Benefits
Subtotal:						0

**NON-PERSONNEL COSTS or (SAVINGS):**

Department ID #	Account Number	Non-personnel Items Requested/Changed/Eliminated	Cost (Savings)
1510000	520500	Contract Legal Staffing	75,000
Subtotal:			75,000



**FORM 1**  
**ISSUE PAPER COST WORKSHEET**  
**FY/16**

**ISSUE TITLE:** Operating Needs

**TOTAL ISSUE COST:**

**51,000**

**EFFECTIVE DATE TO IMPLEMENT PROPOSAL:**

**GOAL:**

**2**

- ☐ **Public Safety Quarter Cent Issue**  
☐ **Neutral Issue**  
☐ Reduce one service to increase another  
☐ Increase revenues to increase service  
☐ Reallocate resources within a service  
☐ **Negative Issue**  
☐ **CIP Coming on Line**

Program Strategy Name/Number: CPOA Administration -1500001

Department: Civilian Police Oversight Agency

Fund Name/Number: General Fund - 110

**FY/15 or FY/16 Objective (this issue is linked to):**

**PURPOSE AND EXPLANATION OF ISSUE:**

City Ordinance encourages Police Oversight Board (POB) members to attend conferences and workshops relating to police oversight, such as the annual National Association of Civilian Oversight of Law Enforcement (NACOLE) conference at City expense depending on budget availability. Request sufficient funding to send POB members and staff to an annual NACOLE conference. City Ordinance and DOJ require the CPOA to produce several reports. Request funding for contractual staff on an as needed basis to proof and review all required reports. Currently, there are no FTE's who can fulfill the proof-reading function needed at the CPOA.

**HOW WILL CUSTOMER OR COMMUNITY CONDITIONS CHANGE?**

Through attending conferences and workshops taught by recognized experts in the police oversight field, POB members and CPOA staff will increase their knowledge of nationally accepted practices and trends in police oversight. By providing funds for temporary proofing and reviewing services, the CPOA will be able to produce the legally-mandated reports and community outreach materials to the highest professional standard.

**REVENUE ENHANCEMENTS**

Revenue Source	Current Rate	Total Current Revenue	Proposed Rate	Total Proposed Revenue	Approval Authority for Rate Change
<b>Subtotal:</b>				<b>0</b>	

**PERSONNEL COSTS or (SAVINGS):**

Department ID #	Position Title	Grade	Full Time?	# of hours if not FT	# of Positions	Cost (Savings) including Fringe Benefits
<b>Subtotal:</b>					<b>0</b>	<b>0</b>

**NON-PERSONNEL COSTS or (SAVINGS):**

Department ID #	Account Number	Non-personnel Items Requested/Changed/Eliminated	Cost (Savings)
1510000	520500	Professional Services	(14,500)
1510000	522500	Supplies	(4,800)
1510000	522500	Travel - Nacole Conference - 15	25,500
1510000	523500	Repairs and Maintenance - copier	4,800
1510000	527500	Contract Staffing	40,000
<b>Subtotal:</b>			<b>51,000</b>

M001940



Department Name Civilan Police Oversight Agency

Fund Number and Name 110- General Fund

**City of Albuquerque**  
**Proposed Budget**  
**FY/16**  
**Professional/Technical Services**  
**Form 2**

Program Number	Department ID Number	Functional Purpose	Vendor	FY/14 Actual	FY/15 Original Appropriation	FY/15 Estimated Actual	FY/16 Proposed
							-
1500001	1510000	move funding for Travel/Training			14,500		-
1500001	1510000	Outside Legal Council					75,000
FUND TOTAL				\$ -	\$ 14,500	\$ -	\$ 75,000

Department Name Civilian Police Oversight

Fund Number and Name 110- General Fund

**City of Albuquerque  
Proposed Budget  
FY/16  
Contractual Services  
Form 3**

Program Number	Department ID Number	Functional Purpose	Vendor	FY/14 Actual	FY/15 Original Appropriation	FY/15 Estimated Actual	FY/16 Proposed
1500001	1510000	Temporary Staffing	New Koosharem Corporation	20,047	-	40,000	40,000
1500001	1510000	one time	New Mexico Captioning	4,668	4,000	5,000	5,000
1500001	1510000	one time	Primetime Thermographics Inc			126	
FUND TOTAL				\$ 24,715	\$ 4,000	\$ 45,126	\$ 45,000

Department Name Civilan Police Oversight

Fund Number and Name 110- General Fund

**City of Albuquerque**  
**Proposed Budget**  
**FY/16**  
**Repairs and Maintenance**  
**Form 4**

Program Number	Department ID Number	Functional Purpose	Vendor	FY/14 Actual	FY/15 Original Appropriation	FY/15 Estimated Actual	FY/16 Proposed
		Copier	Xerox Corporation	1,200	1,200	1,200	4,800
FUND TOTAL				\$ 1,200	\$ 1,200	\$ 1,200	\$ 4,800

## FORM 8

	PROPOSED				
		PROPOSED			
			PROPOSED		
				PROPOSED	
					PROPOSED

**FORM 9**  
**VACANCY REPORT**

[illegible]



**From:** Hammer, Robin  
**To:** Beth Mohr; David Ring; Eric H. Cruz; Eva P. Sandoval; Hammer, Robin; Jeannette V. Baca; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Scott S. Wilson  
**Cc:** Bullock, Nicholas; Davila, Natalee Z; Funes, Ana R.; Gonzalez, Arturo E.; Medrano, Michael V.; Cash, Paul; Contreras, Michelle; Davidson, Christopher; McDermott, Diane L.; O'Neill, Erin; Skotchdopole, Paul A.  
**Subject:** Draft POB Agenda, Meeting Materials and Letter from CAO Perry  
**Date:** Thursday, April 02, 2015 1:39:27 PM  
**Attachments:** Draft 4-9-15 POB Agenda - v2.doc  
March 2015 CPOA Minutes- 4-1-15 Draft.doc  
CPOA ACTIONPLAN for DOJ Compliance-4-1-15.docx  
Contract Outside Counsel Contract.doc  
3-31-15 CAO Perry Letter to Waites and Mohr.pdf  
CPOA Amicus Brief CIV 14-1025 -.pdf

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Dear POB Board Members:

Attached is a letter from Chief Administrative Officer Robert Perry to Chair Waites and Co-Vice Chair Mohr.

The Draft Agenda for next week's meeting is attached. Please send any suggested changes to Leonard for his consideration by 5 pm tomorrow, Friday, April 3. A final Agenda will be published Monday afternoon. The Minutes from the last meeting are attached.

Regarding Item 6, Settlement Agreement Discussion and Training, I provided everyone a copy of the Settlement Agreement at our initial training. Attached are the Amicus Brief I filed in the DOJ Lawsuit and the Agency's plan to comply with the paragraphs which pertain the Agency.

Regarding Item 9, attached is a draft of the proposed Contract of an Independent Legal Counsel.

Regarding Item 10, I sent out a copy of the proposed Rules on March 26.

Please let me know if you have any questions.

Thanks,  
Robin

Robin S. Hammer, Esq.  
Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3774  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

## **CIVILIAN POLICE OVERSIGHT AGENCY**

*Dr. Moira Amado-McCoy    Dr. Jeannette Baca    Eric H. Cruz*  
*Joanne Fine    Beth Mohr    Rev. Dr. David Z. Ring III*  
*Leonard Waites    Jeffery Scott Wilson*  
Robin S. Hammer, Acting Executive Director

## **POLICE OVERSIGHT BOARD AGENDA**

**Thursday, April 9, 2015 – 5:00 PM**  
**Vincent E. Griego Chambers**

- I. Welcome and Call to Order:** *Acting Chair Beth Mohr*
- II. Pledge of Allegiance:** *Dr. David Z. Ring III*
- III. Approval of the Agenda**
- IV. Approval of Minutes**
- V. Public Comments**
- VI. Settlement Agreement Discussion/Training**
- VII. Discussion of Role of CPOA and POB**
  - A) Discussion of proposed City Council Resolution to hold in abeyance POB review of Citizen Police Complaint and Officer Involved Shooting cases until mandated training is completed and Rules are adopted
- VIII. Reports from Subcommittees**
  - A. Outreach Subcommittee**

Presentation from New Mexico Forum for Youth for outreach involving youth
  - B. Personnel Subcommittee**
- IX. Discussion of Contract for Independent Legal Counsel**
- X. Discussion of Draft CPOA Rules**
- XI. Reports from City Staff:**
  - A. Executive Director** *Report by Acting Executive Director Robin Hammer*
  - B. SOP Update** – *Report by Assistant Lead Investigator Paul Skotchdopole*
  - C. Mayor's Staff** – *Report*
  - D. City Council Staff**– *Report*
  - E. City Attorney's Staff** – *Report*
  - F. APD**– *Report*
- XIII. Other Business**
- XIV. Adjournment** - *Next POB meeting will be on Thursday, May 14, 2015 at 4:00 PM in the Vincent E. Griego Chambers.*

# **CIVILIAN POLICE OVERSIGHT AGENCY**

**Thursday, March 12, 2015**

**Vincent E. Griego Chambers, Basement Level  
City/County Government Center - One Civic Plaza NW  
Albuquerque, New Mexico**

## **Members Present:**

Leonard Waites (Chair)  
Jeffrey Scott Wilson (Co-Vice Chair)  
Beth Mohr (Co-Vice Chair)  
Dr. Jeanette Baca  
Dr. Moira Amado-McCoy  
Rev. David Ring III  
Joanne Fine  
Eric Cruz (Via Phone)  
Eva Sandoval (Via Phone)

## **Others Present:**

Robin Hammer  
Paul Skotchdopole  
Chris Davidson  
Diane McDermott  
Erin O'Neil  
Paul Cash  
Michelle Contreras  
APD Lt. Jennifer Garcia  
APD Sgt. Mike Medrano  
Julian Moya, City Council  
Nicholas Bullock, Asst. City Attorney

## **MINUTES**

- I. WELCOME AND CALL TO ORDER** – Board Member Wilson called the meeting to order at 4:04 p.m.
- II. PLEDGE OF ALLEGIANCE** – Board Member Waites led the Pledge.
- III. ELECTION OF POB CHAIR AND VICE CHAIR** – Board Member Fine nominated Board Member Waites for the position of Chairman. Board Member Wilson seconded the motion. Passed.  
For: 9 - McCoy, Ring, Mohr, Waites, Wilson, Fine, Baca, Sandoval, Cruz

Chairperson Waites nominated Board Member Wilson for the position of Vice Chair. Board Member Fine nominated Board Member McCoy for the position of Vice Chair. Board Member Baca nominated Board Member Mohr for the position of Vice Chair. Board Member McCoy indicated she could not serve at this time. There was a 4-4 vote for Board Member Wilson (Waites, Wilson, Sandoval, Ring, Board Member Cruz abstained.) There was a 4-4 vote for Mohr. (Mohr, Baca, McCoy, Fine). After discussion, Board Member McCoy suggested the Board have Co-Vice Chairs and made a motion to select Board Members Wilson and Mohr as Co-Vice Chairs. Board Member Ring seconded the motion. Passed.  
For: 7 - McCoy, Ring, Wilson, Fine, Baca, Waites, Mohr  
Against: 2 - Sandoval, Cruz

**IV. APPROVAL OF AGENDA** – Chairperson Waites moved to approve the agenda. Board Member McCoy requested that Item XI be moved up and discussed with Item VI. Passed.

For: 8 – McCoy, Mohr, Waites, Wilson, Fine, Baca, Sandoval, Ring

Abstain: 1 – Cruz

Board Member Mohr moved to add a dinner break to the agenda. Board Member McCoy seconded the motion. Passed.

For: 9 - McCoy, Ring, Mohr, Waites, Wilson, Fine, Baca, Sandoval, Cruz

Board Member Ring moved to approve the agenda as amended. Co-Vice Chair Wilson seconded the motion. Passed.

For: 9 - McCoy, Ring, Mohr, Waites, Wilson, Fine, Baca, Sandoval, Cruz

**V. PUBLIC COMMENT –**

**Ben Lovato** – Mr. Lovato inquired if all Board Members had undergone a background check, if they had been arrested or incarcerated, or if they had previously filed a complaint against APD. Mr. Lovato asked if the SOPs would be available to the public in hard copy or only online.

**Bill Kass** – Mr. Kass congratulated the Board and stated that he had applied for a seat on the Board. Mr. Kass stated that there are so many laws that APD can pick and choose which laws they choose to enforce. Mr. Kass stated that there are problems at APD. Mr. Kass stated that the POB can create policy, and that is a good start, and that the POB should make recommendations.

**Don Schroeder** - Mr. Schroeder spoke about the James Boyd incident, persons who are mentally ill, and families who have lost their loved ones. Mr. Schroeder stated that we must demand police brutality be stopped now. Mr. Schroeder spoke about Sam Costales, a retired officer who spoke recently at UNM regarding problems in law enforcement.

**Dinah Vargas** – Ms. Vargas stated that she supported Robin Hammer, and requested that Ms. Hammer be retained as the Executive Director of the CPOA. Ms. Vargas stated that Ms. Hammer has been to many community events. Ms. Vargas stated that the District Attorney has been looked at, and that others need to be looked at.

**Ernest Sturdevant** - Mr. Sturdevant stated that he was one of those that petitioned DOJ to come to Albuquerque. Mr. Sturdevant said that APD thinks there is no problem with the Department, but there is a problem with the media. Mr. Sturdevant voiced that there is a need for fresh people, and that Ms. Hammer should not be retained.

- VI. DISCUSSION OF ROLE OF CPOA AND POB** – A discussion was had about the role of the CPOA and POB. The Ordinance provided direction as to what the Board is tasked with. The Board discussed that an outreach program was a top priority. Board Member Fine made a motion to create an Executive Outreach Committee. Co-Vice Chair Wilson seconded the motion. Passed.

For: 9 - McCoy, Ring, Mohr, Waites, Wilson, Fine, Baca, Sandoval, Cruz

Chair Waites appointed Board Members Waites, Baca, and Ring to the Outreach Committee.

The Board expressed their desire to form other subcommittees, such as a Personnel Committee, a committee to review Citizen Police Complaints, and a Policy and Procedures Committee.

Chair Waites appointed Board Members Waites, McCoy, and Wilson to the Committee on Citizen Police Complaints.

Chair Waites appointed Board Members Mohr, Fine, and Cruz to the Personnel Committee.

Board Member Baca made the motion to establish other subcommittees which the Board would be interesting in creating. Co-Vice Chair Wilson seconded the motion. Passed.

For: 8 – McCoy, Ring, Mohr, Waites, Wilson, Fine, Baca, Sandoval

Abstain: 1 – Cruz

Board Member Baca agreed to create a list of other subcommittees and make a presentation at the April Board meeting.

- VII. DRAFT CPOA RULES** – Discussion was had regarding the work that CPOA was doing to revamp the CPOA Rules. The Board agreed to work with the staff regarding the Rules. Board Member McCoy moved to allow the CPOA staff to continue their work on the Rules and that this matter be placed on the April agenda. Co-Vice Chair Mohr seconded the motion. Passed.

For: 8 - McCoy, Ring, Mohr, Waites, Wilson, Fine, Baca, Sandoval

Abstain: 1 – Cruz

- VIII. DISCUSSION OF PROCESS TO RETAIN INDEPENDENT LEGAL COUNSEL** – A discussion was had regarding Independent Legal Counsel. Ms. Hammer explained there are no funds currently available for hiring Legal Counsel, but a request is contained in the 2016 budget. Julian Moya from City Council advised the Board that they can request funds from the City Council in order to hire Independent Legal Counsel for the next three months. Chairperson Waites made a motion that the Board request funds from the City Council. Board Member McCoy seconded the motion. Passed.



For: 9 - McCoy, Ring, Mohr, Waites, Wilson, Fine, Baca, Sandoval, Cruz

- XI. PROCESS AND SELECTION OF CPOA EXECUTIVE DIRECTOR** – Mr. Bullock from the City Attorney's Office advised that the Board should go into Executive Session to discuss this matter. Co-Vice Chair Mohr made a motion that the Board go into Executive Session. Board Member McCoy seconded the motion. Passed.

For: 7 - McCoy, Mohr, Waites, Wilson, Fine, Baca, Sandoval

Opposed: 1 – Ring

Abstain: 1 - Cruz

After the Executive Session, the Board discussed that this issue should be deferred to the April 2015 Board meeting. Co-Vice Chair Mohr made a motion to defer this matter to the Personnel Committee. Board Member Ring seconded the motion. Passed.

For: 9 - McCoy, Ring, Mohr, Waites, Wilson, Fine, Baca, Sandoval, Cruz

**IX. CITIZEN POLICE COMPLAINT FINDINGS BY CPOA:**

A discussion was had regarding CPC letters being accepted on a consent agenda. Co-Vice Chair Mohr made a motion to poll the Board to ascertain which CPCs the Board wanted to pull from the Consent Agenda. Co-Vice Chair Wilson seconded the motion. Passed.

For: 9 - McCoy, Ring, Mohr, Waites, Wilson, Fine, Baca, Sandoval, Cruz

CPC 198-14 and CPC 233-14 were pulled from the Consent Agenda.

Board Member Ring made a motion that the Board accept the following CPCs on a consent agenda. Co-Vice Chair Wilson seconded the motion. Passed.

For: 9 - McCoy, Ring, Mohr, Waites, Wilson, Fine, Baca, Sandoval, Cruz

**CONSENT AGENDA CASES:**

**CPC 186-14** – A citizen complained that during an encounter she had with her son, Officer S. was rude, inappropriate, told citizen to shut up, and citizen was afraid that Officer S. was going to attack her. Citizen alleged that Officer S. damaged her gate when he entered the back yard. The video recording showed that Officer S. was not inappropriate, never told citizen to shut up, and never approached citizen as if to attack her. The video also showed that Officer S. knocked on the gate, but not in a violent manner. The CPOA and the POB found the allegations of *Misconduct* and *Working Knowledge of Laws* to be EXONERATED against Officer S.

**CPC 196-14** – Citizen was involved in a motor vehicle accident. Citizen alleged that Officer S. was not shown proof of insurance by the other driver, and that the police report was inaccurate as to the location of the vehicles. Officer S.' police report does list the other driver's insurance information. The MVD computer does

not always depict that a driver's insurance is not valid. The officer is allowed discretion to rely on the information from the driver regarding insurance. The video recording indicated that citizen's version of where her vehicle was is accurately stated in the police report. However, the contact was not recorded in its entirety. The CPOA and the POB found the allegation of *Preliminary Investigations* and *Use of Discretion* to be EXONERATED, and *Failure to Record* to be SUSTAINED against Officer S.

**CPC 209-14** – Citizen was involved in a motor vehicle accident. PSA S. arrived on scene and citizen alleged that PSA S. was rude, and that the accident report was inaccurate. PSA S. did not record the incident. There is no way to prove or disprove the allegation that PSA S. was rude, or that the accident report was inaccurate. PSA S. disagreed with citizen's version of events. The CPOA and the POB found the allegations of *Preliminary Investigations* and *Misconduct* to be NOT SUSTAINED, and *Failure to Record* to be SUSTAINED against PSA S.

**CPC 230-14** – Citizen stated that she was stopped by Officer L. because she was driving with her turn signal on, but never turned. Citizen alleged that Officer L. harassed her, called her a criminal and tried to charge her with anything he could, that he did not return her driver's license, and threatened to arrest her. The video recording showed that Officer L. was professional, polite, and patient during the traffic stop, and that the stop was for driving with no headlights at night. Officer L. never called citizen a criminal. Citizen refused many times to sign the citation, which is an offense that Officer L. could have arrested her on. The video showed that Officer L. handed the driver's license to a supervisor on scene. The CPOA and the POB found the allegation of *Working Knowledge of Laws* to be EXONERATED, and *Misconduct* to be UNFOUNDED against Officer L.

**CPC 001-15** – Citizen stated that he filed a complaint because a financial institution stole money from him by not making a payment, and that APD would not handle the incident. Citizen contacted the CPOA and stated that he wanted to withdraw his complaint because the bank had settled the dispute. Therefore, the CPOA and the POB ADMINISTRATIVELY CLOSED this case.

**CPC 010-15** – A citizen stated that she came upon a rollover accident and discovered that she was in the wrong lane and could not go forward. Citizen alleged that Officer C. then hit her car with his fist and yelled at her. Citizen agreed that her complaint could be best handled informally. Officer C.'s supervisor spoke with Officer C. Citizen was satisfied with the informal resolution of this case. Therefore, the CPOA and the POB ADMINISTRATIVELY CLOSED this case.

**CPC 018-15** – A citizen complained that he was treated unfairly by Officer A. Citizen contacted the CPOA and stated that he wanted to withdraw his complaint

because Officer A. was probably having a bad day. Therefore, the CPOA and the POC ADMINISTRATIVELY CLOSED this case.

**NON-CONSENT AGENDA CASES:**

**CPC 233-14** – A citizen stated that she had a restraining order against her ex-husband. Citizen alleged that Officer S. obtained her current address and gave that information to the ex-husband, as well as information regarding her current boyfriend. The CPOA investigation determined that Officer S. did obtain such information from a secure database and did provide that information to the ex-husband. The CPOA and the POB found the allegations of *NCIC Access*, *Disseminating Computer Information*, and *Untruthfulness* to be SUSTAINED against Officer S.

The Board expressed their desire to have this letter contain language as to the severity of the infraction. The Board stated that they would like to be allowed to recommend disciplinary action in cases where they feel the discipline should be as severe as possible. Board Member Fine made a motion to revise the letter to include language regarding stringent discipline recommendations. Co-Vice Chair Wilson seconded the motion. Passed.

For: 9 - McCoy, Ring, Mohr, Waites, Wilson, Fine, Baca, Sandoval, Cruz

Co-Vice Chair Mohr made a motion to accept the letter with the revisions discussed. Board Member McCoy seconded the motion. Passed.

For: 9 - McCoy, Ring, Mohr, Waites, Wilson, Fine, Baca, Sandoval, Cruz

**CPC 198-14** – A citizen alleged that Officer P., Officer W., and Detective M. were unprofessional in their dealings with citizen, that they used profanity, used force, and took possession of his wallet and flash drive. Citizen claimed that when he was placed in handcuffs, officers used force which caused injury to his wrists. The video recording showed that citizen resisted being handcuffed, and any force used was necessary to gain control of citizen. The investigation showed that citizen's property and photos were not tagged into evidence. The video recording showed that Detective M. did use profane language, and that his conduct was inappropriate. Officer P. failed to record the incident in its entirety. The CPOA and the POB found the allegation of *Misconduct* and *Profane Language* to be NOT SUSTAINED, *Use of Force* to be EXONERATED, *Appearing for Court*, *Failure to Record*, and *Collecting Evidence* to be SUSTAINED against Officer P.

The CPOA and the POB found the allegation of *Use of Force* to be NOT SUSTAINED, and *Tagging Evidence* to be SUSTAINED against Officer W. The CPOA and the POB found the allegation of *Misconduct* and *Profane Language* to be SUSTAINED against Detective M.

The Board discussed contacting Chief Eden to request that photos taken in incidents should be tagged electronically into evidence using a CAD number or

police report number, and that if evidence is lost, significant discipline should be handed down. Ms. Hammer recommended revising the letter to address the Lost Evidence SOP as being Sustained. Board Member Ring made a motion to accept an amended letter. Board Member Baca seconded the motion. Passed.

For: 9 - McCoy, Ring, Mohr, Waites, Wilson, Fine, Baca, Sandoval, Cruz

Co-Vice Chair Mohr made a motion that Ms. Hammer send a letter to Chief Eden requesting a change to the process of how photos are placed into evidence. Board Member McCoy seconded the motion. Passed.

For: 9 - McCoy, Ring, Mohr, Waites, Wilson, Fine, Baca, Sandoval, Cruz

**X. POLICE SHOOTING CASE – I-49-14** – In February 2014, officers were dispatched regarding a dog that was biting students. One student had been bitten prior to the officer's arrival. When the officer arrived, the dog was misbehaving, and went after another student, biting the student and dragging her to the ground. The officer pepper-sprayed the dog, and the dog ran away. A third victim informed the officer that the dog had also bitten her. Officer J. arrived on scene. There were numerous students in the vicinity that were leaving school. Because of the seriousness of the situation, the officers could not wait for Animal Control to arrive. A sergeant then gave permission for Officer J. to take down the dog. Officer J. shot the dog two times, killing the dog. The dog was reportedly rabid, foaming at the mouth, and had not been registered or had the required shots. The Acting Executive Director found that Officer J. was justified in his Use of Deadly Force. Co-Vice Chair Wilson moved to accept the letter. Board Member Ring seconded the motion. Passed.

For: 9 - McCoy, Ring, Mohr, Waites, Wilson, Fine, Baca, Sandoval, Cruz

## **XII. REPORTS FROM CITY STAFF:**

**A. Executive Director** – Acting Executive Director Hammer reported 2015 statistics as follows:

### **January 2015:**

12 new Citizen Police Complaints

20 Job Well Done Letters

11 Cases Resolved

### **February 2015:**

15 new Citizen Police Complaints

13 Job Well Done Letters

16 Cases Resolved

### **2015 to date:**

32 Citizen Police Complaints received

36 Job Well Done Letters

27 Cases Resolved

Ms. Hammer submitted to the Board the 2014 Semi-Annual and Annual Reports. Ms. Hammer reported that she had appeared on TV and spoke to public groups in the City in 2014 and 2015.

**B. SOP Update** – CPOA Investigator Paul Skotchdopole reported that the CPOA staff has had no representation on the APD Policy and Procedure Review Board regarding SOPs. However, Chief Eden has informed the CPOA that the Executive Director will be placed back on the Policy and Procedure Review Board. The online version of the SOPs are the most current version.

**C. Mayor's Staff** – No one was present to report.

**D. City Council Staff** – Policy Analyst Julian Moya welcomed the new Board and gave handouts to the Board regarding amendments to the POB Ordinance. Mr. Moya also suggested that the City Council needs to hear from the Board regarding budget issues.

**E. City Attorney's Staff** – Nicholas Bullock was present, and stood for questions.

**F. Albuquerque Police Department Report –**

Acting Lt. Medrano presented the APD report for February 2015:

APD Calls for Service: 35, 257

Internal Affair cases for February 2015

Received 10	Inactivated 0	Completed 9	Mediated 0
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Discipline imposed in February 2015

2 verbal reprimands	2 letters of reprimands
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1 8-hour suspension	1 16-hour suspension
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1 24-hour suspension	1 160-hour suspension
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1 termination

**XIII. OTHER BUSINESS** – Board Member Sandoval will be resigning due to health issues. Sandoval expressed her serious concerns about police training, recruitment, and orientation, and requested that the Board oversee hiring procedures at APD. Chairperson Waites stated that the City Council will name a replacement for Board Member Sandoval.

**XIV. ADJOURNMENT** - The next Board meeting is scheduled for April 9, 2015, at 5:00 p.m. The meeting adjourned at 6: 25 p.m.

**APPROVED:**



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**Leonard Waites, Chair**  
**Civilian Police Oversight Agency**

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DATE

CC: Julian Moya, City Council  
Trina Gurule, Acting City Clerk  
Rey Garduno, City Council President

SUBSECTION: VIII. Misconduct Complaint Intake, Investigation and Adjudication

PAGE: 55

PARAGRAPH: 162

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

162. To maintain high-level, quality service; to ensure officer safety and accountability; and to promote constitutional, effective policing, APD and the Civilian Police Oversight Agency shall ensure that all allegations of officer misconduct are received and are fully and fairly investigated; that all findings in administrative investigations are supported by a preponderance of the evidence; and that all officers who commit misconduct are held accountable pursuant to a fair and consistent disciplinary system. To achieve these outcomes, APD and the Civilian Police Oversight Agency shall implement the requirements below.

CPOA Action Plan:

Date

Completed

1. Amend written CPOA Policies and Procedures to reflect the requirements for investigative and review Procedures contained in the City's amended Police Oversight Ordinance (Ordinance) and the Settlement Agreement for the investigation of Civilian Police Complaints (CPC).
2. Report data of CPC cases reviewed and approved by Police Oversight Board.

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SUBSECTION: VIII. Misconduct Complaint Intake, Investigation and Adjudication  
(B)

PAGE: 56

PARAGRAPH: 164

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED: 1 new FTE

ESTIMATED COST: \$80,000

164. Within six months of the Effective Date, APD and the Civilian Police Oversight Agency shall develop and implement a program to ensure the Albuquerque community is aware of the Procedures to make civilian complaints against APD personnel and the availability of effective mechanisms for making civilian complaints. The requirements below shall be incorporated into this program.

CPOA Action Plan:  
Completed

Date

1. Secure funding from City Council to hire full-time Community Outreach employee and printing/design costs for Outreach materials for FY16;
2. Form an Outreach Committee of the Police Oversight Board (POB) to formulate plan to develop Outreach Programs;
3. Amend written CPOA Policies and Procedures to reflect Outreach Plan approved by POB;
4. Report Outreach efforts in required reports.

SUBSECTION: VIII. Misconduct Complaint Intake, Investigation and Adjudication  
(B)

PAGE: 56

PARAGRAPH: 165

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED: 1 new FTE Outreach Coordinator

ESTIMATED COST:

165. APD and the Civilian Police Oversight Agency shall make complaint forms and informational materials, including brochures and posters, available at appropriate government properties, including APD headquarters, Area stations, APD and City websites, City Hall, public libraries, community centers, and the office of the Civilian Police Oversight Agency. Individuals shall be able to submit civilian complaints through the APD and City websites and these websites shall include, in an identifiable and accessible form, complaint forms and information regarding how to file civilian complaints. Complaint forms, informational materials, and the APD and City websites shall specify that complaints may be submitted anonymously or on behalf of another person. Nothing in this Agreement prohibits APD from soliciting officer commendations or other feedback through the same process and methods as above.

CPOA Action Plan:  
Completed

Date

1. Amend written CPOA Policies and Procedures to reflect the requirements that CPC's maybe filed anonymously or behalf of other persons ;
2. Amend written and electronic Civilian Police Complaint forms to specify that CPC's may be submitted anonymously or on behalf of another person;
3. CPOA Outreach Coordinator shall revise brochures and create posters regarding CPOA and Civilian Police Complaint process;
4. Coordinate with APD headquarters, APD Area stations, City Hall staff, public libraries, and community centers for the placement of created brochures, posters and CPC forms;
5. Report the number of anonymous or third party Complaints in required reports.

SUBSECTION: VIII. Misconduct Complaint Intake, Investigation and Adjudication  
(B)

PAGE: 57

PARAGRAPH: 168

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

168. Complaint forms and related informational materials shall be made available and posted in English and Spanish.

CPOA Action Plan:  
Completed

Date

1. Revise City Website to include link to Spanish CPC form;
2. Translate amended Civilian Police Complaint into Spanish;
3. Provide both Spanish and English forms at locations described in Paragraph 165; and
4. Report the number of Spanish Complaints received in required reports.



SUBSECTION: VIII. Misconduct Complaint Intake, Investigation and Adjudication  
(C)

PAGE: 57

PARAGRAPH: 170

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

170. APD shall accept complaints regardless of when they are filed. The City shall encourage civilians to promptly report police misconduct so that full investigations can be made expeditiously and the full range of disciplinary and corrective action be made available.

CPOA Action Plan:  
Completed

Date

1. Specify in Brochures/Posters that persons should make their complaints as quickly as possible after incident so that Officers may be disciplined and corrective actions be taken;
2. Amend written CPOA Policies and Procedures to reflect the requirements that CPC's maybe filed and investigated regardless of when they are filed;
3. Amend written and electronic Civilian Police Complaint forms to specify that CPC's may be maybe filed and investigated regardless of when they are filed; and
4. Report the time between complaint filed date and date of incident in required reports.

SUBSECTION: VIII. Misconduct Complaint Intake, Investigation and Adjudication

PAGE: 57

PARAGRAPH: 171

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

171. The refusal to accept a misconduct complaint, discouraging the filing of a misconduct complaint, or providing false or misleading information about filing a misconduct complaint shall be grounds for discipline.

CPOA Action Plan:  
Completed

Date

1. Amend written CPOA Policies and Procedures to reflect the requirements that the CPOA is required to accept all complaints;

2. Accept and investigate complaints in which persons allege that APD employees refused to accept a misconduct complaint, or discouraged the filing of complaint or provided false or misleading information about filing a misconduct complaint.

SUBSECTION: VIII. Misconduct Complaint Intake, Investigation and Adjudication  
(C)

PAGE: 57

PARAGRAPH: 172

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

172. APD and the Civilian Police Oversight Agency shall accept all misconduct complaints, including anonymous and third-party complaints, for review and investigation. Complaints may be made in writing or verbally, in person or by mail, telephone (or TDD), facsimile, or electronic mail. Any Spanish-speaking individual with limited English proficiency who wishes to file a complaint about APD personnel shall be provided with a complaint form in Spanish to ensure that the individual is able to make a complaint. Such complaints will be investigated in accordance with this Agreement.

CPOA Action Plan:

Date Completed

1. Amend written CPOA Policies and Procedures to reflect the requirements that the CPOA is required to accept all complaints
2. Specify on Complaints and Brochures/Posters that Complaints may be made in writing or verbally, in person or by mail, telephone (or TDD), facsimile, or electronic mail;
3. Translate amended Civilian Police Complaint into Spanish;
4. Provide both Spanish and English forms at locations described in Paragraph 165

SUBSECTION: VIII. Misconduct Complaint Intake, Investigation and Adjudication  
(C)

PAGE: 58

PARAGRAPH: 174

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

174. APD and the Civilian Police Oversight Agency shall develop a system to ensure that allegations by a judicial officer of officer misconduct made during a civil or criminal proceeding are identified and assessed for further investigation. Any decision to decline investigation shall be documented.

CPOA Action Plan:

Date Completed

1. Work with City Attorney's Office/APD Legal Counsel to compose letter to Metropolitan, Second Judicial District Court, NM Court of Appeals, NM Supreme Court and New Mexico Federal judges requesting that the court notify the CPOA of any allegations of officer misconduct during a civil or criminal proceeding.

SUBSECTION: VIII. Misconduct Complaint Intake, Investigation and Adjudication  
(C)

PAGE: 58

PARAGRAPH: 175

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

175. APD and the Civilian Police Oversight Agency shall track allegations regarding misconduct involving individuals who are known to be homeless or have a mental illness, even if the complainant does not specifically label the misconduct as such.

CPOA Action Plan:

Date Completed

1. Report homelessness and mental illness through the CPOA's current CIRIS database system;
2. Request IAPro programmers to modify that database to track allegations from individuals who are known to be homeless or have a mental illness for future reports.

SUBSECTION: VIII. Misconduct Complaint Intake, Investigation and Adjudication  
(C)

PAGE: 58

PARAGRAPH: 176

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

176. Within six months of the Effective Date, the Internal Affairs Bureau, in coordination with the Civilian Police Oversight Agency, shall develop and implement centralized numbering and tracking system for all misconduct complaints. Upon the receipt of a complaint, the Internal Affairs Bureau shall promptly assign a unique numerical identifier to the complaint, which shall be provided to the complainant at the time the numerical identifier is assigned when contact information is available for the complainant.

CPOA Action Plan:

Date Completed: 11/20/14

1. Continue using the centralized numbering system in place for IA and CPC cases.



SUBSECTION: VIII. Misconduct Complaint Intake, Investigation and Adjudication  
(C)

PAGE: 58

PARAGRAPH: 177

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

177. The Internal Affairs Bureau's tracking system shall maintain accurate and reliable data regarding the number, nature, and status of all misconduct complaints, from initial intake to final disposition, including investigation timeliness and notification to the complainant of the interim status and final disposition of the investigation. This system shall be used to determine the status of complaints and to confirm that a complaint was received, as well as for periodic assessment of compliance with APD policies and Procedures and this Agreement, including requirements on the timeliness of administrative investigations.

CPOA Action Plan:

Date Completed

1. Continue to use MIRIAD and CIRIS database systems to track this data.
2. Test and then implement IAPro database program to ensure that it accurately reports information using prior data and new data.

SUBSECTION: VIII. Misconduct Complaint Intake, Investigation and Adjudication  
(D)

PAGE: 60

PARAGRAPH: 183

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

183. APD and the Civilian Police Oversight Agency shall ensure that investigations of officer misconduct complaints shall be as thorough as necessary to reach reliable and complete findings. The misconduct complaint investigator shall interview each complainant in person, absent exceptional circumstances, and this interview shall be recorded in its entirety, absent specific, documented objection by the complainant. All officers in a position to observe an incident, or involved in any significant event before or after the original incident, shall provide a written statement regarding their observations, even to state that they did not observe anything.

CPOA Action Plan:

Date Completed

1. Amend written CPOA Policies and Procedures to reflect the requirements for investigative and review Procedures the investigation of Civilian Police Complaints (CPC) to include that:

a. CPOA Investigator shall interview each complainant in person, absent exceptional circumstances, record the interview in its entirety, absent specific, documented objection by the complainant; and

b. CPOA Investigator shall obtain a written statement from all officers in a position to observe an incident, or involved in any significant event before or after the original incident, regarding their observations, even to state that they did not observe anything;

SUBSECTION: VIII. Misconduct Complaint Intake, Investigation and Adjudication  
(D)

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PARAGRAPH: 184

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

184. 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. Administrative closing or inactivation of a complaint investigation shall be used for the most minor policy violations that do not constitute a pattern of misconduct, duplicate allegations, or allegations that even if true would not constitute misconduct.

CPOA Action Plan:

Date Completed

1. Amend written CPOA Policies and Procedures to reflect the requirements for investigative and review Procedures for the investigation of Civilian Police Complaints (CPC) to include:

a. Complaints other than misconduct that may be resolved informally or through mediation;

b. The use of Administrative closing or inactivation of a complaint shall be for the most minor policy violations that do not constitute a pattern of misconduct, duplicate allegations, or allegations that even if true would not constitute misconduct.

SUBSECTION: VIII. Misconduct Complaint Intake, Investigation and Adjudication  
(D)

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PARAGRAPH: 185

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

185. APD shall require personnel to cooperate with Internal Affairs Bureau and Civilian Police Oversight Agency investigations, including appearing for an interview when requested by an APD or Civilian Police Oversight Agency investigator and providing all requested documents and evidence under the person's custody and control. Supervisors shall be notified when a person under their supervision is summoned as part of a misconduct complaint or internal investigation and shall facilitate the person's appearance, absent extraordinary and documented circumstances.

CPOA Action Plan:  
Completed

Date

1. Amend written CPOA Policies and Procedures to reflect the requirements for investigative and review Procedures for the investigation of Civilian Police Complaints (CPC) to include:

a. Notify supervisors when a person under their supervision is summoned as part of a misconduct complaint.

SUBSECTION: VIII. Misconduct Complaint Intake, Investigation and Adjudication  
(D)

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PARAGRAPH: 186

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

186. APD and the City shall develop and implement protocols to ensure that criminal and administrative investigations of APD personnel are kept appropriately separate, to protect APD personnel's rights under the Fifth Amendment. When an APD employee affirmatively refuses to give a voluntary statement and APD has probable cause to believe the person has committed a crime, APD shall consult with the prosecuting agency (e.g., District Attorney's Office or USAO) and seek the approval of the Chief before taking a compelled statement.

CPOA Action Plan:

Date Completed

1. Amend written CPOA Policies and Procedures to reflect the requirements for investigative and review Procedures for the investigation of Civilian Police Complaints (CPC) to include policies to ensure Fifth Amendment rights are given if appropriate and ensure the timely referral of potential criminal matters to IA.

SUBSECTION: VIII. Misconduct Complaint Intake, Investigation and Adjudication  
(D)

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PARAGRAPH: 187

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

187. Advisements by the Internal Affairs Bureau or the Civilian Police Oversight Agency to APD personnel of their Fifth Amendment rights shall only be given where there is a reasonable likelihood of a criminal investigation or prosecution of the subject employee.

CPOA Action Plan:  
Completed

Date

1. Amend written CPOA Policies and Procedures to reflect the requirements for investigative and review Procedures for the investigation of Civilian Police Complaints (CPC) to include:

CPOA Investigators shall give Fifth Amendment rights to subject employees only when there is a reasonable likelihood of a criminal investigation or prosecution of the subject employee.



SUBSECTION: VIII. Misconduct Complaint Intake, Investigation and Adjudication  
(D)

PAGE: 61

PARAGRAPH: 188

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

188. If at any time during misconduct complaint intake or investigation the investigator determines that there may have been criminal conduct by any APD personnel, the investigator shall immediately notify the Internal Affairs Bureau commanding officer. If the complaint is being investigated by the Civilian Police Oversight Agency, the investigator shall transfer the administrative investigation to the Internal Affairs Bureau.

CPOA Action Plan:

Date Completed

1. Amend written CPOA Policies and Procedures to reflect the requirements for investigative and review Procedures for the investigation of Civilian Police Complaints (CPC) to include:

- a. If at any time during misconduct complaint intake or investigation the investigator determines that there may have been criminal conduct by any APD personnel, the investigator shall immediately notify the Internal Affairs Bureau commanding officer. If the complaint is being investigated by the Civilian Police Oversight Agency, the investigator shall transfer the administrative investigation to the Internal Affairs Bureau.

SUBSECTION: VIII. Misconduct Complaint Intake, Investigation and Adjudication  
(D)

PAGE: 62

PARAGRAPH: 190

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

190. In each investigation, APD and the Civilian Police Oversight Agency shall consider all relevant evidence, including circumstantial, direct, and physical evidence. There will be no automatic preference for an officer's statement over a non-officer's statement, nor will APD or the Civilian Police Oversight Agency disregard a witness's statement merely because the witness has some connection to the complainant or because of any criminal history. During their investigation, APD and the Civilian Police Oversight Agency shall take into account any convictions for crimes of dishonesty of the complainant or any witness. APD and the Civilian Police Oversight Agency shall also take into account the record of any involved officers who have been determined to have been deceptive or untruthful in any legal proceeding, misconduct investigation, or other investigation. APD and the Civilian Police Oversight Agency shall make efforts to resolve material inconsistencies between witness statements.

CPOA Action Plan:

Date Completed

1. Amend written CPOA Policies and Procedures to reflect the requirements for investigative and review Procedures for the investigation of Civilian Police Complaints (CPC) to include:

- a. There will be no automatic preference for an officer's statement over a non-officer's statement, nor will APD or the Civilian Police Oversight Agency disregard a witness's statement merely because the witness has some connection to the complainant or because of any criminal history;
- b. Investigators shall take into account any convictions for crimes of dishonesty of the complainant or any witness;
- c. Investigators shall also take into account the record of any involved officers who have been determined to have been deceptive or untruthful in any legal proceeding, misconduct investigation, or other investigation.
- d. The CPOA shall make efforts to resolve material inconsistencies between witness statements.

SUBSECTION: VIII. Misconduct Complaint Intake, Investigation and Adjudication  
(D)

PAGE: 63

PARAGRAPH: 191

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

191. All administrative investigations conducted by the Internal Affairs Bureau or the Civilian Police Oversight Agency shall be completed within 90 days of the initiation of the complaint investigation. The 90-day period shall not include time for review. An extension of the investigation of up to 30 days may be granted but only if the request for an extension is in writing and is approved by the Chief. Review and final approval of the investigation, and the determination and imposition of the appropriate discipline, shall be completed within 30 days of the completion of the investigation. To the extent permitted by state and city law, extensions may also be granted in extenuating circumstances, such as military deployments, hospitalizations of the officer, and extended absences.

CPOA Action Plan:

Date Completed

1. Amend written CPOA Policies and Procedures to reflect the requirements for investigative and review Procedures for the investigation of Civilian Police Complaints (CPC) to include:

- a. Investigations shall be completed within 90 days of the initiation of the complaint investigation. The 90-day period shall not include time for review.
- b. An extension of the investigation of up to 30 days may be granted but only if the request for an extension is in writing and is approved by the Chief.
- c. Review and final approval of the investigation, and the determination and imposition of the appropriate discipline, shall be completed within 30 days of the completion of the investigation.
- d. To the extent permitted by state and city law, extensions may also be granted in extenuating circumstances, such as military deployments, hospitalizations of the officer, and extended absences.

SUBSECTION: VIII. Misconduct Complaint Intake, Investigation and Adjudication  
(D)

PAGE: 63

PARAGRAPH: 192

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

192. The APD or Civilian Police Oversight Agency investigator shall explicitly identify and recommend one of the following dispositions for each allegation of misconduct in an administrative investigation:

a) "Unfounded," where the investigation determines, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer;

b) "Sustained," where the investigation determines, by a preponderance of the evidence, that the alleged misconduct did occur;

c) "Not Sustained," where the investigation is unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred;

d) "Exonerated," where the investigation determines, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, Procedures, or training;

e) "Sustained violation not based on original complaint," where the investigation determines, by a preponderance of the evidence, that misconduct did occur that was not alleged in the original complaint but that was discovered during the misconduct investigation; or

f) "Administratively closed," where the policy violations are minor, the allegations are duplicative, or investigation cannot be conducted because of the lack of information in the complaint.

CPOA Action Plan:

Date Completed

1. Amend written CPOA Policies and Procedures to reflect the requirements for investigative and review procedures for the investigation of Civilian Police Complaints (CPC) to include the above referenced Findings and Definitions.

SUBSECTION: VIII. Misconduct Complaint Intake, Investigation and Adjudication  
(D)

PAGE: 64

PARAGRAPH: 193

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

193. Administratively closed complaints may be re-opened if additional information becomes available. The deadlines contained in Paragraph 191 shall run from when the complaint is re-opened.

CPOA Action Plan:

Date Completed

1. Amend written CPOA Policies and Procedures to reflect the requirements for investigative and review procedures for the investigation of Civilian Police Complaints (CPC) to include:

- a. Administratively closed complaints may be re-opened if additional information becomes available; and
- b. The enumerated deadlines shall run from when the complaint is re-opened.

SUBSECTION: VIII. Misconduct Complaint Intake, Investigation and Adjudication  
(D)

PAGE: 64

PARAGRAPH: 194

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

194. In addition to determining whether APD personnel committed the alleged misconduct, administrative investigations shall assess and document whether the action was in compliance with training and legal standards and whether the incident suggests the need for a change in policy, procedure, or training. In reviewing completed administrative investigations, APD shall also assess and document whether: (a) the incident suggests that APD should revise strategies and tactics; and (b) the incident indicates a need for additional training, counseling, or other non-disciplinary corrective measures. This information shall be shared with the relevant commander(s).

CPOA Action Plan:

Date Completed

1. Amend written CPOA Policies and Procedures to reflect the requirements for investigative and review procedures for the investigation of Civilian Police Complaints (CPC) to include:

- a. Investigations shall assess and document whether the subject employees' actions were in compliance with training and legal standards;
- b. Investigations shall assess and document whether the incident suggests the need for a change in policy, procedure, or training.



SUBSECTION: VIII. Misconduct Complaint Intake, Investigation and Adjudication  
(E)

PAGE: 64

PARAGRAPH: 196

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

196. The Civilian Police Oversight Agency shall review APD's anti-retaliation policy and its implementation. This review shall consider the alleged incidents of retaliation that occurred or were investigated during the reporting period, the discipline imposed for retaliation, and supervisors' performance in addressing and preventing retaliation. Following such review, the City shall modify its policy and practice, as necessary, to protect individuals, including other APD personnel, from retaliation for reporting misconduct.

CPOA Action Plan:

Date Completed

1. The Civilian Police Oversight Agency Administrative Office shall review APD's anti-retaliation policy and its implementation, considering:

- a) the alleged incidents of retaliation that occurred
- b) or were investigated during the reporting period,
- c) the discipline imposed for retaliation, and
- d) supervisors' performance in addressing and preventing retaliation.

2. The Police Oversight Board shall review the CPOA's Administrative Office review regarding the retaliation policy and make any recommendations to APD for review of their retaliation policy.

SUBSECTION: VIII. Misconduct Complaint Intake, Investigation and Adjudication  
(E)

PAGE: 64

PARAGRAPH: 197

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

197. Retaliation for reporting misconduct or for cooperating with an investigation of misconduct shall be grounds for discipline, up to and including termination of employment.

CPOA Action Plan:

Date Completed

1. Amend written CPOA Policies and Procedures to reflect the requirements for investigative and review procedures for the investigation of Civilian Police Complaints (CPC) that all CPC cases in which an allegation of retaliation for reporting misconduct or for cooperating with an investigation of misconduct was Sustained shall include a recommendation to the Chief that he should impose discipline in the case, up to and including termination of employment.

SUBSECTION: VIII. Misconduct Complaint Intake, Investigation and Adjudication  
(E)

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PARAGRAPH: 200

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:\$\$\$

200. Investigators from the Civilian Police Oversight Agency shall receive at least 40 hours of initial training in conducting misconduct investigations within one year of the Effective Date, and shall receive at least eight hours of training each year. The training shall include instruction on APD's policies and protocols on taking compelled statements and conducting parallel administrative and criminal investigations.

CPOA Action Plan:

Date Completed

1. Amend written CPOA Policies and Procedures to reflect the requirements for investigative and review procedures for CPOA Investigators to be required to receive at least 40 hours of initial training in conducting misconduct investigations within one year of the Effective Date, and shall receive at least eight hours of training each year;

2. Require the training of the CPOA Investigators to include instruction on APD's policies and protocols on taking compelled statements and conducting parallel administrative and criminal investigations;

3. Locate training courses which

SUBSECTION: D. Civilian Police Oversight Agency

PAGE: 83

PARAGRAPH: 271

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

271. The City shall implement a civilian police oversight agency ("the agency") that provides meaningful, independent review of all citizen complaints, serious uses of force, and officer-involved shootings by APD. The agency shall also review and recommend changes to APD policy and monitor long-term trends in APD's use of force.

CPOA Action Plan:

Date Completed

1. Apply amended Police Oversight Ordinance (City Code Sections 9-4-1-1, *et seq*)
  - a. Ensure mission goals are satisfied through specific provisions delineated below.
  - b. Ensure use of force is sufficiently delineated to report on serious use of forces
  - c. Ensure use of force weapon/resistance, restraints, responses are individually classified.

SUBSECTION: D. Civilian Police Oversight Agency

PAGE: 83

PARAGRAPH: 272

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

271. The City shall ensure that the agency remains accountable to, but independent from, the Mayor, the City Attorney's Office, the City Council, and APD. None of these entities shall have the authority to alter the agency's findings, operations, or processes, except by amendment to the agency's enabling ordinance..

CPOA Action Plan:

Date Completed

1. Apply the provisions of the current Police Oversight Ordinance regarding independence of the Agency. Report to Monitor any violations of such.

SUBSECTION: D. Civilian Police Oversight Agency

PAGE: 83

PARAGRAPH: 274

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

274. Within six months of their appointment, the City shall provide 24 hours of training to each individual appointed to serve on the agency that covers, at a minimum, the following topics:

- a) this Agreement and the United States' Findings Letter of April 10, 2014;
- b) the City ordinance under which the agency is created;
- c) state and local laws regarding public meetings and the conduct of public officials;
- d) civil rights, including the Fourth Amendment right to be free from unreasonable searches and seizures, including unreasonable uses of force;
- e) all APD policies related to use of force, including policies related to APD's internal review of force incidents; and
- f) training provided to APD officers on use of force.

CPOA Action Plan:

Date Completed

- 1. Create plan to train POB Members on each of the required topics of training;
- 2. Track and document training compliance for each POB Member.

SUBSECTION: D. Civilian Police Oversight Agency

PAGE: 84

PARAGRAPH: 275

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

275. The City shall provide eight hours of training annually to those appointed to serve on the agency on any changes in law, policy, or training in the above areas, as well as developments in the implementation of this Agreement.

CPOA Action Plan:

Date Completed

1. Create plan to train POB Members on changes in law, policy and development in the implementation of this Agreement;
2. Track and document training compliance for each POB Member.



SUBSECTION: D. Civilian Police Oversight Agency

PAGE: 84

PARAGRAPH: 276

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

276. The City shall require those appointed to the agency to perform at least two ride-a-longs with APD officers every six months.

CPOA Action Plan:

Date Completed

1. Assist POB Members to set up two ride-a-longs with APD every six months;
2. Track and document training compliance for each POB Member.

SUBSECTION: D. Civilian Police Oversight Agency

PAGE: 84

PARAGRAPH: 277

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

277. The City shall provide the agency sufficient resources and support to assess and make recommendations regarding APD's civilian complaints, serious uses of force, and officer involved shootings; and to review and make recommendations about changes to APD policy and long-term trends in APD's use of force.

CPOA Action Plan:

Date Completed

1. Request sufficient resources from City to accomplish required missions;
2. Notify Monitor if City Budget is inadequate.

SUBSECTION: D. Civilian Police Oversight Agency

PAGE: 84

PARAGRAPH: 278

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

278. The City shall provide the agency a dedicated budget and grant the agency the authority to administer its budget in compliance with state and local laws. The agency shall have the authority to hire staff and retain independent legal counsel as necessary.

CPOA Action Plan:

Date Completed

a. Resources provided by Ordinance.

SUBSECTION: D. Civilian Police Oversight Agency

PAGE: 84

PARAGRAPH: 279

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

279. The agency shall retain a full-time, qualified investigative staff to conduct thorough, independent investigations of APD's civilian complaints and review of serious uses of force and officer-involved shootings. The investigative staff shall be selected by and placed under the supervision of the Executive Director. The Executive Director will be selected by and work under the supervision of the agency. The City shall provide the agency with adequate funding to ensure that the agency's investigative staff is sufficient to investigate civilian complaints and review serious uses of force and officer-involved shootings in a timely manner.

CPOA Action Plan:

Date Completed

a. Resources provided by Ordinance.

SUBSECTION: D. Civilian Police Oversight Agency

PAGE: 84

PARAGRAPH: 280

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

280. The Executive Director will receive all APD civilian complaints, reports of serious uses of force, and reports of officer-involved shootings. The Executive Director will review these materials and assign them for investigation or review to those on the investigative staff. The Executive Director will oversee, monitor, and review all such investigations or reviews and make findings for each. All findings will be forwarded to the agency through reports that will be made available to the public on the agency's website.

CPOA Action Plan:

Date Completed

- a. Place reports on CPOA website.

SUBSECTION: D. Civilian Police Oversight Agency

PAGE: 85

PARAGRAPH: 281

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

281. Investigation of all civilian complaints shall begin as soon as possible after assignment to an investigator and shall proceed as expeditiously as possible.

CPOA Action Plan:

Date Completed

- a. Ensure process runs as quickly as possible.

SUBSECTION: D. Civilian Police Oversight Agency

PAGE: 85

PARAGRAPH: 282

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

282. The City shall ensure that the agency, including its investigative staff and the Executive Director, have access to all APD documents, reports, and other materials that are reasonably necessary for the agency to perform thorough, independent investigations of civilian complaints and reviews of serious uses of force and officer-involved shootings. At a minimum, the City shall provide the agency, its investigative staff, and the Executive Director access to:

- a) all civilian complaints, including those submitted anonymously or by a third party;
- b) the identities of officers involved in incidents under review;
- c) the complete disciplinary history of the officers involved in incidents under review;
- d) if requested, documents, reports, and other materials for incidents related to those under review, such as incidents involving the same officer(s);
- e) all APD policies and training; and
- f) if requested, documents, reports, and other materials for incidents that may evince an overall trend in APD's use of force, internal accountability, policies, or training.

CPOA Action Plan:

Date Completed

- a. Ensure communication and cooperation with APD to obtain salient information regarding citizen complaints.

SUBSECTION: D. Civilian Police Oversight Agency

PAGE: 85

PARAGRAPH: 283

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

283. The City shall provide reasonable access to APD premises, files, documents, reports, and other materials for inspection by those appointed to the agency, its investigative staff, and the Executive Director upon reasonable notice. The City shall grant the agency the authority to subpoena such documents and witnesses as may be necessary to carry out the agency functions identified in this Agreement.

CPOA Action Plan:

Date Completed

- a. Ensure communication and cooperation with APD to obtain salient information regarding citizen complaints.
- b. Set up a process for subpoena of documents and witnesses.



SUBSECTION: D. Civilian Police Oversight Agency

PAGE: 86

PARAGRAPH: 284

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

284. The City, APD, and the agency shall develop protocols to ensure the confidentiality of internal investigation files and to ensure that materials protected from disclosure remain within the custody and control of APD at all times.

CPOA Action Plan:

Date Completed

- a. Develop policy with APD concerning obtaining confidential materials.

SUBSECTION: D. Civilian Police Oversight Agency

PAGE: 86

PARAGRAPH: 285

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

285. The Executive Director, with approval of the agency, shall have the authority to recommend disciplinary action against officers involved in the incidents it reviews. The Chief shall retain discretion over whether to impose discipline and the level of discipline to be imposed. If the Chief decides to impose discipline other than what the agency recommends, the Chief must provide a written report to the agency articulating the reasons its recommendations were not followed.

CPOA Action Plan:

Date Completed

- a. Ensure recommendations and chief's response are properly recorded and reported.

SUBSECTION: D. Civilian Police Oversight Agency

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PARAGRAPH: 286

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

286. The findings of the Executive Director shall be documented by APD's Internal Affairs Bureau for tracking and analysis.

CPOA Action Plan:

Date Completed

- a. Report findings in IAPro.

SUBSECTION: D. Civilian Police Oversight Agency

PAGE: 86

PARAGRAPH: 287

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

287. The City shall permit complainants a meaningful opportunity to appeal the Executive Director's findings to the agency.

CPOA Action Plan:

Date Completed

- a. Appeal process provided for in Ordinance.

SUBSECTION: D. Civilian Police Oversight Agency

PAGE: 86

PARAGRAPH: 288

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

288. The agency shall make recommendations to the Chief regarding APD policy and training. APD shall submit all changes to policy related to this Agreement (i.e., use of force, specialized units, crisis intervention, civilian complaints, supervision, discipline, and community engagement) to the agency for review, and the agency shall report any concerns it may have to the Chief regarding policy changes.

CPOA Action Plan:

Date Completed

- a. Ensure recommendations and chief's response are properly recorded and reported.

SUBSECTION: D. Civilian Police Oversight Agency

PAGE: 86

PARAGRAPH: 289

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

289. For any of the agency's policy recommendations that the Chief decides not to follow, or any concerns that the agency has regarding changes to policy that Chief finds unfounded, the Chief shall provide a written report to the agency explaining any reasons why such policy recommendations will not be followed or why the agency's concerns are unfounded.

CPOA Action Plan:

Date Completed

- a. Ensure recommendations and chief's response are properly recorded and reported.

SUBSECTION: D. Civilian Police Oversight Agency

PAGE: 87

PARAGRAPH: 290

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

290. The agency shall conduct regular public meetings in compliance with state and local law. The City shall make agendas of these meetings available in advance on websites of the City, the City Council, the agency, and APD.

CPOA Action Plan:

Date Completed

- a. Conduct regular meetings and properly notice when meetings will take place.



SUBSECTION: D. Civilian Police Oversight Agency

PAGE: 87

PARAGRAPH: 291

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

291. The City shall require the agency and the Executive Director to implement a program of community outreach aimed at soliciting public input from broad segments of the community in terms of geography, race, ethnicity, and socio-economic status.

CPOA Action Plan:

Date Completed

- a. Implement community outreach in conjunction with agreement and ordinance requirements.

SUBSECTION: D. Civilian Police Oversight Agency

PAGE: 87

PARAGRAPH: 292

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

292. The City shall require the agency to submit semi-annual reports to the City Council on its activities, including:

- a) number and type of complaints received and considered, including any dispositions by the Executive Director, the agency, and the Chief;
- b) demographic category of complainants;
- c) number and type of serious force incidents received and considered, including any dispositions by the Executive Director, the agency, and the Chief;
- d) number of officer-involved shootings received and considered, including any dispositions by the Executive Director, the agency, and the Chief;
- e) policy changes submitted by APD, including any dispositions by the Executive Director, the agency, and the Chief;
- f) policy changes recommended by the agency, including any dispositions by the Chief;
- g) public outreach efforts undertaken by the agency and/or Executive Director; and
- h) trends or issues with APD's use of force, policies, or training

CPOA Action Plan:

Date Completed

- a. Ensure proper information is collected and reported.

SUBSECTION: D. Civilian Police Oversight Agency

PAGE: 87

PARAGRAPH: 293

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

293. The City shall not, through the City Attorney's office or other means, interpret the originating ordinance of the agency in any way that contradicts the provisions of this Agreement.

CPOA Action Plan:

Date Completed

- a. Ensure the ordinance and settlement agreement are harmonized.

SUBSECTION: D. Civilian Police Oversight Agency

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PARAGRAPH: 298

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

298. In addition to compliance reviews and audits, the Monitor shall conduct qualitative and quantitative assessments to measure whether implementing this Agreement has resulted in the outcomes expressed in Paragraph 294. These outcome assessments shall include collecting and analyzing the following outcome data trends and patterns:

a) use of force measurements including:

- i. number of uses of force overall and by force type, area command, type of arrest, and demographic category;
- ii. number of force complaints overall, disposition of complaints, force type, area command, and demographic category;
- iii. number of uses of force that violate policy overall and by force type, area command, type of arrest, and demographic category;
- iv. number of use of force administrative investigations supported by a preponderance of the evidence;
- v. number of officers who are identified in the Early Intervention System for which use of force is a factor, or have more than one instance of force found to violate policy;
- vi. number of injuries to officers and members of the public overall and by type, area command, and demographic category; and
- vii. ratio of use of force compared per arrest, force complaints, calls for service, and other factors that the parties deem appropriate;

b) Specialized Units:

- i. number of activations and deployments of specialized tactical units; and
- ii. number of uses of force used overall and by force type, area command, and demographic category;

c) crisis intervention measures, including the information outlined in Paragraphs 129 and 137;

d) recruitment measurements, including number of highly qualified recruit candidates;

- i. detailed summary of recruitment activities, including development and leveraging community partnerships;
- ii. the number of recruit applicants who failed to advance through the selection process after having been identified as well qualified, grouped by the reason for the failure to advance (this provision does not apply to those who fail to

- pre-qualify through APD's online recruiting or other pre-screening system);
- iii. the number of well-qualified recruit applicants who were granted any exceptions to the hiring standards, grouped by exceptions granted, and the reasons exceptions were granted;
- iv. the number of well-qualified recruit applicants with fluency in languages other than English, grouped by the specific languages spoken;
- v. the number of well-qualified recruit applicants with previous law enforcement experience, grouped by former agencies and years of service; and
- vi. the number of well-qualified recruit applicants grouped by educational level achieved or years of military service;
  - e) force investigations indicating a policy, training, or tactical deficiency;
  - f) training data, including:
    - i. number of officers trained pursuant to this Agreement, by the type of training provided; and
    - ii. training deficiencies identified through use of force investigations, the Force Review Board, civilian complaints, internal complaints, the disciplinary process, and the Civilian Police Oversight Agency;
  - g) officer assistance and support measurements, including:
    - i. availability and use of officer assistance and support services; and
    - ii. officer reports or surveys of adequacy of officer assistance and support;
  - h) supervision measurements, including initial identification of policy violations and performance problems by supervisors, and effective response by supervisors to identified problems; and
  - i) civilian complaints, internal investigations, and discipline, including:
    - i. the number of misconduct complaints, and whether any increase or decrease appears related to access to the complaint process;
    - ii. number of sustained, not sustained, exonerated, and unfounded misconduct complaints;
    - iii. number of misconduct complaint allegations supported by a preponderance of the evidence;
    - iv. number of officers who are subjects of repeated misconduct complaints, or have repeated instances of sustained misconduct complaints; and
    - v. number of criminal prosecutions of officers for on- or off-duty

CPOA Action Plan:

Date Completed

- a. Ensure proper information is collected and reported.

**Contract Tracking System****Type:** Professional/Technical Services**Subtype:****Date:****Vendor:****Originator:** Michelle Contreras**Department:** Civilian Police Oversight  
Agency**CIF #:****CN #:****Procurement #:****Requisition #:****Project #:****Amount:** \$15,000.00**AGREEMENT**

**THIS AGREEMENT** is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between the Civilian Police Oversight Agency ("CPOA") of the City of Albuquerque, New Mexico, a municipal corporation ("City"), and \_\_\_\_\_ name & address \_\_\_\_\_ ("Contractor").

**RECITALS**

**WHEREAS**, the CPOA requires legal services to include research and reports on behalf of and in service to the Civilian Police Oversight Agency (hereinafter referred to as the "CPOA"), to the Police Oversight Board (Board), the Board Chairperson, and to the CPOA Administrative Office; and

**WHEREAS**, the Contractor has the requisite specialized skill, experience and education to provide these services; and

**WHEREAS**, the CPOA desires to engage the Contractor to render certain services in connection therewith and the Contractor is willing to provide such services.

**NOW THEREFORE**, in consideration of the premises and mutual obligations herein, the parties hereto do mutually agree as follows:

1. **Scope of Services.** The Contractor shall perform the following services (hereinafter referred to as the 'Services') for the CPOA:

A. Contractor shall attend all regular, special and emergency Board meetings unless otherwise directed or authorized by the Board Chairperson or Acting Chairperson.

B. Contractor shall provide legal advice to the CPOA as requested by the Board at Board meetings, and shall review Agendas, Minutes, and other documents, materials and resolutions for the Board's use.

C. Contractor shall represent the CPOA in the courts.

D. As Directed by the Board chairperson, Contractor shall advise the Board and/or CPOA Administrative Office as to any legal matters relating to this ordinance and the CPOA's duties, responsibilities, and procedures.

E. As directed by the Board chairperson or acting chairperson, after a majority vote of the Board, shall conduct legal research and submit a written or oral report to the Board regarding the results of the research and provide a copy to the CPOA Executive Director.

F. Perform all duties in the most cost effective manner possible.

G. Refrain from contact with news media unless approved in advance by the Board chairperson or Acting chairperson, and following notice to the CPOA Executive Director.

2. **Time of Performance.** Services of the Contractor shall commence April \_\_ 2015, and shall be undertaken and completed in such sequence as to assure their expeditious completion in light of the purposes of this Agreement; provided, however, that in any event, all of the Services required hereunder shall be completed June 30, 2015.

3. **Compensation and Method of Payment.**

A. **Compensation.** For performing the Services specified in Section 1 hereof, the CPOA agrees to pay the Contractor up to the amount of Fifteen Thousand and No/100 Dollars (\$15,000.00), including any applicable gross receipts taxes and reimbursable expenses. Such amount shall constitute full and complete compensation for the Contractor's Services under this Agreement, including all expenditures made and expenses incurred by the Contractor in performing the Services.

B. **Method of Payment.** Such amount shall be payable monthly at the rate of One Hundred Eighty and No/100 Dollars (\$180.00) per hour and any applicable gross receipts taxes will be computed and added as a separate item to the billing, upon completion of the Services and upon receipt by the CPOA of properly documented requisitions for payment as determined by the budgetary and fiscal guidelines of the CPOA and on the condition that the Contractor has accomplished the Services to the satisfaction of the CPOA.

C. **Reimbursement of Expenses.** The following necessary expenses incurred in connection with the Services provided hereunder shall be reimbursed monthly, if approved by the CPOA in advance and billed at actual cost: motel, hotel, car rental, taxi, or other accommodations or modes of transportation; computer research; expert witness fees; and long distance telephone calls. Copies shall be billed at \$0.15 per page and mileage for approved in-state travel shall be billed at the current IRS mileage rates. The Contractor shall attach copies of all receipts, bills, statements and charges for which reimbursement is requested to its billing. Any applicable gross receipts taxes will be computed and added as a separate item to the billing.

D. **Time Records.** The Contractor shall maintain detailed time records which set forth each Service rendered in each matter, the person rendering such Service, the

hourly rate, the time expended in rendering such Service, and the date such service was rendered. The CPOA has the right to audit billings both before and after payment, to contest any billing or portion thereof. When the Contractor submits billings for payment pursuant to this Agreement, each billing will specify the amount billed for that reporting period and will indicate the total amount billed to that date under the terms of this Agreement.

E. **Appropriations.** Notwithstanding any provision in this Agreement to the contrary, the terms of this Agreement are contingent upon the City Council of the City of Albuquerque making the appropriations necessary for the performance of this Agreement. If sufficient appropriations and authorizations are not made by the City Council, this Agreement may be terminated at the end of the City's then current fiscal year upon written notice given by the CPOA to the Contractor. Such event shall not constitute an event of default. All payment obligations of the CPOA and all of its interest in this Agreement will cease upon the date of termination. The CPOA's decision as to whether sufficient appropriations are available shall be accepted by Contractor and shall be final.

4. **Independent Contractor.** Neither the Contractor nor its employees are considered to be employees of the City of Albuquerque for any purpose whatsoever. The Contractor is considered as an independent contractor at all times in the performance of the Services described in Section 1. The Contractor further agrees that neither it nor its employees are entitled to any benefits from the City under the provisions of the Workers' Compensation Act of the State of New Mexico, or to any of the benefits granted to employees of the City under the provisions of the Merit System Ordinance as now enacted or hereafter amended.

5. **Personnel.**

A. The Contractor represents that it has, or will secure at its own expense, all personnel required in performing all of the Services required under this Agreement. Such personnel shall not be employees of or have any contractual relationships with the CPOA or City.

B. All the Services required hereunder will be performed by the Contractor or under its supervision and all personnel engaged in the work shall be fully qualified and shall be authorized or permitted under state and local law to perform such Services.

C. None of the work or the Services covered by this Agreement shall be subcontracted without the prior written approval of the Board Chairperson or acting Board Chairperson. Any work or Services subcontracted hereunder shall be specified by written contract or Agreement and shall be subject to each provision of this Agreement.

6. **Indemnity.** The Contractor agrees to defend, indemnify and hold harmless the CPOA and the City and its officials, agents and employees from and against any and all claims, actions, suits or proceedings of any kind brought against said parties because of any injury or damage received or sustained by any person, persons or property arising out of or resulting from the Services performed by the Contractor under this Agreement or by reason of any asserted act



or omission, neglect or misconduct of the Contractor or Contractor's agents or employees or any subcontractor or its agents or employees. The indemnity required hereunder shall not be limited by reason of the specification of any particular insurance coverage in this Agreement.

7. **Insurance.** The Contractor shall procure and maintain at its expense until final payment by the CPOA and the City for Services covered by this Agreement, insurance in the kinds and amounts hereinafter provided with insurance companies authorized to do business in the State of New Mexico, covering all operations under this Agreement, whether performed by it or its agents. Before commencing the Services and on the renewal of all coverages, the Contractor shall furnish to the CPOA and the City a certificate or certificates in form satisfactory to the CPOA and the City showing that it has complied with this Section. All certificates of insurance shall provide that thirty (30) days' written notice be given to the Risk Manager, Department of Finance and Administrative Services, City of Albuquerque, P.O. Box 470, Albuquerque, New Mexico 87103, before a policy is canceled, materially changed, or not renewed. Various types of required insurance may be written in one or more policies. With respect to all coverages required other than professional liability or workers' compensation, the CPOA and the City shall be named an additional insured. All coverages afforded shall be primary with respect to operations provided. Kinds and amounts of insurance required are as follows:

A. **Commercial General Liability Insurance.** N/A

B. **Automobile Liability Insurance.** N/A

C. **Workers' Compensation Insurance.** Workers' Compensation Insurance for its employees in accordance with the provisions of the Workers' Compensations Act of the State of New Mexico.

D. **Increased Limits.** If, during the term of this Agreement, the City requires the Contractor to increase the maximum limits of any insurance required herein, an appropriate adjustment in the Contractor's compensation will be made.

8. **Discrimination Prohibited.** In performing the Services required hereunder, the Contractor shall not discriminate against any person on the basis of race, color, religion, gender, sexual preference, sexual orientation, national origin or ancestry, age, physical handicap, or disability as defined in the Americans With Disabilities Act of 1990, as now enacted or hereafter amended.

9. **ADA Compliance.** In performing the Services required hereunder, the Contractor agrees to meet all the requirements of the Americans With Disabilities Act of 1990, and all applicable rules and regulations (the 'ADA'), which are imposed directly on the Contractor or which would be imposed on the City as a public entity. The Contractor agrees to be responsible for knowing all applicable requirements of the ADA and to defend, indemnify and hold harmless the City, its officials, agents and employees from and against any and all claims, actions, suits or proceedings of any kind brought against said parties as a result of any acts or

omissions of the Contractor or its agents in violation of the ADA.

10. **Reports and Information.** At such times and in such forms as the City may require, there shall be furnished to the City such statements, records, reports, data and information, as the City may request pertaining to matters covered by this Agreement. Unless otherwise authorized by the City, the Contractor will not release any information concerning the work product including any reports or other documents prepared pursuant to this Agreement until the final product is submitted to the City.

11. **Open Meetings Requirements.** Any nonprofit organization in the City which receives funds appropriated by the City, or which has as a member of its governing body an elected official, or appointed administrative official, as a representative of the City, is subject to the requirements of § 2-5-1 et seq., R.O.A. 1994, Public Interest Organizations. The Contractor agrees to comply with all such requirements, if applicable.

12. **Establishment and Maintenance of Records.** Records shall be maintained by the Contractor in accordance with applicable law and requirements prescribed by the City with respect to all matters covered by this Agreement. Except as otherwise authorized by the City, such records shall be maintained for a period of three (3) years after receipt of final payment under this Agreement.

13. **Audits and Inspections.** At any time during normal business hours and as often as the City may deem necessary, there shall be made available to the City for examination all of the Contractor's records with respect to all matters covered by this Agreement. The Contractor shall permit the City to audit, examine, and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls, records of personnel, conditions of employment and other data relating to all matters covered by this Agreement. The Contractor understands and will comply with the City's Accountability in Government Ordinance, §2-10-1 et seq. R.O.A. 1994, and also agrees to provide requested information and records and appear as a witness in hearings for the City's Board of Ethics and Campaign Practices pursuant to Article XII, Section 8 of the Albuquerque City Charter.

14. **Publication, Reproduction and Use of Material.** No material produced in whole or in part under this Agreement shall be subject to copyright in the United States or in any other country. The City shall have unrestricted authority to publish, disclose, distribute and otherwise use, in whole or in part, any reports, data or other materials prepared under this Agreement.

15. **Compliance With Laws.** In performing the Services required hereunder, the Contractor shall comply with all applicable laws, ordinances, and codes of the federal, state and local governments.

16. **Changes.** The City may, from time to time, request changes in the Services to be performed hereunder. Such changes, including any increase or decrease in the amount of the Contractor's compensation, which are mutually agreed upon by and between the City and the

Contractor, shall be incorporated in written amendments to this Agreement.

17. **Assignability.** The Contractor shall not assign any interest in this Agreement and shall not transfer any interest in this Agreement (whether by assignment or novation), without the prior written consent of the City thereto.

18. **Termination for Cause.** If, through any cause, the Contractor shall fail to fulfill in a timely and proper manner its obligations under this Agreement or if the Contractor shall violate any of the covenants, agreements, or stipulations of this Agreement, the City shall thereupon have the right to terminate this Agreement by giving written notice to the Contractor of such termination and specifying the effective date thereof at least five (5) days before the effective date of such termination. In such event, all finished or unfinished documents, data, maps, studies, surveys, drawings, models, photographs and reports prepared by the Contractor under this Agreement shall, at the option of the City, become its property, and the Contractor shall be entitled to receive just and equitable compensation for any work satisfactorily completed hereunder.

Notwithstanding the above, the Contractor shall not be relieved of liability to the City for damages sustained by the City by virtue of any breach of this Agreement by the Contractor, and the City may withhold any payments to the Contractor for the purposes of set-off until such time as the exact amount of damages due the City from the Contractor is determined.

19. **Termination for Convenience of City.** The City may terminate this Agreement at any time by giving at least fifteen (15) days' notice in writing to the Contractor. If the Contractor is terminated by the City as provided herein, the Contractor will be paid an amount which bears the same ratio to the total compensation as the Services actually performed bear to the total Services of the Contractor covered by this Agreement, less payments of compensation previously made. If this Agreement is terminated due to the fault of the Contractor, the preceding Section hereof relative to termination shall apply.

20. **Construction and Severability.** If any part of this Agreement is held to be invalid or unenforceable, such holding will not affect the validity or enforceability of any other part of this Agreement so long as the remainder of the Agreement is reasonably capable of completion.

21. **Enforcement.** The Contractor agrees to pay to the City all costs and expenses including reasonable attorney's fees incurred by the City in exercising any of its rights or remedies in connection with the enforcement of this Agreement.

22. **Entire Agreement.** This Agreement contains the entire agreement of the parties and supersedes any and all other agreements or understandings, oral or written, whether previous to the execution hereof or contemporaneous herewith.

23. **Applicable Law.** This Agreement shall be governed by and construed and enforced in accordance with the laws of the State of New Mexico, and the laws, rules and

regulations of the City of Albuquerque.

**24. Interest of Contractor.**

A. The Contractor agrees that it presently has no direct or indirect interest and shall not acquire any direct or indirect interest which conflicts in any manner or degree with the performance of the Services required to be performed under this Agreement. The Contractor further agrees that no person having any such conflict of interest will be employed to perform the Services.

B. The Contractor hereby agrees to report to the City in writing, any situation in which the Contractor or a member of the Contractor's firm may be asserting a position contrary to that of the City. Such situation includes but are not limited to instituting suit against the City, and of its employees or departments, regardless of whether a technical conflict exists under the Canons of Ethics or Disciplinary Rules or whether the subject matter of the litigation to be instituted is related to the Contractor's representation of the City under this Agreement.

(1) Upon notification of such a conflict, the City will inform the Contractor in writing within ten (10) days of receipt of the notification that the City will or declines to waive the potential conflict. If the conflict is waived, the Contractor or firm may proceed with representation in the conflict situation, informing the City should any relevant change of circumstances occur. If waiver of the conflict is denied, the Contractor is obligated under the provisions of this Agreement to cease its efforts in the conflict situation.

(2) If the Contractor refuses to cease representation, or if the Contractor fails to notify the City of potential conflict, the City may terminate this Agreement upon one (1) day's notice. The Contractor agrees to compensate the City for any costs incurred by the City to obtain alternate representation, including but not limited to, the cost of paying substitute counsel to become familiar with the case to a level at which the Contractor withdrew from representation and attorneys fees incurred by the City in obtaining the assistance of alternate counsel.

(3) The City is entitled to withhold payment of the final billing submitted by the Contractor to cover the cost of obtaining substitute representation, as provided above. After securing alternate counsel, the City will provide a summary of costs incurred by this counsel and will pay any applicable amounts remaining due to the Contractor.

**25. Records, Pleadings, and Case File.** Records, pleadings, legal research, and the case file shall be sent to the City at the conclusion of the case. Highly confidential documents such as attorney notes and client correspondence need not be returned.

**26. Reports required.** If requested, within thirty (30) days after entering into this Agreement, the Contractor will provide the CPOA with a brief analysis of the task to be undertaken and a plan for performing the tasks under this Agreement. With regard to any litigation, this will include an assessment of the relative merits of the parties' position, and a

litigation plan, including a proposed time schedule.

At the time of submission of any billing, the Contractor will also submit to the CPOA Executive Director a status report indicating the current status of the litigation or other project which is the subject of this Agreement, a summary of the activities undertaken for which the billing is being submitted, and a plan for future activities under the Agreement which the Contractor intends to perform during the next billing cycle.

**27. Pleadings.** All documents submitted to the Court or opposing counsel shall be copied to the CPOA Executive Director. Pleadings other than routine pleadings, such as briefs and motions, will be submitted to the CPOA Executive Director for review and approval prior to filing. Failure to submit the pleadings to the CPOA Executive Director in advance of filing may constitute grounds for termination of the Agreement or for refusal to compensate the contractor for all efforts expended in preparation of the pleading. A sample of the signature line for pleadings is:

Civilian Police Oversight Agency  
City of Albuquerque  
Robin S. Hammer, Acting Executive Director  
Post Office Box 1293  
Albuquerque, New Mexico 87103  
(505) 924-3770

Name of Contract Attorney  
Address of Contract Attorney  
Albuquerque, NM

**28. Renewals.** Any continuation or renewal of this Agreement shall be the subject of further negotiations between parties.

**29. Termination by Parties.** This Agreement may be terminated by either of the parties when required by law or upon fifteen (15) days' notice of termination, whichever occurs first, or substitution of counsel. Notice of termination does not nullify obligations already incurred on the part of either party for performance or failure to perform to the date of termination, subject to the limits on total payment to be made as set forth in Paragraph 3 of this Agreement and subject to the City's entry of substituted counsel as set forth in Paragraph 4.B.(3).

**30. Approval Required.** This Agreement shall not become effective or binding until approved by the City's Executive Director of the Civilian Police Oversight Agency.

THIS SPACE INTENTIONALLY LEFT BLANK

**IN WITNESS WHEREOF**, the City and the Contractor have executed this Agreement as of the date first above written.

**CITY OF ALBUQUERQUE**

**CONTRACTOR: (name)**

Approved By:

\_\_\_\_\_  
Robin Hammer  
Acting Executive Director

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



# CITY OF ALBUQUERQUE

*Office of the Mayor/Chief Administrative Officer*



March 31, 2015

Dear CPOA Chairman Leonard Waites and Vice Chair Beth Mohr:

I am in receipt and thank you for the e-mail dated 3/13/15, from your Vice-Chairperson (attached hereto), directed to Mayor Berry regarding the Mayor's office presence at your first scheduled Police Oversight Board (POB) meeting on March 12, 2015. I think it is very important to address several points related to the Vice-Chairs comments that reflect a possible misunderstanding of several important points.

Firstly, the enabling legislation establishing the Civilian Police Oversight Agency (CPOA) and Police Oversight Board emphasizes the high degree of "Independence" that the Agency, its Board and its Director are to demonstrate. To this extent, the POB and its CPOA Independent Director's office, no longer administratively reports to the Office of the Chief Administrative Officer and otherwise are un-connected to either the executive or the legislative branch of City government. Both the Mayor and I entirely support this Independent structure. Although an agenda item entitled "City Staff Report" may have been on your agenda, to my knowledge, no one from the Mayoral administration, budget, or otherwise was contacted to attend the meeting.

The Albuquerque Police Department (APD) was present at the meeting including the attendance of several high level staff. During the past Police Oversight Commission (POC) meetings, the only representation from the Mayor's or CAO's Office was an assigned individual from constituent services.

My office made a thoughtful decision not to attend the meetings in order to provide your agency and its members an affirmation of its independence in City government. As you are aware, the scope and directive of the enabling legislation provides limited and specific authority for civilian oversight of citizen's complaints, a limited policy advisory role, and statistical analysis of certain police operations. In the past, the contour of this authority had been the subject of much debate, difference of opinion, and frankly disagreement of the role of the former Police Oversight Commission.

I certainly hope to support your agencies role, mission, and work. However, I am hopeful you and the entire board recognize and are able to navigate these previously challenging issues without interjection from the administration or city council. I do not think that interjecting the executive branch of City government through the Mayor's office would be productive or positive to that objective. To this extent, I am hopeful you can understand and appreciate our position of complete independence by the CPOA.

The correspondence reflects a misunderstanding of several matters related to the CPOA budget. Firstly, the Office of Management and Budget (OMB) did receive a budget requests from the Acting Director of CPOA on behalf of the POB and CPOA back in February 2015. The initial "Executive Budget Recommendation" typically begins using the past year's budget as a starting point and then submitting what are known as positive or negative "issue papers" to accommodate any significant structural, programmatic, or legislative changes to a department's budget. OMB and specifically their Budget analyst

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M002014

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Subject: Letter to Chairman Leonard Waites and Vice Chair Beth Mohr

March 31, 2015

(the most experienced in the City), is including \$215,000 in additional funding in FY-16 for; 1) community outreach \$89,590, 2) Outside legal contract \$ 75,000, and 3) Operating needs; travel/training \$51,000. In addition, they added funding of \$34,981 for salary forecast adjustments and other necessary expense categories of \$16,787. These budget increases exceed the 1/2% of the Albuquerque Police Department's budget as required by the new CPOA ordinance. I am enclosing copies of the CAO summary, the issue papers, and the budget worksheet Line Item/Rollup (dated: February 11, 2015). The budget increase being proposed and evidenced by these submissions increase your total funding from FY/15 \$610,357 to a budget recommendation of \$877, 874 or a 44% increase, equaling \$267,517. I would appreciate it if you could share this information with each member of the POB in order to dispel any insinuation to the contrary.

Lastly, I called and left a message with a number I had for you on Friday afternoon March 13, 2015, to discuss several of these matters. I am unsure if you received my voice mail. I had later heard that you had a personal situation that has only recently allowed you to return to POB matters and I hope you are doing well. I look forward to further discussions and to outline our position supporting your board's independence and autonomy as well as supporting the objectivity and positive nature of your important work.

I appreciate the e-mail and think quite highly of the Vice-Chair, However, I thought it best to bring these matters to your attention. I think it is important that your entire board unambiguously recognize this administration's genuine support for CPOA but also understand our position related to independence.

Thank you for your attention to this matter.

Best regards,



Rob Perry  
Chief Administrative Officer

XC:

Chief Gorden Eden, Albuquerque, Police Department  
Robin Hammer, Police Oversight Agency  
Jon Zaman, Director of Council Services

M002015



**Alvarez, Giselle M.**

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**From:** Woodward, Delaney  
**Sent:** Monday, March 16, 2015 2:55 PM  
**To:** Perry, Robert J.; Montano, Gilbert A.  
**Subject:** FW: Disappointed that the Mayor sent no City Staff to the first Police Oversight Board Meeting

Fyi.

**From:** Beth Mohr [<mailto:cabq.pob.mohr@gmail.com>]  
**Sent:** Friday, March 13, 2015 1:03 PM  
**To:** Mayor Berry  
**Subject:** Disappointed that the Mayor sent no City Staff to the first Police Oversight Board Meeting

Dear Mayor Berry,

It is difficult to express the depth of my disappointment in the fact that there was no representation from the Mayor's Office at the first Police Oversight Board (POB) meeting, which was publicly televised last night. Obviously I didn't expect you to attend, but someone from your office should have been there.

The message that the Administration appears to be sending is that the POB is not important enough to warrant any representative at all, despite the fact that there was an agenda item for City Staff to report. At the very least, there should have been someone from the Mayor's Office there to welcome the Board, thank them for their service, and stand for questions. What are your intentions with respect to the POB?

The question I would have asked City Staff, had they been present, is whether the administration plans to propose to Council a sufficiently adequate budget for the Civilian Police Oversight Agency (CPOA) and POB that will provide for both the DOJ mandated hire of a community outreach person, and the ability for the entire POB to attend the training provided for Board Members by the National Association of Civilian Oversight of Law Enforcement (NACOLE).

Currently, the Board is provided with no fewer than 72 hours of training by the APD, and a few hours of training from other City Staff, as well as ride-along assignments and tours. While I do appreciate the opportunity to receive this training from the APD, in my experience, the people responsible for causing the problem are generally not the most qualified to provide training regarding how to solve the problem. It is very important that all of the Board Members have the opportunity to receive additional training, such as the NACOLE training available this fall.

So far we have been told by the Acting CPOA Director, Robin Hammer, that due to budget constraints, we will not be provided with printed copies of any of the Board materials, we will not be provided with any food or water at the POB meetings regardless of length, there may not be money to hire independent counsel for the POB, and we will not have the opportunity for all of the Board Members and CPOA staff members to attend the NACOLE training conference.

If the Administration wants to "starve out" the POB, through lack of support and resources, this is a very good way to accomplish that goal. I am frankly disappointed that Ms. Hammer failed to submit a budget that included all of those elements, but I am requesting that your office add them through the budget hearing process.

Additionally, if your intention is to support the POB in our efforts, I would expect to see a City Staff person attending future POB meetings. The message sent by their absence at the first meeting was extremely disappointing, and is not what I've come to expect from your administration. Frankly, I assume that you were unaware that nobody had been assigned to attend, but the lack of attention is no less disappointing.

I look forward to your personal reply to this email. While I am sending this directly and solely to you at this time, I reserve the right to widen the distribution of this conversation if a reply is not forthcoming.

Respectfully yours,

Beth A. Mohr, Co-Vice Chair  
Albuquerque Police Oversight Board

NOTICE: This email may be subject to disclosure under the New Mexico Inspection of Public Records Act. Please be thoughtful when replying to or forwarding this email.

## D3922000 CA-Police Oversight

	FY14 Actual	FY15 Budget	FY16 Baseline	FY16 OMB Adjust	FY16 Dept Adjust	FY16 CAO Adjust	FY16 Council Adjust	Total
5001 Wages-Regular-Budget	321,488	400,344	426,108	0	0	0	0	426,108
5002 Wages-Temp-Budget	0	0	0	0	0	0	0	0
5003 Wages-Overtime-Budget	0	0	0	0	0	0	0	0
5144 PERA-Budget	61,052	77,712	82,704	0	0	0	0	82,704
5148 FICA-Budget	23,667	30,624	32,592	0	0	0	0	32,592
5156 Other Emp Benefits-Budget	44,714	52,452	67,044	0	0	0	0	67,044
5157 Retiree Hlth Care-Budget	6,422	8,004	8,520	0	0	0	0	8,520
5160 Educ Incentive-Budget	0	0	0	0	0	0	0	0
5162 Emp Incentive-Budget	0	0	0	0	0	0	0	0
5164 Clothing Allowance-Budget	0	0	0	0	0	0	0	0
5199 Fringe Recovery-Budget	0	0	0	0	0	0	0	0
TOTAL PERSONNEL	457,344	569,136	616,968	0	0	0	0	616,968
5205 Prof Services-Budget	0	14,500	14,500	0	0	0	0	14,500
5210 Other Services-Budget	0	2,000	2,000	0	0	0	0	2,000
5211 Electricity-Budget	0	0	0	0	0	0	0	0
5212 Natural Gas-Budget	0	0	0	0	0	0	0	0
5213 Refuse Removal-Budget	0	0	0	0	0	0	0	0
5214 Telephone-Budget	2,570	2,721	2,721	2,880	0	0	0	5,601
5215 Water & Sewer-Budget	0	0	0	0	0	0	0	0
5216 Utilities-Budget	0	0	0	0	0	0	0	0
5220 Supplies-Budget	13,238	17,500	17,500	0	0	0	0	17,500
5225 Travel-Budget	6,229	0	0	0	0	0	0	0
5230 Training-Budget	0	0	0	0	0	0	0	0
5234 Dues & Mbrships-Budget	0	500	500	0	0	0	0	500
5236 Fee Reim-Budget	0	0	0	0	0	0	0	0
5238 Repairs & Maint-Budget	1,200	0	0	0	0	0	0	0
5239 Vehicle Maint-Budget	0	0	0	0	0	0	0	0
5246 Fuels & Lub-Budget	0	0	0	0	0	0	0	0
5250 Tires & Tubes-Budget	0	0	0	0	0	0	0	0
5252 Taxes-Budget	0	0	0	0	0	0	0	0
5253 Interest on Cust Dep-Budget	0	0	0	0	0	0	0	0
5254 D/S Interest Exp-Budget	0	0	0	0	0	0	0	0
5255 D/S Agent Fees-Budget	0	0	0	0	0	0	0	0
5258 D/S Principal Repay-Budget	0	0	0	0	0	0	0	0
5262 Indemnity Clms&Jdg-Budget	0	0	0	0	0	0	0	0
5263 Medical Clms&Jdg-Budget	0	0	0	0	0	0	0	0
5271 Insurance-Budget	0	0	0	0	0	0	0	0
5275 Contractual Svcs-Budget	24,715	4,000	4,000	0	0	0	0	4,000
TOTAL OPERATING EXPENSES	47,953	41,221	41,221	2,880	0	0	0	44,101
5305 Captl-Land-Budget	0	0	0	0	0	0	0	0
5310 Captl-Bldgs&Struc-Budget	0	0	0	0	0	0	0	0
5315 Captl-Streets-Budget	0	0	0	0	0	0	0	0
5320 Captl-NonStruct Imp-Budget	0	0	0	0	0	0	0	0
5325 Captl-Auto/Buses-Budget	0	0	0	0	0	0	0	0
5330 Captl-Mach/Equip-Budget	0	0	0	0	0	0	0	0
5335 Captl-Office Furn-Budget	0	0	0	0	0	0	0	0
5338 Captl-Hardware/Software-Budget	0	0	0	0	0	0	0	0
5340 Captl-Museum Coll-Budget	0	0	0	0	0	0	0	0
5350 Captl-Police/Zoo-Budget	0	0	0	0	0	0	0	0
TOTAL CAPITAL	0	0	0	0	0	0	0	0
5910 Trfr Out-Other Funds-Budget	0	0	0	0	0	0	0	0
5920 Trfr Out-PILOT-Budget	0	0	0	0	0	0	0	0
5930 Trfr Out-IDOH-Budget	0	0	0	0	0	0	0	0
594031 Vehicle - Maintenance	0	0	0	0	0	0	0	0
594041 Vehicle - Fuel	0	0	0	0	0	0	0	0
594051 Network Charges-Expense	0	0	0	0	0	0	0	0
594061 Radio Maintenance	0	0	0	0	0	0	0	0
594071 Equipment Replacement	0	0	0	0	0	0	0	0
594105 Insurance - Workers Comp	0	0	0	0	0	0	0	0
594107 Insurance - Tort & Other Liab	0	0	0	0	0	0	0	0
594115 Insurance - Risk Recovery Plan	0	0	0	0	0	0	0	0
5950 Trfr Out-Debt Svc-Budget	0	0	0	0	0	0	0	0
5970 Trfr Out-CIP-Budget	0	0	0	0	0	0	0	0
TOTAL TRANSFERS	0	0	0	0	0	0	0	0
GRAND TOTALS	505,297	610,357	658,189	2,880	0	0	0	661,069

**CIVILIAN POLICE OVERSIGHT AGENCY  
GENERAL FUND - 110  
FY/16 PROPOSED BUDGET**

Date: 3/12/2015 Time: +

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	POS.	PERSONNEL	EXPENSES	CAPITAL	TRANSFERS	TOTAL
<b>FY/15 APPROVED BUDGET</b>						0

**TECHNICAL ADJUSTMENTS:**

Transfer in from the CAO Department	7	589,136	41,221	0	0	610,357
Salary Forecast Adjustments		34,981				34,981
OEB - Life, Unemp, Ins. Admin - .92%		5,236				5,236
Salary Accrual - 1 day		2,128				2,128
FY/15 Wage Adj. from Reserve		9,423				9,423
Telephone			159			159
Rounding						0
<b>SUBTOTAL</b>	<b>7</b>	<b>620,904</b>	<b>41,380</b>	<b>0</b>	<b>0</b>	<b>662,284</b>

<b>DEPARTMENT REQUEST</b>	<b>7</b>	<b>620,904</b>	<b>41,380</b>	<b>0</b>	<b>0</b>	<b>662,284</b>
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**EXECUTIVE DECISIONS**

**ISSUE PAPERS:**

						0
						0
						0
<b>SUBTOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**CIP COMING-ON-LINE:**

						0
<b>SUBTOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>TOTAL FY/16 PROPOSED BUDGET</b>	<b>7</b>	<b>620,904</b>	<b>41,380</b>	<b>0</b>	<b>0</b>	<b>662,284</b>
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<b>NET / PERCENT CHANGE</b>	<b>7</b>	<b>9.1%</b>	<b>0.4%</b>	<b>n/a</b>	<b>n/a</b>	<b>-8.5%</b>
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**NONRECURRING APPROPRIATIONS - INFORMATION ONLY**

						0
						0
<b>SUBTOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**ISSUE PAPERS (In Priority Order)**

1	Community Outreach	1	80,890	8,700		89,590
2	Outside Legal Council			75,000		75,000
3	Operating Needs			51,000		51,000
<b>SUBTOTAL</b>		<b>1</b>	<b>80,890</b>	<b>134,700</b>	<b>0</b>	<b>215,590</b>

**CIP COMING-ON-LINE:**

1						0
2						0
<b>SUBTOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>TOTAL DEPARTMENT REQUEST</b>	<b>8</b>	<b>701,794</b>	<b>176,080</b>	<b>0</b>	<b>0</b>	<b>877,874</b>
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**FORM 1**  
**ISSUE PAPER COST WORKSHEET**  
**FY/16**

ISSUE TITLE: Community Outreach

TOTAL ISSUE COST:

89,590

EFFECTIVE DATE TO IMPLEMENT PROPOSAL:

GOAL:

2

- ☐ Public Safety Quarter Cent Issue  
☐ Neutral Issue  
☐ Reduce one service to increase another  
☐ Increase revenues to increase service  
☐ Reallocate resources within a service  
☐ Negative Issue  
☐ CIP Coming on Line

Program Strategy Name/Number: CPOA Administration -1500001  
 Department: Civilian Police Oversight Agency  
 Fund Name/Number: General Fund - 110  
 FY/15 or FY/16 Objective (this issue is linked to):

**PURPOSE AND EXPLANATION OF ISSUE:**

The DOJ Settlement Agreement and City ordinance require the Civilian Police Oversight Agency (CPOA) to create a Community Outreach program aimed at soliciting public input from broad segments of the community in terms of geography, race, ethnicity, and socio-economic status. The City Ordinance requires the CPOA to have a full-time employee dedicated to conducting Community Outreach.

**HOW WILL CUSTOMER OR COMMUNITY CONDITIONS CHANGE?**

By creating a CPOA Community Outreach program, the CPOA will assist in building relationship between community members and the Albuquerque Police Department. This Community Outreach would educate Albuquerque citizens on the avenues available to them to address their thoughts about APD, both positive and negative, and to provide a vehicle for input to APD for suggesting changes.

**REVENUE ENHANCEMENTS**

Revenue Source	Current Rate	Total Current Revenue	Proposed Rate	Total Proposed Revenue	Approval Authority for Rate Change
Subtotal:				0	

**PERSONNEL COSTS or (SAVINGS):**

Department ID #	Position Title	Grade	Full Time?	# of hours If not FT	# of Positions	Cost (Savings) including Fringe Benefits
1510000	Community Outreach administrator	Uncl	FT	2080	1	80,890
Subtotal:					1	80,890

**NON-PERSONNEL COSTS or (SAVINGS):**

Department ID #	Account Number	Non-personnel Items Requested/Changed/Eliminated	Cost (Savings)
1510000	522000	Supplies for meetings	5,000
1510000	533000	One-time computer, data line, office needs	3,700
Subtotal:			8,700

**FORM 1**  
**ISSUE PAPER COST WORKSHEET**  
**FY/16**

ISSUE TITLE: Outside Legal Council

TOTAL ISSUE COST:

75,000

EFFECTIVE DATE TO IMPLEMENT PROPOSAL:

GOAL:

2

- ☐ Public Safety Quarter Cent Issue  
☐ Neutral Issue  
☐ Reduce one service to increase another  
☐ Increase revenues to increase service  
☐ Reallocate resources within a service  
☐ Negative Issue  
☐ CIP Coming on Line

Program Strategy Name/Number: CPOA Administration -1500001  
 Department: Civilian Police Oversight Agency  
 Fund Name/Number: General Fund - 110  
 FY/15 or FY/16 Objective (this issue is linked to):

**PURPOSE AND EXPLANATION OF ISSUE:**

Both the DOJ Settlement Agreement and City Ordinance direct the City to fund the CPOA in order for the Agency to have the ability to retain outside contract legal council as necessary. This contract independent legal counsel would provide legal advice to the CPOA when the CPOA has legal questions or concerns which may be in conflict with the City government and/or the Albuquerque Police Department. One mission of the Civilian Police Oversight Agency is to "ensure that the civilian police oversight body functions as independently as possible from the executive and legislative branches of government of the City of Albuquerque." Funding independent contract legal services conforms to this mission.

**HOW WILL CUSTOMER OR COMMUNITY CONDITIONS CHANGE?**

With the ability to retain independent contract legal services, the CPOA will accomplish its mission of autonomy and independence from the executive and legislative branches of City government.

**REVENUE ENHANCEMENTS**

Revenue Source	Current Rate	Total Current Revenue	Proposed Rate	Total Proposed Revenue	Approval Authority for Rate Change
Subtotal:				0	

**PERSONNEL COSTS or (SAVINGS):**

Department ID #	Position Title	Grade	Full Time?	# of hours if not FT	# of Positions	Cost (Savings) including Fringe Benefits
Subtotal:					0	0

**NON-PERSONNEL COSTS or (SAVINGS):**

Department ID #	Account Number	Non-personnel Items Requested/Changed/Eliminated	Cost (Savings)
1510000	520500	Contract Legal Staffing	75,000
Subtotal:			75,000



**FORM 1**  
**ISSUE PAPER COST WORKSHEET**  
**FY/16**

ISSUE TITLE: Operating Needs

TOTAL ISSUE COST:

51,000

EFFECTIVE DATE TO IMPLEMENT PROPOSAL:

GOAL:

2

- ☐ Public Safety Quarter Cent Issue  
☐ Neutral Issue  
☐ Reduce one service to increase another  
☐ Increase revenues to increase service  
☐ Reallocate resources within a service  
☐ Negative Issue  
☐ CIP Coming on Line

Program Strategy Name/Number: CPOA Administration -1500001  
 Department: Civilian Police Oversight Agency  
 Fund Name/Number: General Fund - 110  
 FY/15 or FY/16 Objective (this Issue is linked to):

**PURPOSE AND EXPLANATION OF ISSUE:**

City Ordinance encourages Police Oversight Board (POB) members to attend conferences and workshops relating to police oversight, such as the annual National Association of Civilian Oversight of Law Enforcement (NACOLE) conference at City expense depending on budget availability. Request sufficient funding to send POB members and staff to an annual NACOLE conference. City Ordinance and DOJ require the CPOA to produce several reports. Request funding for contractual staff on an as needed basis to proof and review all required reports. Currently, there are no FTE's who can fulfill the proof-reading function needed at the CPOA.

**HOW WILL CUSTOMER OR COMMUNITY CONDITIONS CHANGE?**

Through attending conferences and workshops taught by recognized experts in the police oversight field, POB members and CPOA staff will increase their knowledge of nationally accepted practices and trends in police oversight. By providing funds for temporary proofing and reviewing services, the CPOA will be able to produce the legally-mandated reports and community outreach materials to the highest professional standard.

**REVENUE ENHANCEMENTS**

Revenue Source	Current Rate	Total Current Revenue	Proposed Rate	Total Proposed Revenue	Approval Authority for Rate Change
Subtotal:				0	

**PERSONNEL COSTS or (SAVINGS):**

Department ID #	Position Title	Grade	Full Time?	# of hours if not FT	# of Positions	Cost (Savings) including Fringe Benefits
Subtotal:					0	0

**NON-PERSONNEL COSTS or (SAVINGS):**

Department ID #	Account Number	Non-personnel Items Requested/Changed/Eliminated	Cost (Savings)
1510000	520500	Professional Services	(14,500)
1510000	522500	Supplies	(4,800)
1510000	522500	Travel - Nacole Conference - 15	25,500
1510000	523500	Repairs and Maintenance - copier	4,800
1510000	527500	Contract Staffing	40,000
Subtotal:			51,000

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CIV 14-1025 RB/SMV

THE CITY OF ALBUQUERQUE,

Defendant.

**BRIEF OF *AMICUS CURIAE*  
ADMINISTRATIVE OFFICE OF THE CITY OF ALBUQUERQUE'S  
CIVILIAN POLICE OVERSIGHT AGENCY  
(FORMERLY THE INDEPENDENT REVIEW OFFICE)**



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## I. INTERESTS OF THE AMICUS

The Civilian Police Oversight Agency (“CPOA”) is an independent subdivision of the City of Albuquerque which is directly affected by the Settlement Agreement between the Department of Justice and the City of Albuquerque. On October 6, 2014, the City of Albuquerque amended its Police Oversight Ordinance, Albuquerque, NM Code §§ 9-4-1-1 (2014), *et seq*, in an effort to address concerns about the ineffectiveness of the former Police Oversight Commission. The 2014 amendment combined the Police Oversight Commission and Independent Review Office into one body, the Civilian Police Oversight Agency (CPOA). The Police Oversight Ordinance provides that the City Attorney does not represent the CPOA, with the exception of personnel matters. Albuquerque, NM Code § 9-4-1-4 (2014).

Under this amended Police Oversight Ordinance, the CPOA has several missions: to foster and perpetuate policing policies and practices that effectively maintain social order and which at the same time foster mutual trust and cooperation between police and civilians; ensure that the civilian police oversight body functions as independently as possible from the executive and legislative branches of government of the City of Albuquerque; provide civilians and police officers a fair and impartial system for the investigations and determinations on civilian police complaints; gather and analyze data on trends and potential issues concerning police conduct and practices and the related impacts on the community and individuals; and provide policy guidance to the City Council, the Mayor and the Chief of Police. Thus, the interests of the CPOA are inextricably intertwined with the issues addressed in the Settlement Agreement, and its interests were not necessarily represented by the City of Albuquerque during the negotiations of the Settlement Agreement. While the independent police oversight process was addressed in

the April 10, 2014 Findings Letter, the CPOA was not treated as an important stakeholder by either the Department of Justice or the attorney's hired by the City's administration to negotiate the Settlement Agreement, necessitating the filing of this brief.

## **II. SUMMARY OF ARGUMENT**

The Administrative Office of the CPOA has concerns about the mandates contained in the proposed Settlement Agreement (Settlement Agreement) concerning the CPOA's administrative investigation process into Civilian Police Complaints and Officer-Involved Shootings. The Settlement Agreement, for all intents and purposes, precludes mediation of Civilian Complaints. This is in direct contradiction of the City's Police Oversight Ordinance, which requires mediation to be considered as a means to resolve all Civilian Complaints. The 90-day deadline to complete all administrative investigations contained in the Settlement Agreement, fails to take into account the complex nature of Officer-Involved Shooting investigations. The Settlement Agreement requires the CPOA and APD to track whether a Civilian Complaint involves persons who have mental illness or are homeless. The CPOA frequently receives Civilian Complaints from persons who allege misconduct because APD officers said the civilian suffered from mental illness, thus making it a difficult subject to broach with many civilians. The Administrative Office of the CPOA will face great difficulty in investigating Civilian Complaints for events which took place greater than 120 days prior to the filing of the complaint. It will be also difficult to competently investigate anonymous and verbal complaints.

The CPOA currently conducts its administrative investigations in conformance with the City's Police Oversight Ordinance, APD's Standard Operating Procedures, and the City's contract with the Albuquerque Police Officer's Association ("APOA"). The Settlement Agreement is in direct contravention to the City of Albuquerque's contract with

the Albuquerque Police Officer's Association ("APOA"). The provisions of the Settlement Agreement which conflict with the APOA contract are unnecessary and will likely lead to protracted litigation. Additionally, provisions concerning the investigation of civilian complaints, including the collection of sensitive demographic information, mediation of complaints, case completion deadlines, and investigative step requirements, are at best unrealistic and at worst a thoughtlessly constructed recipe for failure. Again, these issues could have been addressed at the onset of the agreement had the CPOA been included in the negotiations.

### **III. ARGUMENT**

#### **A. The Settlement Agreement Creates Untenable Requirements and Deadlines for the CPOA Inhibiting Timely and Meaningful Civilian Police Oversight**

##### **1. The Settlement Agreement Precludes Mediation of Civilian Complaints.**

Mediation of Civilian Complaints would be precluded under the proposed Settlement Agreement. The Settlement Agreement states, "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." Settlement Agreement at ¶ 184. The Settlement Agreement defines "misconduct" as:

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; violation of the merit systems ordinance; violation of administrative rules; violation of regulations; and violation of the labor management relations laws.

Settlement Agreement at ¶ 12(dd). Under ¶ 184, Civilian Complaints could only be solved through mediation if the Civilian Complaints do not allege misconduct. The definition of misconduct contained in ¶ 12, nearly all Complaints filed would allege misconduct. This is in direct contradiction of the City's Police Oversight Ordinance §9-4-1-4(3)(a), which

requires mediation as a method to resolve Civilian Complaints to be considered first in every case. Mediation is a method in which a community member could resolve his or her dispute with an APD Officer and the Officer could better understand the civilian's concerns, creating better community/police relations, a primary goal of the Settlement Agreement.

## 2. Complex Officer-Involved Shooting Investigations Typically Take Much Longer Than 90 days to Complete.

The Settlement Agreement mandates that all administrative investigation must be completed within in 90 days:

All administrative investigations conducted by the Internal Affairs Bureau or the Civilian Police Oversight Agency shall be completed within 90 days of the initiation of the complaint investigation. The 90-day period shall not include time for review. An extension of the investigation of up to 30 days may be granted but only if the request for an extension is in writing and is approved by the Chief.

Settlement Agreement at ¶ 191. While this proposed deadline may be achievable for civilian complaints, the CPOA is also tasked with investigating Officer-Involved Shootings (OIS). There is no exception to this 90 day time limit for OIS investigations. These investigations involve many witnesses, expert testimony, forensic examinations and review of extensive amounts of evidence. Most, if not all, OIS Investigations could not be completed in the required time.

## 3. Inquiring Whether Someone Has Mental Illness From a Civilian Complainant May Further Alienate That Person From the Police

The Settlement Agreement requires APD and the CPOA to track "allegations regarding misconduct involving individuals who are known to be homeless or have a mental illness, even if the complainant does not specifically label the misconduct as such." Settlement Agreement at ¶175. The CPOA frequently receives Civilian Complaints from persons who allege misconduct because APD officers had indicated to the civilian that he

or she suffered from mental illness. Requiring APD and the CPOA to discuss this sensitive topic with persons who may or may not suffer mental illness could further victimize some persons and belay any confidence they may have in the CPOA. In addition, relying upon civilian to self-report a history of mental illness would lead to inconsistent and untrustworthy data.

4. It Will Be Difficult, and Many Times Impossible, for the CPOA to Make Any Meaningful Investigation into Anonymous, Verbal Complaints and Complaints Which Occurred Long Ago,

The Settlement Agreement requires APD to "accept complaints regardless of when they are filed." Settlement Agreement ¶ 170. Currently APD requires its officers to retain their lapel camera videos and other evidence in matters in which no criminal charges were filed for 120 days. Investigating complaints which allege misconduct greater occurring more than 120 days in the past, would be difficult to prove or disprove.

The Settlement Agreement permits the filing of verbal and anonymous complaints. Settlement Agreement ¶ 172 Anonymous complaints have not traditionally accepted: they are less reliable, with less information to conduct a meaningful investigation. This situation results in frustration for not only the civilian, but also the investigator and the Police Oversight Board, which will eventually hear the complaint and hear the findings related to those complaints. In many circumstances, verbal complaints are often angry person, who wish to vent their frustration, and do not wish a full investigation to the incident. Requiring persons to make their complaint in writing would distinguish someone who wants an investigation, versus someone who wants a sympathetic ear.

5. Requiring the CPOA to Review Criminal Histories of Complainants Could Discourage Persons From Filing Complaints Against APD

The Settlement Agreement requires the CPOA and APD to "take into account any



convictions for crimes of dishonesty of the complainant or any witness." Settlement Agreement at ¶190. Currently, the CPOA does not consider the criminal history of any complainant or witnesses, and does not typically run criminal background checks. If a civilian knew that their criminal history would be examined prior to the CPOA making a finding in their complaint, this could create a chilling effect and discourage persons from filing complaints against APD. The same paragraph also requires that an officer's prior history of truthfulness to be taken into account, which is less relevant, since all, if not nearly all, officers who have any history of dishonesty are terminated from APD.

**B. The Settlement Agreement Conflicts with the Albuquerque Police Officer's Association Contract, Making it Unclear How the CPOA Should Conduct Investigations.**

The CPOA conducts its administrative investigation into Civilian Complaints under the Police Oversight Ordinance, the APOA Contract, and will do so under the mandates of the Settlement Agreement. There are several provisions in the Settlement Agreement which conflict with the APOA Contract. The CPOA requires a finding from this Court whether these provision of the Settlement Agreement which conflict with the APOA Contract are lawful and therefore prevail as the guiding mandates for the CPOA's investigations.

The Contract Clause of the United States Constitution provides that "[n]o State shall ... pass any ... Law impairing the Obligation of Contracts." *Parela v. Retirement Bd. of Rhode Island Employees Retirement System*, 173 F.3d 46, 59 (1st Cir. 1999) citing U.S. Const. art. I, § 10, cl. 1; *See also AFSCME Council 18 v. State of N.M.*, 30,770 (N.M. Ct. App. 2013). Although the original intent of this language was to bar retroactive laws (particularly debtor relief laws) that would impair private contractual rights, the clause has long been interpreted to apply to public contracts as well. *Parela*,

173 F.3d at 59 citing *Fletcher v. Peck*, 10 U.S. 87, 137-39, 3 L.Ed. 162 (1810).

The same two-part test applies in both public and private contexts. *Parela*, 173 F.3d at 59 citing *Parker v. Wakein*, 123 F.3d 1, 4-5 (1st Cir.1997); *McGrath v. Rhode Island Retirement Bd.*, 88 F.3d 12, 16 (1st Cir.1996). A reviewing court must first decide whether a change in state law has resulted in the "substantial impairment of a contractual relationship." *Parela*, 173 F.3d at 59); see also *Parker*, 123 F.3d at 4-5. This question can be broken down into "three components: whether there is a contractual relationship, whether a change in law impairs that contractual relationship, and whether the impairment is substantial." *Parela*, 173 F.3d at 59 citing *Romein*, 503 U.S. at 196, 112 S.Ct. 1105; see also *Parker*, 123 F.3d at 5; *McGrath*, 88 F.3d at 16. If each of these three component questions is answered affirmatively, the court must determine whether the impairment is nonetheless justified as "reasonable and necessary to serve an important public purpose." *Parela*, 173 F.3d at 59. The height of the hurdles plaintiffs must overcome under each part of this test, however, depends on whether the context is public or private. *Parela*, 123 F.3d at 59. Where the state is alleged to have impaired private contractual rights, the hurdle for plaintiffs under the second part of the test will ordinarily be higher than in public contract cases, since states have broad discretion to determine whether an impairment of a private contract is reasonable or necessary. *Parela*, 173 F.3d at 59. Where the state is alleged to have impaired a public contract, at least where the impairment operates for the state's benefit, "less deference to a legislative determination of reasonableness and necessity is required, because 'the State's self-interest is at stake.'" *Parela*, 173 F.3d at 60 citing *Parker*, 123 F.3d at 5; see also *McGrath*, 88 F.3d at 16 ("[W]hen a state is itself a party to a contract, courts must scrutinize the state's asserted purpose with an extra measure of vigilance.") Under these legal standards the Settlement

Agreement violates the APOA Contract, resulting in a Contract Clause violation.

For example, the Settlement Agreement violates the APOA Contract in several areas. The APOA Contract states at §20.1.3.1: "An official complaint shall be defined as any complaint made by a citizen where the complainant provides his name, address, and telephone number and the complainant has completed a signed statement." The APOA Contract further states in §20.1.3.2 states that "unofficial complaints" are be defined as "any complaint of a non-criminal nature made by a citizen where the citizen refuses to complete a signed statement." The APOA Contract prohibits APD or the CPOA from conducting investigations into unofficial complaints of a non-criminal nature. Id. The APOA Contract requires that APD or the CPOA provided the name of the "charging officer, complainant, or citizen making the charge shall be disclosed if this information is known to the officer conducting the investigation."

As discussed above, the Settlement Agreement permits the filing of verbal and anonymous complaints. Settlement Agreement ¶ 172. The Settlement Agreement directly conflicts with the APOA Contract, which requires a civilian complainant to sign their complaint. Requiring a name for a complaint and requiring the person to be directly related to the incident are not unreasonable and serve to ensure accurate and meaningful investigations.

In a similar vein, the Settlement Agreement at ¶ 170 states: "APD shall accept complaints regardless of when they are filed." Civilian complaints can be filed even if the act complained about happened years before the complaint. This provision markedly impedes the above referenced provisions of the APOA contract by inhibiting the officer from receiving a fair investigation. Documents and video are disposed of, officer memories and witness recollections fade, and officers are left to fight allegations

with neither proof nor memory. Such an investigation bears no meaningful fruit for law enforcement improvement but instead leads to further dissatisfaction with the process from all sides. There also may be other mandates in the Settlement Agreement which conflict with the APOA Contract, those will be left to the APOA to address, if they so choose.

The first two prongs of the contracts violation test are met in this case. Thus, the question for this Court, whether at this point or in future litigation, will be to determine whether the impairment to the contract is substantial. That being said, the Administrative Office of the CPOA respectfully requests this Court to provide guidance as to which mandates when conducting administrative investigations to follow: those contained in the Settlement Agreement or those contained in the APOA contract.

#### **V. CONCLUSION**

For the reasons stated above and the reasons advanced by the CPOA, the Court should consider revising the Settlement Agreement as outlined above.

Respectfully submitted,

By: \s\ Robin S. Hammer (electronically filed)  
Robin S. Hammer, Esq.  
Administrative Office of the Civilian Police Oversight Agency  
City of Albuquerque,  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3770  
rhammer@cabq.gov  
Fax: (505) 924-3775

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing pleading was mailed this 14<sup>th</sup> day of January, 2014 to the following:

Jenica Jacobi

Acting City Attorney  
City of Albuquerque  
P.O. Box 2248  
Albuquerque, NM 87103  
(505) 924-3770  
Fax: (505) 924-3775

Scott T. Greenwood

Special Counsel to the City of Albuquerque  
312 Walnut St., Suite 1600  
Cincinnati, OH 45202  
(513) 943-4200

Ruth F. Keegan

U.S. Attorney's Office  
District of New Mexico  
P.O. Box 607  
Albuquerque, NM 87103  
(505) 346-7274

By: \s\ Robin S. Hammer

Robin S. Hammer

**From:** Hammer, Robin  
**To:** POB  
**Subject:** email test  
**Date:** Wednesday, March 18, 2015 12:46:06 PM

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Dear Board Members:

This is a test of the new email address, [POB@cabq.gov](mailto:POB@cabq.gov)

It is a means for the public to email all POB Member= at one email address. The City agreed to set up such a forwarding s=stem for Police Oversight email as part of the settlement of [ACLU v. Police Oversight Commission, Richard Shine, et al.](#)< p>

<=span>

[Please be mindful that if you respond via email to a=y member of the public, you will be using the email address you have prov=ded to receive POB email. If you have not set up a dedicated POB ema=l address, then you will be disseminating your primary email to the public.](#)

-

[Please let me know if you have any questions.](#)

-

[Thanks,](#)

[Robin](#)

<=span>

[Robin S. Hammer, =sq.](#)

[Acting Executive Director](#)

[Civilian Police Oversight Agency=/o:p>](#)

[City of Albuquerque=/p>](#)

[P.O. Box 1293](#)

[Albuquerque, NM 87103](#)

[\(505\) 924-3774](#)

[Fax: \(505\) 924-3775=/p>](#)

[=http://www.cabq.gov/cpoa](#)

-

-

**From:** Melendrez, Chris P.  
**To:** fine.joanne@yahoo.com; eric.huizar.cruz@gmail.com; molraamado@gmail.com; jybaca@icloud.com  
**Subject:** Final Package of Proposed Amendments to the Police Oversight Ordinance.  
**Date:** Wednesday, February 18, 2015 11:36:40 AM  
**Attachments:** 2015-2-11, ES O-15-38 - POB Audits; Hearing Procedures; Training; Review of Director - INTRO.docx  
2015-2-18, Benton FAs to ES O-15-38, Limiting Intent of Audit; Abbreviated Civilian Police Academy;  
Harmonizing RideAlongs - INTRO.doc

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This last round (hopefully) is intended to respond to some feedback on various issues. It adds some additional qualifier language for the "special audit" function, and propose that the ride-along requirements remain consistent in both the agreement and ordinance – the DOJ agreement requires POB members to go on two ride-alongs every six months. <=o:p>

The first document is the Floor Substitute Bill that you've already seen. The second proposes the amendments thereto as described above.

Please don't hesitate to contact me with questions.

Chris Melendrez, Esq.  
Albuquerque City Council Services < o:p>  
PO Box 1293  
Albuquerque, NM 87103  
(505) 768-3164 – office  
(505) 321-6291 – mobile

<>



# CITY of ALBUQUERQUE

## TWENTY FIRST COUNCIL

COUNCIL BILL NO. F/S 0-15-38 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Isaac Benton

1 ORDINANCE

2 AMENDING CHAPTER 9, ARTICLE 4, PART 1 ROA 1994, THE POLICE  
3 OVERSIGHT ORDINANCE

4 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
5 ALBUQUERQUE:

6 SECTION 1. Subsection (3)(b) of § 9-4-1-4 relating to the POB's audit  
7 function for civilian police complaints is amended as follows:

8 "(b) POB Audits; Access to Files. The POB may, by majority vote,  
9 perform an annual audit, or direct that an audit be performed, on a random  
10 sample of up to 10% of individual civilian police complaint investigations  
11 involving allegations of use of force~~[, or may, by a vote of two-thirds (2/3) of~~  
12 ~~the members of the POB, perform an audit, or direct that an audit be~~  
13 ~~performed, on any individual Citizen Police Complaint Investigation completed~~  
14 ~~by the Administrative Office]~~. For purposes of its audit function, the POB shall  
15 have full access to investigation files and may subpoena such documents and  
16 witnesses as relevant to its audit function. In its review of the investigation  
17 file, the POB may review *Garrity* material or confidential material only in a  
18 closed session as permitted under the New Mexico Open Meetings Act. The  
19 POB shall maintain the confidentiality of any *Garrity* material or records that  
20 are made confidential by law and is subject to the same penalties as the  
21 custodian of those records for violating confidentiality requirements. In  
22 addition to any other penalty, any POB member or other person who violates  
23 the confidentiality provisions of this section shall be removed from the POB,  
24 and shall be subject to prosecution for a misdemeanor subject to the penalty  
25 provisions set forth in § 1-1-99. Access to information that could be construed

[+Bracketed/Underscored Material+] - New  
[-Bracketed/Strikethrough Material-] - Deletion

to be covered by *Garrity* will be made available to the POB only by application in writing, and by majority vote by the POB.”

SECTION 2. Subsection (F) of § 9-4-1-5 relating to Orientation and Training of Police Oversight Board Members is amended as follows:

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

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

(a) Be trained by the CPOA staff or CPOA legal counsel on CPOA and APD rules, policies, and procedures; and

(b) Attend at least one POB meeting as an observer (except initial appointees).

(2) Required Training. Each POB member shall complete a training program within the first six months of the member’s appointment that consists, at a minimum, of the following:

(a) Completion of the APD Civilian Police Academy;

(b) Civil Rights training[, including the Fourth Amendment right to be free from unreasonable searches and seizures, including unreasonable use of force];

(c) At least two (2) APD ride-alongs;

(d) Annual firearms simulation training;

(e) Internal Affairs training;

(f) [Use of Force t T]raining [provided to APD officers on use of force], including a review and familiarization with [the all] APD [Use of Force Policy policies relating to use of force, and including policies related to APD’s internal review of force incidents];

(g) Equity and Cultural Sensitivity training;[and]

(h) [Periodic-additional training on items (b) through (f) above, or other periodic training as determined by the Mayor, City Council or the CPOA. Training on the 2014 DOJ Settlement Agreement with the City of Albuquerque (or any subsequent agreements), and Findings Letter of April 10,



1 2014 (or any subsequent findings letters);

2 (i) Training on this Police Oversight Ordinance;

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

5 (k) A briefing that identifies and explains the  
6 curriculum of all training received or to be received by APD officers, including  
7 any outside training not provided by the City.

8 (3) Required On-Going Training. POB members shall be  
9 provided with eight hours of annual training on any changes in law, policy, or  
10 training in the areas outlined under subsection 2 above, as well as  
11 developments in the implementation of the 2014 DOJ Settlement Agreement  
12 (or any subsequent agreements) until such time as the terms of the agreement  
13 are satisfied. POB members shall also participate in at least one annual police  
14 ride-along during every year of service on the POB.

15 (3)(4) Recommended Training. POB members are encouraged  
16 to attend conferences and workshops relating to police oversight, such as the  
17 annual NACOLE conference at City expense depending on budget  
18 availability."

19 SECTION 3. Subsection (l) of § 9-4-1-5 relating to Comment at Police  
20 Oversight Board Meetings is amended as follows:

21 "(l) Meetings. The POB shall conduct regularly scheduled public  
22 meetings [in compliance with the New Mexico Open Meetings Act,] with a  
23 prepared agenda that is distributed in advance to the Mayor, City Council,  
24 Police Chief, and City Attorney~~], and that complies with the New Mexico Open~~  
25 ~~Meetings Law].~~ Each POB meeting will begin with public comments ~~[and o~~  
26 Q]nly the regularly scheduled monthly meetings and special meetings held  
27 pursuant to submission of petitions will be televised live on the appropriate  
28 government access channel. All other meetings of the POB ~~[will comply with~~  
29 ~~the Open Meetings Law and]~~ shall be videotaped and aired on the appropriate  
30 government access channel; however, there is no requirement for providing  
31 live television coverage.

32 1. Public Comment. The POB shall allow general public  
33 comment at each of its meetings, and the POB shall also allow comment on

1 each of its agenda items [other than Citizen Police Complaints. The  
2 complainant or complainant's authorized representative in a Citizen Police  
3 Complaint will be provided with a minimum of five minutes to address the POB  
4 relating to the complaint and investigation]."

5 SECTION 4. Section 9-4-1-7 relating to Qualifications and Selection of the  
6 CPOA Executive Director is amended as follows:

7 "§ 9-4-1-7 CPOA DIRECTOR QUALIFICATIONS~~[-AND.]~~ SELECTION~~[,~~  
8 RETENTION AND EVALUATION]

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

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

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

23 (2) In lieu of recommending three candidates to the  
24 Council, the POB may recommend to the Council the reconfirmation of the  
25 incumbent Director. Should the Council decline to reconfirm the incumbent  
26 Director, the Council President shall notify the POB that it needs to provide  
27 the Council with three alternate candidates pursuant to the provisions of  
28 Subsection (B)(1). Should the Director not be reconfirmed, the current  
29 Director may continue to serve in the same capacity until a new Director is  
30 selected and approved by the City Council. If for ~~[some unforeseen any]~~  
31 reason there is a period of time during which there is no Director, the City  
32 Council may appoint a temporary Director of its choosing by a majority vote.  
33 A temporary Director shall serve in that capacity only for a period not to

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[-Bracketed/Strikethrough Material-] - Deletion



1 exceed six months.

2 (3) The term of the Director shall be for three (3) years.

3 Once confirmed, the Director may be removed only upon: 1) a  
4 recommendation of removal to the City Council by the affirmative vote of two-  
5 thirds (2/3) of the members of the POB; and 2) acceptance of the POB's  
6 recommendation by a simple majority vote of the City Council.

7 [(C) The POB shall annually review the performance of the Director  
8 taking into consideration the obligations and duties prescribed by this  
9 Ordinance and the performance of the Administrative Office.]”

10 SECTION 5. SEVERABILITY CLAUSE. If any section, paragraph, sentence,  
11 clause, word or phrase of this ordinance is for any reason held to be invalid or  
12 unenforceable by any court of competent jurisdiction, such decision shall not  
13 affect the validity of the remaining provisions of this ordinance. The Council  
14 hereby declares that it would have passed this ordinance and each section,  
15 paragraph, sentence, clause, word or phrase thereof irrespective of any  
16 provision being declared unconstitutional or otherwise invalid.

17 SECTION 6. COMPILATION. The ordinance amendment prescribed by  
18 SECTIONS 1, 2, 3 and 4 shall amend, be incorporated in and made part of the  
19 Revised Ordinances of Albuquerque, New Mexico, 1994.

20 SECTION 7. EFFECTIVE DATE. This ordinance shall take effect five days  
21 after publication by title and general summary.

[+Bracketed/Underscored Material+] - New  
[-Bracketed/Strikethrough Material-] - Deletion

**TWENTY FIRST CITY COUNCIL  
OF THE  
CITY OF ALBUQUERQUE  
February 18, 2015**

**FLOOR AMENDMENT NO. \_\_\_\_\_ TO BILL NO. F/S O-15-38**

**AMENDMENT SPONSORED BY COUNCILOR: Benton**

1. On Page 1, line 11 insert the following between the words "or" and "may":

**" . . . in exceptional circumstances, for the purpose of promoting an enhanced measure of quality assurance in the most challenging cases the POB . . . "**

**EXPLANATION:** With this amendment, the full sentence would read:

"The POB may, by majority vote, perform an annual audit, or direct that an audit be performed, on a random sample of up to 10% of individual civilian police complaint investigations involving allegations of use of force, or in exceptional circumstances, for the purpose of promoting an enhanced measure of quality assurance in the most challenging cases, the POB may, by a vote of two-thirds (2/3) of the members of the POB, perform an audit, or direct that an audit be performed, on any individual Citizen Police Complaint Investigation completed by the Administrative Office."

This amendment would expand the audit authority of the POB, but only in the limited circumstances as described – a super-majority would have to vote in favor of the audit.

**TWENTY FIRST CITY COUNCIL  
OF THE  
CITY OF ALBUQUERQUE  
February 18, 2015**

**FLOOR AMENDMENT NO. \_\_\_\_\_ TO BILL NO. F/S O-15-38**

**AMENDMENT SPONSORED BY COUNCILOR: Benton**

2. On Page 2, line 18 amend subparagraph 'a' as follows:

**"Completion of APD Civilian Police Academy – for purposes of this training requirement, APD shall offer an abbreviated, two-day weekend Civilian Police Academy available only to POB members."**

**EXPLANATION:** Per the Police Oversight Ordinance and the DOJ agreement, POB members are required to undergo extensive training. It's estimated that the initial training required under the DOJ agreement alone will consume approximately 24 hours. With respect to the additional training required under the Police Oversight Ordinance, it's estimated that the civilian police academy alone will take approximately 72 hours – it meets on Tuesdays and Thursdays from 6 p.m. to 9 p.m. (six hours per week) for twelve weeks with optional additional Saturday tours of APD communications, the Prisoner Transport Center, APD Museum and the Real Time Crime Center. This twelve week training program may present a significant scheduling challenge for nine new POB members, and they will be three months into their terms before completing the academy. This amendment would direct APD to prepare an abbreviated two-day weekend academy for POB members to help alleviate the initial training load.

**TWENTY FIRST CITY COUNCIL  
OF THE  
CITY OF ALBUQUERQUE**  
February 18, 2015

FLOOR AMENDMENT NO. \_\_\_\_\_ TO BILL NO. F/S O-15-38

AMENDMENT SPONSORED BY COUNCILOR: Benton

3. On Page 3, line 13, amend the sentence beginning with "POB members shall . . ." follows:

**"POB members shall also participate in at least [one  
~~annual police ride-along during every year~~ two police ride-  
alongs for every six-months] of service on the POB.**

**EXPLANATION:** Per the DOJ agreement, POB members are required to participate in two police ride-alongs for every six months of service. Although that requirement would have prevailed over a lesser requirement in this ordinance during the implementation phase, this amendment will make the ride-along requirements consistent in both the ordinance and the DOJ agreement.



**TWENTY FIRST CITY COUNCIL  
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**TWENTY FIRST CITY COUNCIL  
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**From:** Hammer, Robin  
**To:** Beth A. Mohr (CABO.POB.Mohr@gmail.com); David Z. Ring (dzt3@juno.com); Eric H. Cruz (eric.huizar.cruz@gmail.com); Eva P. Sandoval (Evaps3716@yahoo.com); Hammer, Robin; Jeannette Baca (jvbaca.pob@gmail.com); Jeffrey Scott Wilson (jswilsonnm@live.com); Joanne Fine (joannefine413@gmail.com); Leonard Waites (leonard.waites@yahoo.com); Moira Amado-McCoy (moiraamado@gmail.com)  
**Cc:** Saavedra, Sharon L.; Roseman, William G.; Slauson, Bill R.; Gonzalez, Arturo E.; Archibeque, Michael E.; Saladin, David R.  
**Subject:** FW: Basic information about Citizen Police Academy for Police Oversight Board Members  
**Date:** Friday, February 20, 2015 10:22:53 AM  
**Importance:** High

---

Dear Board Members:

&n=sp;

Below is an email from Officer Sharon Saavedra regarding the Citizen's Police Academy (CPA), which is scheduled to begin March 3. The City's Police Oversight Ordinance mandates that POB Members complete the Citizen's Police Academy within the first six months after appointment. I waited a few days to forward this information regarding the CPA because a bill was pending before the City Council this week which would have required APD to offer a weekend version of the CPA to POB Members. The bill was amended to permit APD to offer a shortened CPA, but would not require APD to do so. It is my understanding that APD will not be offering a shortened version of the CPA to POB Members at this time.

&n=sp;

Therefore, each of you need to apply on-line to Citizen's Police Academy. Here is the <http://www.cabq.gov/police/programs/citizen-police-academy>

&n=sp;

Please let me know if you have any questions.

&n=sp;

Thanks, o:p>

Robin

&n=sp;

Robin S. Hammer, Esq.

Acting Executive Director

Civilian Police Oversight Agency o:p>

City of Albuquerque p>

P.O. Box 1293

Albuquerque, NM 87103

(505) 924-3774

City Cell: (505) 205-6169 <=span>

Fax: (505) 924-3775 =/p>

<http://www.cabq.gov/cpoa>

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From: Saavedra= Sharon L.

Sent: Tuesday, February 17, 2015 2:20 PM

M002049

**To:** Hammer, Robin  
**Cc:** Archibeque, Michael E.; Saladin, David R.  
**Subject:** RE: Basic information about Citizen Police Academy  
**Importance:** High

Ms Hammer,

I am glad to announce the official start date for the 47th Citizen's Police Academy, March 3, 2015. We will now be contacting applicants from applications already received and begin the background and seating process. In order to seat at the Police Oversight Commission for the CPA, I will need their application. Could you please urge the POC to fill out their applications online at <http://www.cabq.gov/police/programs/citizen-police-academy>. Please ensure they put down the POC as their Neighborhood, community, or civic Organization so that I know they need to be in the first available class. Or have them email me when they do. Could you also please send me a list of names so that I can ensure they get in. It is also important I get these applications as soon as possible due to the high interest from the community for the CPA. I have received a large amount of applications to go through. If you have any questions please feel free to email or call me. Thank you.

**Officer Sharon Saavedra**  
**Citizen Police Academy Coordinator**  
**Albuquerque Police Department**  
**Email:** [ssaavedra@cabq.gov](mailto:ssaavedra@cabq.gov)  
**Phone:** (505) 224-6641

**From:** Hammer, Robin  
**To:** Beth Mohr; David Ring; Eric H. Cruz; Eva P. Sandoval; Hammer, Robin; Jeannette V. Baca; Joanne Fine; Leonard Waites; Molina Amado-McCoy; Scott S. Wilson  
**Subject:** FW: FY/16 General Budget Questions  
**Date:** Wednesday, April 01, 2015 1:29:31 PM  
**Attachments:** FY16\_COWGeneralDeptQuestions.docx

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Dear POB Members:=/o:p>

Attached are questions=posed by City Council to all City Departments. I will prepare = response and distribute to the entire Board. Once the CPOA receives=Specific Social Goals questions, I will forward those, as well.

Please let me know if =ou have any questions.

Thanks,  
Robin< p>

Robin S. Hammer, =sq.  
Acting Executive Director  
Civilian Police Oversight Agency=/o:p>  
City of Albuquerque=/p>  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3774  
Fax: (505) 924-3775=/p>  
=span style="color:blue"><http://www.cabq.gov/cpoa>

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**From:** Yara, St=phanie  
**Sent:** Wednesday, April 01, 2015 12:31 PM  
**To:** Perry, Robert J.; Berry, Richard J.; Riordan, Michael J.; Montan=, Gilbert A.; Zaman, Jon K.; Ambs, Peter L.; Armijo-Brasher, Jorja; Bruin,=Barbara; Casados, Trina M.; Chaplin, Doug H.; Downey, David W.; Eden, Gord=n; Gallegos, Wilfred A.; Hinde, James D.; Hoffman, Lou D.; Jacobi, Jenica L.; Leonard, Mary L.; Lubar, Suza=ne G.; Montano, Gilbert A.; Oppedahl, Gary L.; Padilla-Jackson, Olivia; Ri=era, Betty; Rizzieri, Bruce; Scott, Mary L.; Soladay, John W.; Taylor, Bar=ara L.; Yermal, Vincent A.; Benton, Isaac; Garduno, Rey; Gibson, Diane G.; Harris, Don; Jones, Trudy; Lewis, D=n P.; Pena, Klarissa J.; Sanchez, Ken; Winter, Brad D.; Hammer, Robin; Yos=imura, Debra; Pacheco, Peter J.  
**Cc:** Menicucci, Tom G.; Taylor, Nicole A.; Webb, Andrew; Aranda, Jayn= A.; Blair, Jacques B.; Correa, Mark; Cutler-Padilla, Linda; Dickson, Diol=nda R.; Manzanares, Stephanie; Pino, Patsy R.; Romero, Gerald E.; Montoya,=Donna M.  
**Subject:** FY/16 General Budget Questions

Good afternoon,

Attached are the Council's FY/16 general budge= questions for all Departments, with requested response by Friday April 10.

Specific Social Goal budget questions will be distributed on Friday April 3 (CPOA, City Clerk, Cultural Services, Economic Development, Family & Community Services, DFAS\*, Fire, Parks & Recreation, Police, Senior Affairs).

Specific Physical Goal budget questions will be distributed on Friday April 17 (Animal Welfare, Aviation, City Support, Environmental Health, Human Resources, Internal Audit, Inspector General, Legal, D=, Planning, Solid Waste, Dept. of Innovation & Technology, Transit).

Committee of the Whole meetings for the FY/16 Budget are scheduled as follows:

April 16 – Social Goal presentations

May 7- Physical Goal presentations

May 14- Budget Mark-up

Please contact me with any questions you may have. <=:p>

Thank You

Stephanie Yara, CPA, CGFM

Council Finance Officer

768-3302



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**CITY OF ALBUQUERQUE**  
**CITY COUNCIL**

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**INTEROFFICE MEMORANDUM**

**TO: Rob Perry, Chief Administrative Officer**  
**FROM: Klarissa Peña, Chair, Committee of the Whole**  
**SUBJECT: General Questions Concerning Department FY/16 Budget Request**  
**DATE: April 1, 2015**

---

General questions impacting all City Departments for the FY/16 budget are listed below. The Council requests the written responses to these questions by 5:00 p.m. on Friday, April 10, 2015, so that members can review the information. Please provide 13 collated, three-hole punched, but *not* stapled copies of your statement. Repeat the questions in their entirety in your responses. Also, please send a pdf copy of your responses to Stephanie Yara at [syara@cabq.gov](mailto:syara@cabq.gov); call Stephanie at 768-3302 with any questions you may have regarding this request.

Thank you in advance for your assistance.

**General Department Questions Concerning FY/16 Budget.**

1. Please provide an organizational chart for the proposed FY/16 budget that includes the name, position title, grade (e.g. M-13) and fund number for each permanent full-time and part-time employee. Include vacant positions. Please identify on each page the name of the division, program and activity.
2. Please provide a list showing positions that are being filled by temporary employees including part-time, student interns, seasonal, and contract workers. Do not include temporary employees hired through Koosharem, ATA, etc. The chart should indicate the position title, grade, funding source and number of employees per job code.
3. Please provide, in table format, a listing of positions in the department by division that are filled (or planned to be filled) with temporary contractual workers for FY/15 and FY/16. Include in the table, per fiscal year, the number of employees, position/job duty, the amount paid, the funding source and the contracting agency (Select Staffing, Adecco, etc.). Please provide detail of the amounts paid to the contracting agency and the temporary worker (contractor's mark-up).

4. What are the fees charged by your department for FY/15? What will be the fees for FY/16 and what is the revenue impact? Are there any fees which could be increased? What would the revenue impact of the increase be?
5. Itemize the grants (excluding State Capital Outlay) received by your department in FY/15 to date, along with sources, amounts and grant periods. Indicate revenues from each of these grants. Please provide a list of all anticipated grants in FY/16 and the estimated amount for each grant.
6. Please provide in two tables a listing of: a) contractual services; and, b) professional/technical contracts, which were in effect in FY/15 and which are proposed for FY/16. The tables should include the name of the contractor, the service provided or to be provided, the amount of the contract and the source of the funds. This list is to include contracts paid for from all non-capital funding sources.

cc: Mayor Richard Berry  
All City Councilors  
Jon Zaman, Director, Council Services  
Michael Riordan, Chief Operating Officer  
Gilbert Montañó, Chief of Staff/Deputy Chief Administrative Officer  
All Department Directors  
Gerald Romero, Budget Officer

**From:** Hammer, Robin  
**To:** Beth Mohr; David Ring; Eric H. Cruz; Eva P. Sandoval; Hammer, Robin; Jeannette V. Baca; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Scott S. Wilson  
**Subject:** FW: Per capita mental health spending  
**Date:** Wednesday, March 25, 2015 10:02:15 AM

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Dear POB Members:

At last evening's Citizens Police Academy, Beth Mohr referenced New Mexico's low per capita mental health spending. Beth requested that I send the link to the information to which she referred:

<http://kff.org/other/state-indicator/smha-expenditures-per-capita/>

Regards,  
Robin

**Robin S. Hammer, Esq.**  
Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3774  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>



send you wish me to send POB emails.

Under the City Ordinance, all regularly scheduled PO= Meetings must be televised live. We meet in City Council Chambers on the =econd Thursday of every month beginning at 4 pm, and are televised live on=GovTV. We need to conduct our initial training by the regularly scheduled meeting date, March 12, 2015.

I would like to meet with you in the next week or so=to introduce myself and to answer any questions you may have. Please=let me know when would be a good time for us to get together. I look=forward to working with you.

All the best,  
Robin Hammer

Robin S. Hammer, =sq.  
Acting Executive Director  
Civilian Police Oversight Agency=/o:p>  
City of Albuquerque=/p>  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3770  
Fax: (505) 924-3775=/p>  
=ttp://www.cabq.gov/cpoa

**Civilian Police Oversight Agency  
POLICE OVERSIGHT BOARD  
February 2015**

**Civilian Police Oversight Agency Administrative Staff: (505) 924-3770**

**Robin S. Hammer, Esq., Acting Executive Director and Lead Investigator**  
rhammer@cabq.gov  
(505) 924-3774  
City Cell: (505) 205-6169

**Michelle Contreras, Senior Administrative Assistant**  
mcontreras@cabq.gov  
(505) 924-3771

**Paul Skotchdopole, Assistant Lead Investigator**  
**Diane McDermott, Investigator**  
**Christopher Davidson, Investigator**  
**Erin O'Neil, Investigator**  
**Paul Cash, Analyst**

Physical Address:  
Plaza del Sol Building  
600 2nd Street, Suite 813  
Albuquerque, NM 87102

Mailing Address:  
CPOA  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103

## **REQUIRED TRAINING FOR POLICE OVERSIGHT BOARD MEMBERS**

### **I. AMENDED CITY POLICE OVERSIGHT ORDINANCE, SECTION 9-4-1-1, et seq**

**City Ordinance § 9-4-1-5 (F)** Police Oversight Board (POB) Orientation and Training. Upon appointment or reappointment POB members shall complete an orientation and training program (**4 hours**) consisting of the following:

- (1) Required Orientation. Prior to participation in any meeting of the POB, a newly appointed member must first:
  - (a) Be trained by the CPOA staff or CPOA legal counsel on CPOA and APD rules, policies, and procedures; and
  - (b) Attend at least one POB meeting as an observer (except initial appointees).
- (2) Required Training. Each POB member shall complete a training program within the first **six months** of the member's appointment that consists, at a minimum, of the following:

- (a) Completion of the APD Citizen Police Academy; (**12 week course, scheduled by APD**)
- (b) Civil Rights training; (**1.5 hours**)
- (c) At least two (2) APD ride-a-longs; (**min 8 hours, max 16 hours**)
- (d) Annual firearms simulation training [FATS]; (**2 hours**)
- (e) Internal Affairs training; (**included in Citizen Police Academy**)
- (f) Use of Force training, including a review and familiarization with the APD Use of Force Policy; (**included in initial training and Citizen Police Academy**)
- (g) Equity and Cultural Sensitivity training (**1 hour**); and
- (h) Periodic additional training on items (b) through (g) above, or other periodic training as determined by the Mayor, City Council or the CPOA.

### **II. DOJ SETTLEMENT AGREEMENT**

¶ 274. Within **six months** of their appointment, the City shall provide **24 hours** (see **below for breakdown**) of training to each individual appointed to serve on the POB that covers, at a minimum, the following topics:

- a) this [Settlement] Agreement and the United States' Findings Letter of April 10, 2014;
- b) the City ordinance under which the agency is created;
- c) state and local laws regarding public meetings and the conduct of public officials;
- d) civil rights, including the Fourth Amendment right to be free from unreasonable searches and seizures, including unreasonable uses of force;
- e) all APD policies related to use of force, including policies related to APD's internal review of force incidents; and



f) training provided to APD officers on use of force.

¶ 275: The City shall provide **eight hours** of training **annually** to those appointed to serve on the POB on any changes in law, policy, or training in the above areas, as well as developments in the implementation of this Agreement.

¶ 276: The City shall require those appointed to the POB to perform at least **two ride-alongs** with APD officers every **six months**.

Type of Training	Hours
Initial Board Member Training, including Findings Letter, City Ordinance, IPRA, Open Meetings Acts, APD policies related to use of force, and policies related to APD's internal review of force incidents	<b>4 hours</b>
Citizen Police Academy	<b>12 week course--time and duration set by APD Academy/Training Division</b>
Civil Rights Training	<b>1.5 hours</b>
APD Ride-a-Longs (2 every 6 months)	2 ride-a-long: 4 hrs minimum, 8 hrs maximum each- <b>8 hours (up to 16 hours)</b>
Equity and Cultural Sensitivity training	<b>1 hour</b>
Firearms Training(FATS)	<b>2 hours</b>
<b>Total</b>	<b>28.5-36.5 hours + 12 week Citizen Police Academy course</b>

# CITY of ALBUQUERQUE

## TWENTY FIRST COUNCIL

COUNCIL BILL NO. F/S(3) O-14-13

ENACTMENT NO. 0-2014-019

SPONSORED BY: Rey Garduño & Brad Winter

### ORDINANCE

AMENDING CHAPTER 9, ARTICLE 4, PART 1 ROA 1994, THE POLICE  
OVERSIGHT ORDINANCE, TO ABOLISH THE POLICE OVERSIGHT  
COMMISSION AND ESTABLISH THE CIVILIAN POLICE OVERSIGHT AGENCY  
WITH NEW OR AMENDED DUTIES, QUALIFICATIONS AND  
RESPONSIBILITIES, AND ADOPTING RELATED AMENDMENTS DEALING  
WITH THE CIVILIAN POLICE OVERSIGHT AGENCY AND THE INTERNAL  
REVIEW OFFICE.  
BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
ALBUQUERQUE:

SECTION 1. SECTION 9-4-1 IS HEREBY AMENDED AS FOLLOWS:

"PART 1: CIVILIAN POLICE OVERSIGHT AGENCY

§ 9-4-1-1 SHORT TITLE.

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

§ 9-4-1-2 PURPOSE.

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

(A) Foster and perpetuate policing policies and practices that  
effectively maintain social order and which at the same time foster mutual  
trust and cooperation between police and civilians;

(B) Ensure that the civilian police oversight body functions as  
independently as possible from the executive and legislative branches of  
government of the City of Albuquerque;

(C) Provide civilians and police officers a fair and impartial system  
for the investigations and determinations on civilian police complaints;

(D) Gather and analyze data on trends and potential issues

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1 concerning police conduct and practices and the related impacts on the  
2 community and individuals; and

3 (E) Provide policy guidance to the City Council, the Mayor and the  
4 Chief of Police.

5 § 9-4-1-3 LEGISLATIVE FINDINGS.

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

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

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

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

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

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

31 § 9-4-1-4 ESTABLISHMENT OF A CIVILIAN POLICE OVERSIGHT AGENCY.

32 There is hereby created a Civilian Police Oversight Agency (the  
33 "CPOA") as an independent agency of City Government, not part of either the

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1 City Administration or City Council that consists of a Police Oversight Board  
2 (the "POB") and an Administrative Office led by the CPOA Executive Director.  
3 In addition to any other duties, the Administrative Office, through the  
4 Executive Director and staff, shall investigate all civilian complaints relating to  
5 police conduct, monitor and report on police internal affairs matters, provide  
6 staffing to the POB, and manage the day to day operations of the CPOA. The  
7 POB shall provide policy guidance for, and civilian oversight of the  
8 Albuquerque Police Department and review and approve or amend the  
9 findings and conclusions of all investigations completed by the Administrative  
10 Office.

11 (A) Independence. The CPOA is independent of the Mayor's  
12 Office, the City Council, and the Albuquerque Police Department with respect  
13 to the performance of its oversight role and duties under this ordinance.

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

18 (2) Budget. The CPOA shall have a dedicated and  
19 independent source of funding equal to, at a minimum, ½% of APD's annual  
20 operation budget, administer its own budget and supervise its own staff in  
21 compliance with the City's Merit Ordinance and contractual services policies  
22 and procedures. The CPOA shall recommend and propose its budget to the  
23 Mayor and City Council during the City's budget process to carry out the  
24 powers and duties under §§ 9-4-1-1 through 9-4-1-14, including the funding for  
25 staff, and all necessary operating expenses.

26 (3) Professional Legal Services. The CPOA may retain or  
27 employ independent legal counsel on a contractual basis to advise and  
28 represent the CPOA. If so retained, the CPOA's legal counsel shall represent  
29 the CPOA in the courts, and shall advise the CPOA as to any legal matters  
30 relating to this ordinance and the CPOA's duties, responsibilities, and  
31 procedures except for CPOA personnel matters which shall remain under the  
32 authority of the City Attorney's Office.

33 (4) Applicability of City Policies and Ordinances. The CPOA



1 shall comply with all City ordinances and policies dealing with administrative  
2 functions including but not limited to those dealing with personnel, the merit  
3 system, and procurements.

4 (B) Staff. The CPOA shall employ such staff as necessary to carry  
5 out its functions as prescribed by this Article, including but not limited to an  
6 executive director, professional investigative staff and other staff as may be  
7 necessary, subject to budget sufficiency and City personnel policies and  
8 procedures.

9 (C) Responsibilities. The Civilian Police Oversight Agency is  
10 responsible for civilian police oversight and has the following powers and  
11 duties:

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

20 (2) Promotion of Accountability. The CPOA shall promote a  
21 spirit of accountability and communication between the civilians and the  
22 Albuquerque Police Department while improving community relations and  
23 enhancing public confidence.

24 (3) Investigations. The Administrative Office shall  
25 independently investigate all civilian complaints; shall audit and monitor all  
26 incidences of use of force by police and all matters under investigation by  
27 APD's Internal Affairs (IA); and shall prepare proposed findings and  
28 recommendations on all officer involved shootings. All complaints filed by  
29 police officers will be investigated by Internal Affairs. Internal Affairs shall  
30 provide a weekly update to the Director on all open internal investigations. The  
31 Director's investigation report and findings shall indicate whether within the  
32 past year there were any IA investigations or supervisor generated complaints  
33 against the officer(s) involved in the incident being investigated or that are

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1 otherwise relevant to the subject matter of the investigation, the general  
2 nature of the prior investigations or complaints, and whether they resulted in  
3 any discipline. Redacted personnel records including those of the Internal  
4 Affairs Unit shall be made available to the POB on demand. Access to  
5 information that could be construed to be covered by *Garrity* will be made  
6 available to the POB only by application in writing, and by majority vote by the  
7 POB.

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

11 (b) POB Audits; Access to Files. The POB may,  
12 by majority vote, perform an annual audit, or direct that an audit be performed,  
13 on a random sample of up to 10% of individual civilian police complaint  
14 investigations involving allegations of use of force. For purposes of its audit  
15 function, the POB shall have full access to investigation files and may  
16 subpoena such documents and witnesses as relevant to its audit function. In  
17 its review of the investigation file, the POB may review *Garrity* material or  
18 confidential material only in a closed session as permitted under the New  
19 Mexico Open Meetings Act. The POB shall maintain the confidentiality of any  
20 *Garrity* material or records that are made confidential by law and is subject to  
21 the same penalties as the custodian of those records for violating  
22 confidentiality requirements. In addition to any other penalty, any POB  
23 member or other person who violates the confidentiality provisions of this  
24 section shall be removed from the POB, and shall be subject to prosecution  
25 for a misdemeanor subject to the penalty provisions set forth in § 1-1-99.  
26 Access to information that could be construed to be covered by *Garrity* will be  
27 made available to the POB only by application in writing, and by majority vote  
28 by the POB.

29 (c) Disciplinary Recommendations. The POB  
30 may, in its discretion, recommend officer discipline from the Chart of  
31 Sanctions for investigations that result in sustained civilian police complaints;  
32 and may also recommend discipline based on any findings that result from  
33 review of internal affairs investigations, including but not limited to officer

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1 involved shootings. Imposition of the recommended discipline is at the  
2 discretion of the Chief of Police, but if the Chief of Police does not follow the  
3 disciplinary recommendation of the POB, the Chief of Police shall respond in  
4 writing, within thirty (30) days, with the reason as to why the recommended  
5 discipline was not imposed.

6 (4) Reports to Mayor & Council. The CPOA shall submit a  
7 semi-annual written report to the Mayor and City Council according to § 9-4-1-  
8 10 herein. The CPOA Executive Director shall provide a quarterly oral report to  
9 the City Council at a regular or special meeting.

10 (5) CPOA Policy Recommendations. The CPOA shall  
11 engage in a long-term planning process through which it identifies major  
12 problems or trends, evaluates the efficacy of existing law enforcement  
13 practices in dealing with the same, and establishes a program of resulting  
14 policy suggestions and studies each year. The CPOA's policy  
15 recommendation process shall be as follows:

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

23 (b) The Chief of Police shall respond in writing within  
24 forty-five (45) days to any such policy recommendations by the CPOA, and  
25 indicate whether they will be followed through standard operating procedures  
26 or should be adopted as policy by the City Council, or explain any reasons  
27 why such policy recommendations will not be followed or should not be  
28 adopted.

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

33 § 9-4-1-5 THE CPOA POLICE OVERSIGHT BOARD

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1           (A)    **Composition.** The POB shall be composed of nine at-large  
2   members who broadly represent the diversity and demographics of the City by  
3   way of, including but not limited to, cultural, gender and geographic diversity;  
4   and who are representative of the stakeholders of the police oversight  
5   process, and who reside within the City of Albuquerque.

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

9                   (1)    Have not been employed by law enforcement for one  
10   year prior to appointment; and

11                   (2)    Successfully pass a background check; and

12                   (3)    Personal history lacking any pattern of unsubstantiated  
13   complaints against APD; and

14                   (4)    A demonstrated ability to engage in mature, impartial  
15   decision making; and

16                   (5)    A commitment to transparency and impartial decision  
17   making; and

18                   (6)    Residency within the City of Albuquerque.

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

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

31           (E)    **Removal of Members.** Any POB member may be removed for  
32   cause by a two-thirds majority vote of either the POB itself or the City Council.  
33   The appointment of any member who has been absent and not excused from

1 three consecutive regular or special meetings shall automatically expire  
2 effective on the date the fact of such absence is reported by the POB to the  
3 City Clerk. The City Clerk shall notify any member whose appointment has  
4 automatically terminated and report to the City Council that a vacancy exists  
5 requiring an appointment for the length of the unexpired term.

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

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

11 (a) Be trained by the CPOA staff or CPOA legal  
12 counsel on CPOA and APD rules, policies, and procedures; and

13 (b) Attend at least one POB meeting as an observer  
14 (except initial appointees).

15 (2) Required Training. Each POB member shall complete a  
16 training program within the first six months of the member's appointment that  
17 consists, at a minimum, of the following:

18 (a) Completion of the APD Civilian Police Academy;

19 (b) Civil Rights training;

20 (c) At least two (2) APD ride-alongs;

21 (d) Annual firearms simulation training;

22 (e) Internal Affairs training;

23 (f) Use of Force training, including a review and

24 familiarization with the APD Use of Force Policy;

25 (g) Equity and Cultural Sensitivity training; and

26 (h) Periodic additional training on items (b) through

27 (g) above, or other periodic training as determined by the Mayor, City Council  
28 or the CPOA.

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

32 (G) Chair. The POB shall elect one of its members as the  
33 Chairperson and one as Vice-Chairperson, who shall each hold office for one

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1 year and until their successors are elected. No officer shall be eligible to  
2 immediately succeed himself or herself in the same office. Officers shall be  
3 elected in the month of March of each calendar year or upon vacancy of an  
4 office to fill the remaining term.

5 (H) Subcommittees. The POB may appoint such subcommittees  
6 as are deemed necessary or desirable for the purposes of §§ 9-4-1-1 through  
7 9-4-1-14, provided that, membership on such subcommittees shall be limited  
8 to POB members.

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

19 1. Public Comment. The POB shall allow general public  
20 comment at each of its meetings, and the POB shall also allow comment on  
21 each of its agenda items.

22 § 9-4-1-6 CPOA ADMINISTRATIVE OFFICE.

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

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

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

30 (2) Review and monitor all Internal Affairs investigations  
31 including but not limited to officer involved shooting investigations. The  
32 Director shall prepare and submit findings and recommendations to the POB  
33 relating to officer involved shootings, and shall report on general trends and

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1 issues identified through monitoring or auditing of Internal Affairs;

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

5 (C) The Administrative Office will receive and process all civilian  
6 complaints directed against the Albuquerque Police Department and any of its  
7 officers. The Director shall independently investigate and make findings and  
8 recommendations for review by the POB for such civilian complaints, or  
9 assign them for independent investigation by CPOA staff or an outside  
10 independent investigator. If assigned to staff or an outside investigator, the  
11 Director shall oversee, monitor and review all such investigations and findings  
12 for each. All findings relating to civilian complaints and police shootings shall  
13 be forwarded to the POB for its review and approval. For all investigations,  
14 the Director shall make recommendations and give advice regarding Police  
15 Department policies and procedures to the POB as the Director deems  
16 advisable.

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

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

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

31 (4) The Director shall monitor all claims of excessive force  
32 and police shootings. No APD related settlements in excess of \$25,000 shall  
33 be made for claims without the knowledge of the Director. The Director shall

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1 be an ex-officio member of the Claims Review Board; and

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

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

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

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

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

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

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

29 § 9-4-1-7 CPOA DIRECTOR QUALIFICATIONS AND SELECTION.

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

33 (B) The Director will be a full-time contractual City employee to be

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1 selected as follows:

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

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

23 (3) The term of the Director shall be for three (3) years.  
24 Once confirmed, the Director may be removed only upon: 1) a  
25 recommendation of removal to the City Council by the affirmative vote of two-  
26 thirds (2/3) of the members of the POB; and 2) acceptance of the POB's  
27 recommendation by a simple majority vote of the City Council.

28 § 9-4-1-8 CIVILIAN COMPLAINT PROCEDURES.

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

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1 civilians' complaints against members of the police department. Anonymous  
2 complaints shall be accepted.

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

8 (C) After the investigation of a civilian complaint is completed, the  
9 Director shall analyze all relevant and material circumstances, facts and  
10 evidence gathered under the investigation. For each investigation, the Director  
11 shall prepare investigation reports with proposed findings and  
12 recommendations and submit them to the POB for its review and  
13 consideration. The Director may share any disciplinary recommendations  
14 with the Chief of Police in advance of their submission to the POB only as  
15 necessary to help ensure timeliness pursuant to any applicable personnel or  
16 union contract requirements. The POB shall review the proposed findings and  
17 recommendations, and shall by majority vote of members present: 1) approve  
18 the findings and recommendations as proposed; 2) approve other findings  
19 and recommendations as determined by the POB and supported by the  
20 investigation file; or 3) defer action on the matter to allow for further  
21 investigation or analysis by the Director. As part of its review, the full  
22 investigation file shall be made available to the POB. In its review of the  
23 investigation file, the POB may review *Garrity* material or confidential material  
24 only in a closed session as permitted under the New Mexico Open Meetings  
25 Act. Access to information that could be construed to be covered by *Garrity*  
26 will be made available to the POB only by application in writing, and by  
27 majority vote by the POB. The POB shall maintain the confidentiality of any  
28 *Garrity* material or records that are made confidential by law and is subject to  
29 the same penalties as the custodian of those records for violating  
30 confidentiality requirements. In addition to any other penalty, any POB  
31 member or other person who violates the confidentiality provisions of this  
32 section shall be removed from the POB, and shall be subject to prosecution  
33 for a misdemeanor subject to the penalty provisions set forth in § 1-1-99. Upon

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1 approval of findings and recommendations by the POB, the Director shall  
2 prepare and submit a public record letter to the civilian complainant, with a  
3 copy to the Chief of Police, that outlines the findings and recommendations as  
4 approved. Unless a hearing is requested by the civilian complainant, within 30  
5 days of receipt of the decision of the POB, the Chief of Police shall notify the  
6 POB and the original civilian complainant of his or her final disciplinary  
7 decision in this matter in writing, by certified mail.

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

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

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

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

11 § 9-4-1-10 REPORTS.

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

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

17 (B) Discussion of issues of interest undertaken by the POB which  
18 may include suggested policy and/or procedural changes, a listing of  
19 complaints and allegations by Council District, statistical ethnicity of subject  
20 officers, statistical ethnicity of complainants, and updates on prior issues  
21 and/or recommendations;

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

25 (D) Information on all public outreach initiatives undertaken by the  
26 POB or the Director such as speaking engagements, public safety  
27 announcements, and/or public information brochures on the oversight  
28 process;

29 (E) The status of the long-term planning process identifying major  
30 problems, policy suggestions, and studies as required by § 9-4-1-4(C)(5) of  
31 this ordinance;

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

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1 Ordinance; and

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

5 § 9-4-1-11 EVALUATION.

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

12 § 9-4-1-12 SPECIAL MEETINGS.

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

20 § 9-4-1-13 CONFIDENTIALITY.

21 The POB hearing process shall be open to the public to the extent  
22 legally possible so that it does not conflict with state or federal law. However,  
23 upon the opinion of the CPOA Attorney, some of the details of the  
24 investigations of the Director, or the designated independent investigator,  
25 shall become privileged and confidential. The details of investigations should  
26 not be open to the public subject to the opinion of the CPOA Attorney and the  
27 Director. Compelled statements given to the Director, or the designated  
28 independent investigator, will not be made public. The Director may  
29 summarize conclusions reached from a compelled statement for the report to  
30 the POB and the Chief of Police, and in the public record letter sent to the  
31 complainant. Nothing in this ordinance affects the ability of APD to use a  
32 compelled statement in a disciplinary proceeding.

33 § 9-4-1-14 MANDATORY COOPERATION AGREEMENT.

[ + Bracketed/Underscored Material + ] - New  
[ - Bracketed/Strikethrough Material - ] - Deletion

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

17       **SECTION 2. SEVERABILITY CLAUSE.** If any section, paragraph, sentence,  
18 clause, word or phrase of this ordinance is for any reason held to be invalid or  
19 unenforceable by any court of competent jurisdiction, such decision shall not  
20 affect the validity of the remaining provisions of this ordinance. The Council  
21 hereby declares that it would have passed this ordinance and each section,  
22 paragraph, sentence, clause, word or phrase thereof irrespective of any  
23 provision being declared unconstitutional or otherwise invalid.

24       **SECTION 3. COMPILATION.** The ordinance amendment prescribed by  
25 **SECTION 1** shall amend, be incorporated in and made part of the Revised  
26 ordinances of Albuquerque, New Mexico, 1994.

27       **SECTION 4. EFFECTIVE DATE.** This ordinance shall take effect five days  
28 after publication by title and general summary.  
29  
30  
31

32       X:\CITY COUNCIL\SHARE\CL-Staff\_Legislative Staff\Legislation\21 Council\O-13fs3final.docx

[ + Bracketed/Underscored Material + ] - New  
[- Bracketed/Strikethrough-Material -] - Deletion



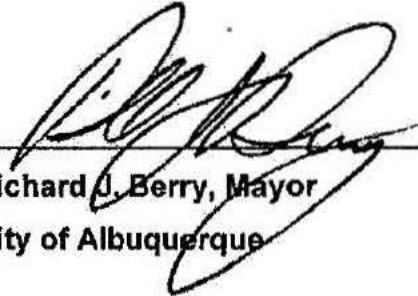
1 PASSED AND ADOPTED THIS 18<sup>th</sup> DAY OF September, 2014  
2 BY A VOTE OF: 8 FOR 0 AGAINST.

3  
4 Excused: Lewis

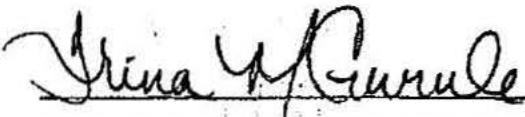
5  
6  
7   
8 Ken Sanchez, President  
9 City Council

10  
11  
12  
13 APPROVED THIS 6<sup>th</sup> DAY OF October, 2014

14  
15  
16  
17 Bill No. F/S(3) O-14-13

18  
19  
20   
21 Richard J. Berry, Mayor  
22 City of Albuquerque

23  
24  
25  
26 ATTEST:

27   
28 Trina M. Gurule, Acting City Clerk

**From:** Robin Hammer (via Doodle)  
**To:** molraamado@gmail.com  
**Subject:** Initial Police Oversight Board Training  
**Date:** Tuesday, February 03, 2015 1:58:20 PM

---

=META http-equiv="Content-Type" content="text/html; charset=utf-8">

"Initial Police Oversight Board Training."

Robin Hammer says:

Please select the times you would be available to attend a mandatory POB training, which will cover Civilian Police Oversight Agency and Albuquerque Police Department rules, policies and procedures. This meeting will last approximately 4 hours. If you are unable to attend the chosen time, we will provide you a DVD of the training.

Thanks.

=/td>

[Participate now<>](#)

=/td>



What is  
Doodle?  
Doodle  
is a web  
service  
that  
helps  
Robin  
Hammer  
to find a  
suitable  
date for



meeting

with a

group of

people.

Learn

more

about

how

Doodle

works.

You have received this e-mail because "Robin Hammer&q=ot;  
has invited you to participate in the Doodle poll "Initial  
Police=Oversight Board Training."

Doodle AG,  
Werdstrasse  
21, 8021  
Zürich

</html

**From:** Martinez, Elizabeth (USANM)  
**To:** Leonard.waites@yahoo.com; jswilsonm@live.com; bmoehr@thMcHardfirm.com; moiraamado@gmail.com; jvbaca@icloud.com; Eric.huiizar.cruz@gmail.com; Joanne@yahoo.com; davering@davering.net; Eve.sandoval@yahoo.com  
**Cc:** Saucedo, Luis E (CRT)  
**Subject:** Invitation to Meet Dr. James Ginger, Independent Monitor for the APD Reform Process  
**Date:** Wednesday, March 18, 2015 12:57:07 PM

---

Dear Members of the Police Oversight Board:

I write on behalf of the DOJ Team that has been working on the APD matter to invite you to meet Dr. James Ginger, the Independent Monitor for the APD Reform Process. Given your significant role in the reform process, Dr. Ginger would like to meet with you while he is in Albuquerque this week. Dr. Ginger is available on Friday, March 20, 2015, between 9:00 am and 3:00 pm to meet with you in small groups at the U.S. Attorney's Office in downtown Albuquerque. Please let me know if you are able to meet with Dr. Ginger and your preferred time to do so by sending me a reply email. I will follow up with more information including a map to the office.

Thank you so much and please do not hesitate to contact me if you have any questions regarding this invitation.

&nbs=;

**Elizabeth M. Martinez | Executive Assistant U.S. Attorney | Public Affairs Officer**  
U.S. Attorney's Office, District of New Mexico, P.O. Box 607, Albuquerque, New Mexico 87103

Tel: (505) 224-1469 | Cell: (505) 239-4060 | Fax: (505) 346-7205 | E-mail: elizabeth.martinez@usdoj.gov

&nbs=;

&nbs=;

&nbs=;

**From:** Saavedra, Sharon L.  
**To:** Hammer, Robin; Beth A. Mohr (CABO.POB.Mohr@gmail.com); David Z. Ring (dzt3@juno.com); Eric H. Cruz (eric.huizar.cruz@gmail.com); Eva P. Sandoval (Evaps3716@yahoo.com); Jeannette Baca (jvbaca.pob@gmail.com); Jeffrey Scott Wilson (jswilsonnm@live.com); Joanne Fine (joannefine413@gmail.com); Leonard Waites (leonard.waites@yahoo.com); Maira Amado-McCoy (mairaamado@gmail.com)  
**Date:** Monday, February 23, 2015 12:07:22 PM

---

**From:** Saavedra, Sharon L.  
**To:** molraamado@gmail.com; Jeannette V. Baca; Eric H. Cruz; fine,joanne@yahoo.com; Beth Mohr; David Ring  
**Cc:** Hammer, Robin  
**Subject:** MAKE-UP CLASS SCHEDULED!!!  
**Date:** Friday, April 10, 2015 9:10:23 AM  
**Importance:** High

---

POB MEMBERS,

Hello all. I have scheduled a make-up class for APRIL 15TH @6PM. It is important you attend to fulfill your obligations and requirements. This class subject is Crime Prevention and DOJ Settlement agreement.

Thank you.

**Citizen Police Academy Coordinator**  
Albuquerque Police Department=/div>  
Email: [ssaavedra@cabq.gov](mailto:ssaavedra@cabq.gov)  
Phone: (505) 224-6641

**From:** Hammer, Robin  
**To:** Davila, Natalee Z.; Eunes, Ana R.; Gonzalez, Arturo E.; Medrano, Michael V.; Norris, Scott; DuBois, John E.; Cash, Paul; Contreras, Michelle; Davidson, Christopher; Hammer, Robin; McDermott, Diane L.; O'Neill, Erin; Skotchdopole, Paul A.; CABO.POB.Mohr@gmail.com; David Z. Ring III (davering@davering.net); Eric H. Cruz (eric.huizar.cruz@gmail.com); Eva P. Sandoval (Evaps3716@yahoo.com); Jeanette Baca (jvbaca@icloud.com); Jeffrey Scott Wilson (jswilsonnm@live.com); Joanne Fine (fine.joanne@yahoo.com); Leonard Waites (leonard.waites@yahoo.com); Moira Amado-McCoy (moiraamado@gmail.com)  
**Cc:** Simpson, Troy; Cappon, Christopher A.  
**Subject:** Mandatory POB Training  
**Date:** Thursday, February 05, 2015 10:16:30 AM  
**Attachments:** POB Contact Info 2-4-15.doc

---

Dear Police Oversight Board Members:

After hearing from all Members, the time to conduct the initial training which most persons were available is next Friday, February 13, 2015 from 8am to 12 pm. We will meet at the Aquarium/Botanical Garden education room, which is a building between the Aquarium and the Botanical Garden, on the south end of the entrance plaza. We will video tape the training and provide a copy to the two Members who are not available to attend.

I have also attached a revised Contact Sheet, which includes new email addresses for Beth Mohr and Eva Sandoval.

Please let me know if you have any questions. I look forward to seeing you next Friday.

All the best,  
Robin Hammer

Robin S. Hammer, Esq.  
Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3774  
Fax: (505) 924-3775  
<http://www.cab.gov/cpoa>

**Civilian Police Oversight Agency  
POLICE OVERSIGHT BOARD  
February 2015**

**Civilian Police Oversight Agency Administrative Staff:** (505) 924-3770

**Robin S. Hammer, Esq., Acting Executive Director and Lead Investigator**  
rhammer@cabq.gov  
(505) 924-3774  
City Cell: (505) 205-6169

**Michelle Contreras, Senior Administrative Assistant**  
mcontreras@cabq.gov  
(505) 924-3771

**Paul Skotchdopole, Assistant Lead Investigator**  
**Diane McDermott, Investigator**  
**Christopher Davidson, Investigator**  
**Erin O'Neil, Investigator**  
**Paul Cash, Analyst**

Physical Address:  
Plaza del Sol Building  
600 2nd Street NW, Suite 813  
Albuquerque, NM 87102

Mailing Address:  
CPOA  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103



**From:** Hammer, Robin  
**To:** Beth A. Mohr (CABO.POB.Mohr@gmail.com); David Z. Ring (dzt3@juno.com); Eric H. Cruz (eric.hulzar.cruz@gmail.com); Eva P. Sandoval (Evaps3716@yahoo.com); Hammer, Robin; Jeannette Baca (jvbaca.pob@gmail.com); Joanne Fine (joannefine413@gmail.com); Leonard Waites (phamason.lw@gmail.com); Molra Amado-McCoy (molraamado@gmail.com); Scott Wilson (jswilsonpob@outlook.com)  
**Subject:** Materials for March 12, 2015 POB Meeting  
**Date:** Thursday, March 05, 2015 4:40:59 PM

---

Dear Police Oversight Board Members:

Below is a link to a DropBox containing materials for next Thursday's Police Oversight Board Meeting. These include=

- &nbs=; 1) The proposed Agenda
- &nbs=; 2) The Citizen Police Complaints to be reviewed by the POB
- &nbs=; 3) The Officer Involved Shooting of a dog case, I-49-14 and the case police report
- &nbs=; 4) A statistical review of Officer Involved Shooting (OIS) cases
- &nbs=; 5) A Chronological listing of all OIS cases 2009-present
- &nbs=; 6) A list of OIS cases presented POC 12/12 to 8/14 with listing of completed investigation OIS cases remaining to be presented to POB,
- &nbs=; 7) and An updated POB Member contact list.

<https://www.dropbox.com/sh/scfqk8llhkzv=ml/AAC7t2mynuEceMiEzcG7XvZ2a?dl=0>

Please let me know if you are unable to access the materials through this link.

I will be placing a few more materials in the DropBox in the next day or so. The currently included materials constitute all the cases which POB Members will be required to make a ruling next week. Additional materials provided will be to supplement your discussion of the role of the CPOA and POB and discussion of revised Rules.

Regarding proposed Rules changes for POB Meetings item on the Agenda, I previously provided you a copy of the POC's Rules in the binders handed out at our training. My staff and I are drafting proposed revisions to the Rules to conform to the Amended Ordinance and the Settlement Agreement. The POB Chair may wish to name a sub-committee of POB Members to review and make recommendations to the full Board at the April Meeting regarding the revision of Meeting Rules. Or in the alternative, everyone could receive a copy of the proposed changes in the near future and just vote on the revisions at the April meeting, after having more time to individually review the staff's proposed changes. By placing an item on the Agenda regarding Rules, it is my intention for the full Board to discuss its wishes regarding Rules revisions, and not to be prepared to vote on the staff's first draft of Rules revisions submitted prior to the meeting.

If any POB Member will be unable to attend next Thursday's meeting and desires to appear by telephone, please let me know by tomorrow, Friday, August 6, so we can make arrangements with the staff at City Hall.

Please let me know if you have any questions.

All the best,  
Robin

Robin S. Hammer, =sq.  
Acting Executive Director  
Civilian Police Oversight Agency=/o:p>  
City of Albuquerque=/p>  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3774  
Fax: (505) 924-3775=/p>  
=http://www.cabq.gov/cpoa

**From:** Hammer, Robin  
**To:** Beth Mohr; David Ring; Eric H. Cruz; Hammer, Robin; Jeannette V. Baca; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Scott S. Wilson  
**Subject:** Meeting with DOJ, the City, the Police Union, and Federal Monitor; and City Council Staff's response  
**Date:** Monday, March 30, 2015 6:06:12 PM

---

Dear POB Members:

I am writing to apologize for the lack of communication regarding a meeting between the three named parties in the lawsuit between the Department of Justice (DOJ) and the City held at the US Attorney's Office along with the Federal Monitor, Dr. Ginger, on March 20. The three parties to the lawsuit consist of the Police Union, the City and DOJ. POB Vice Chairs Beth Mohr and Scott Wilson and myself were also at this meeting. At the meeting, the Police Union, the City, DOJ and the Federal Monitor voiced concerns about the POB reviewing Citizen Police Cases and Officer Involved Shootings.

Last week, I wrote an email to the persons present at the meeting outlining my understanding of the meeting and requesting a response from the three parties as to what, if any, actions they would require from the CPOA. Beth wrote a response to my email stating that she disagreed with my recollection of the events at the meeting. The day I sent the email, I reached out to Beth by text message and email seeking clarification regarding her concerns. Beth responded saying that she was unavailable until today.

Seeking to be accurate, I had chosen to wait to send an email to everyone regarding this meeting until late this afternoon until after I could speak with Beth's about her difference in memory from the meeting. Due our schedules today, Beth and I spoke late this afternoon. In choosing to wait to send an email until today, I considered that I also had a meeting with City Council Chief of Staff, Jon Zaman scheduled for this afternoon. At today's meeting I expected to hear from Council Staff about Council's conversations with the Federal Monitor, which had occurred last week. Mr. Zaman also indicated that he would inform me today what City Council's response to the concerns from the Federal Monitor, the City, DOJ and the Police Union would be. I apologize for any offense I caused with my decision to wait to send an email to all Board Members about the discussion with the DOJ, Police Union, City and the Federal Monitor until I had accurate and complete information to include.

At my meeting today with Mr. Zaman, he indicated that City Council would be drafting a Resolution directing the POB not to review any Citizen Police Complaints (CPC's) and Officer Involved Shootings (OIS's) until after the POB had completed all of the mandated training and had adopted a complete set of Rules which addressed, among other things, the process for the POB's process for reviewing CPC's and OIS's. The Resolution had not been drafted yet, so I do know its exact language. City Council would most likely set this Resolution for its April 20 City Council meeting.

Our process to review CPC's and OIS's is extremely complex, in that we must navigate the legally-binding directives from State law, the Union Contract, the City Ordinance and the Settlement Agreement, and these mandates are subject to change and amendment. I have and continue to do my best to navigate the CPO's practices and procedures within the confines of the law.

M002088

Please let me know if you have any questions or concerns.

Sincerely,  
Robin

Robin S. Hammer, Esq.  
Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3774  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

**From:** Hammer, Robin  
**To:** Beth A. Mohr (CABO.POB.Mohr@gmail.com); David Z. Ring (dzt3@juno.com); Eric H. Cruz (eric.hulzar.cruz@gmail.com); Eva P. Sandoval (Evaps3716@yahoo.com); Hammer, Robin; Jeannette Baca (jvbaca.pob@gmail.com); Jeffrey Scott Wilson (jswilsonnm@live.com); Joanne Fine (joannefine413@gmail.com); Leonard Waites (leonard.waites@yahoo.com); Moira Amado-McCoy (moiraamado@gmail.com)  
**Subject:** New Contact List, 2015 Meeting Dates and Preferred Name for Name Plates and Closed Captioning  
**Date:** Thursday, February 19, 2015 11:49:31 AM  
**Attachments:** POB Contact Info 2-17-15.doc  
POB Meeting Dates 2015.doc

---

Dear Police Oversight Board Members:

Attached is an updated Contact List which reflects changes of email addresses by several Board members who have designated a new email address for POB business. Also included is the schedule of our meetings for 2015. We typically meet on the second Thursday of month from 4pm-7 pm or so in City Council Chambers. However, in May we will need to meet on the third Tuesday, May 19, to accommodate City Council's budget hearings. In April we will not meet until 5 pm, due to a conflict with a training for another department.

Below is the list of names and titles which we have for the Board. We need to determine what name and title, if any, each of you would like to have on your name plate. In the interest of consistency, we typically do not include middle initials. This name and title will also be used by the Closed Captioning company for the TV transcript. Please let me know by noon tomorrow, February 20, if you want to make any changes to your name as listed below, so that we may order the name plates for the March meeting.

Dr. Moira Amado-McCoy  
Dr. Jeannette Baca  
Eric Cruz  
Joanne Fine  
Beth Mohr  
Rev. Dr. David Ring III  
Eva Sandoval  
Leonard Waites  
Jeffrey Scott Wilson

I will be sending out another email soon to explain some up-coming training. Please let me know if you have any questions.

All the best,  
Robin

Robin S. Hammer, Esq.  
Acting Executive Director  
Civilian Police Oversight Agency

M002090

City of Albuquerque=/p>  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3770  
Fax: (505) 924-3775=/p>  
<http://www.cabq.gov/cpoa>



**Civilian Police Oversight Agency  
POLICE OVERSIGHT BOARD  
February 2015**

**Civilian Police Oversight Agency Administrative Staff: (505) 924-3770**

**Robin S. Hammer, Esq., Acting Executive Director and Lead Investigator**  
rhammer@cabq.gov  
(505) 924-3774  
City Cell: (505) 205-6169

**Michelle Contreras, Senior Administrative Assistant**  
mcontreras@cabq.gov  
(505) 924-3771

**Paul Skotchdopole, Assistant Lead Investigator**  
**Diane McDermott, Investigator**  
**Christopher Davidson, Investigator**  
**Erin O'Neil, Investigator**  
**Paul Cash, Analyst**

Physical Address:  
Plaza del Sol Building  
600 2nd Street NW, Suite 813  
Albuquerque, NM 87102

Mailing Address:  
CPOA  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103



## **CIVILIAN POLICE OVERSIGHT AGENCY**

*Dr. Moira Amado-McCoy   Dr. Jeannette Baca   Eric H. Cruz*  
*Joanne Fine   Beth Mohr   Rev. Dr. David Z. Ring III*  
*Eva P. Sandoval   Leonard Waites   Jeffery Scott Wilson*  
Robin S. Hammer, Acting Executive Director

## **POLICE OVERSIGHT BOARD**

### **Meeting Schedule**

**March – December 2015**

**All Meetings are held in the  
Vincent E. Griego Chambers –  
One Civic Plaza NW - 5<sup>th</sup> & Marquette NW, Lower Level  
Albuquerque, NM 87102**

**Meetings Begin at 4:00 pm unless noted otherwise**

**Thursday, March 12, 2015  
4:00 pm to 7:00 pm**

**Thursday, April 9, 2015 (note time change)  
5:00 pm to 8:00 pm**

**Tuesday, May 19, 2015 (note day change)  
4:00 pm to 7:00 pm**

**Thursday, June 11, 2015  
4:00 pm to 7:00 pm**

**Thursday, July 9, 2015  
4:00 pm to 7:00 pm**

**Thursday, August 13, 2015  
4:00 pm to 7:00 pm**

**Thursday, September 10, 2015  
4:00 pm to 7:00 pm**

**Thursday, October 8, 2015  
4:00 pm to 7:00 pm**

**Thursday, November 12, 2015  
4:00 pm to 7:00 pm**

**Thursday, December 10, 2015  
4:00 pm to 7:00 pm**

**Meetings may extend beyond 7:00pm**

**From:** [Ryan Boetel](#)  
**To:** [moiraamado@gmail.com](mailto:moiraamado@gmail.com)  
**Subject:** OIS Report  
**Date:** Wednesday, March 18, 2015 11:53:55 AM  
**Attachments:** [OIS Report-Draft 3-4-15\(3\).pdf](#)

---

Ms. Amado, =br data-mce-bogus="1">

This is Ryan at the Journal. Here's the report I'm writing an article about.

The factors that stuck out to me were that white, Anglo officers and officers hired between 2007 and 2009 had been involved in more shootings than their peers. I was curious what you thought about that, or any other elements of the report.

I'm also writing about how the board plans to review one or more police shootings at each of its meetings. Can you describe the importance and need to have some civilian scrutiny of police shootings?

Thanks for your time. My direct line at work is 823-3960, and my cell is 249-2706.

-Ryan Boetel  
</html

# **CIVILIAN POLICE OVERSIGHT AGENCY**

600 2nd NW Room 813 Albuquerque NM 87102  
P.O. Box 1293 Albuquerque NM 87103  
Phone: (505) 924-3770 Fax: (505) 924-3775  
[www.cabq.gov/cpoa](http://www.cabq.gov/cpoa)

---

## *2010-2014 Officer Involved Shooting Report* **CITY OF ALBUQUERQUE**

Richard J. Berry  
Mayor

Robert J. Perry  
Chief Administrative Officer



## *Civilian Police Oversight Agency*

**Robin S. Hammer, Esq.**  
Acting Executive Director

March 12, 2015

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I.	Introduction.....	3
II.	Officer Involved Shooting (OIS) Case Summaries.....	6
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IV.	OIS by City Council District.....	16
V.	Officer and Incident Demographics.....	19
VI.	Suspect Demographics.....	25
VII.	Analysis and Recommendations.....	27

This report includes data and information received from the Albuquerque Police Department (APD). It has been prepared for the Civilian Police Oversight Agency (CPOA)'s Police Oversight Board (POB) members as a starting point for discussion to analyze and consider the trends present in APD Officer Involved Shootings (OIS) from 2010 to 2014. The report is designed to be used as a tool for POB members to begin to review and examine the underlying data, including officer and civilian demographics, in order to recommend policies relating to training, programs, and procedures relating to APD. One of the CPOA's primary mission lies in recommending institutional and instructional changes to the Albuquerque Police Department. The charts and graphs contain statistical data. Page 25 lists the OIS cases from the relevant timeframe which the prior Police Oversight Commission and former Independent Review Officers made findings regarding the officers' conduct as applied to APD's Standard Operating Procedures. Page 27 of this Report lists the Officer Involved Shootings which have not been reviewed by the prior Police Oversight Commission and former Independent Review Officers which the Civilian Police Oversight Agency will need to review in the future and make findings. This report seeks to give one starting place for the Police Oversight Board Members to begin the task of providing guidance to the Community, the City and the Albuquerque Police Department of policies and practices which foster mutual trust and cooperation between the Community and APD.



# **I. Introduction: Albuquerque Police Department Officer Involved Shootings from 2010-2014**

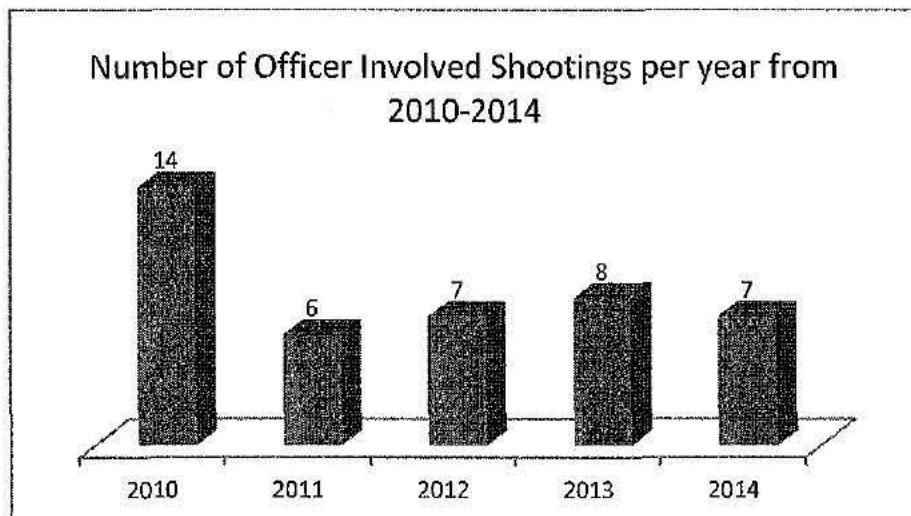


Figure 1: The most Albuquerque Officer Involved Shootings in the past five years occurred in 2010.

From 2010 to 2014, Albuquerque Police Department (APD) Officers were involved in 42 shootings which includes two incidents in which APD officers fired at vehicles and also includes two shootings in which APD officers shot at a suspect but missed. Fifty-one officers discharged their weapons in the 42 shootings. Seven officers were involved in multiple shootings, including one officer who was involved in three shootings. The graphs and charts contained in this statistical report represent the locations of the shootings, the weapons brandished by the suspects, and officer demographics.



Figure 2: 64% of the police shootings in Albuquerque from 2010-2014 have resulted in a fatality of a subject.



### Shift for Officer Involved Shootings From 2010-2014

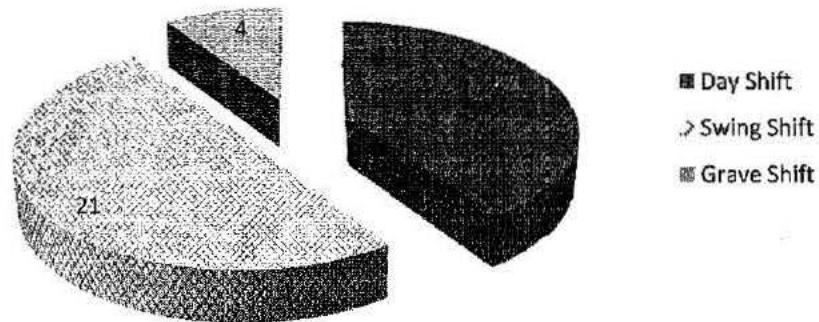


Figure 3: 50% of the Officer Involved Shootings from 2010-2014 occurred during Swing Shift (3pm-11pm).

### Day of the Week for Albuquerque Police Department Officer Involved Shootings from 2010-2014

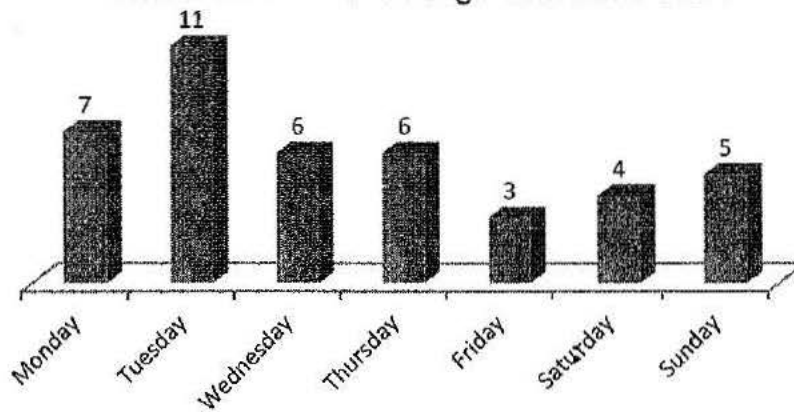


Figure 4: Most Officer Involved Shootings from 2010-2014 occurred on Mondays and Tuesdays.

### Non-Fatal Officer Involved Shootings 2010-2014 by Shift

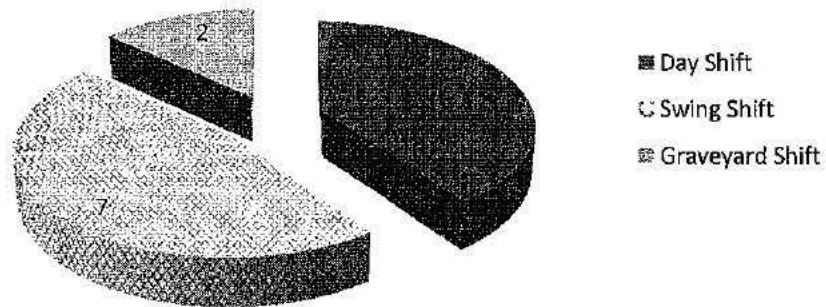


Figure 5: 47% of Non-Fatal Shootings occurred during Swing Shift (3pm-11pm).

### Fatal Officer Involved Shootings 2010-2014 by Shift

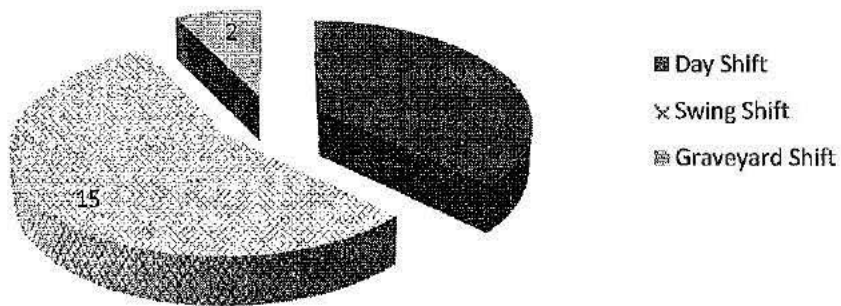


Figure 6: 56% of Fatal Shootings occurred during Swing Shift (3pm-11pm).



## II. Case Summaries for Officer Involved Shootings from 2010-2014

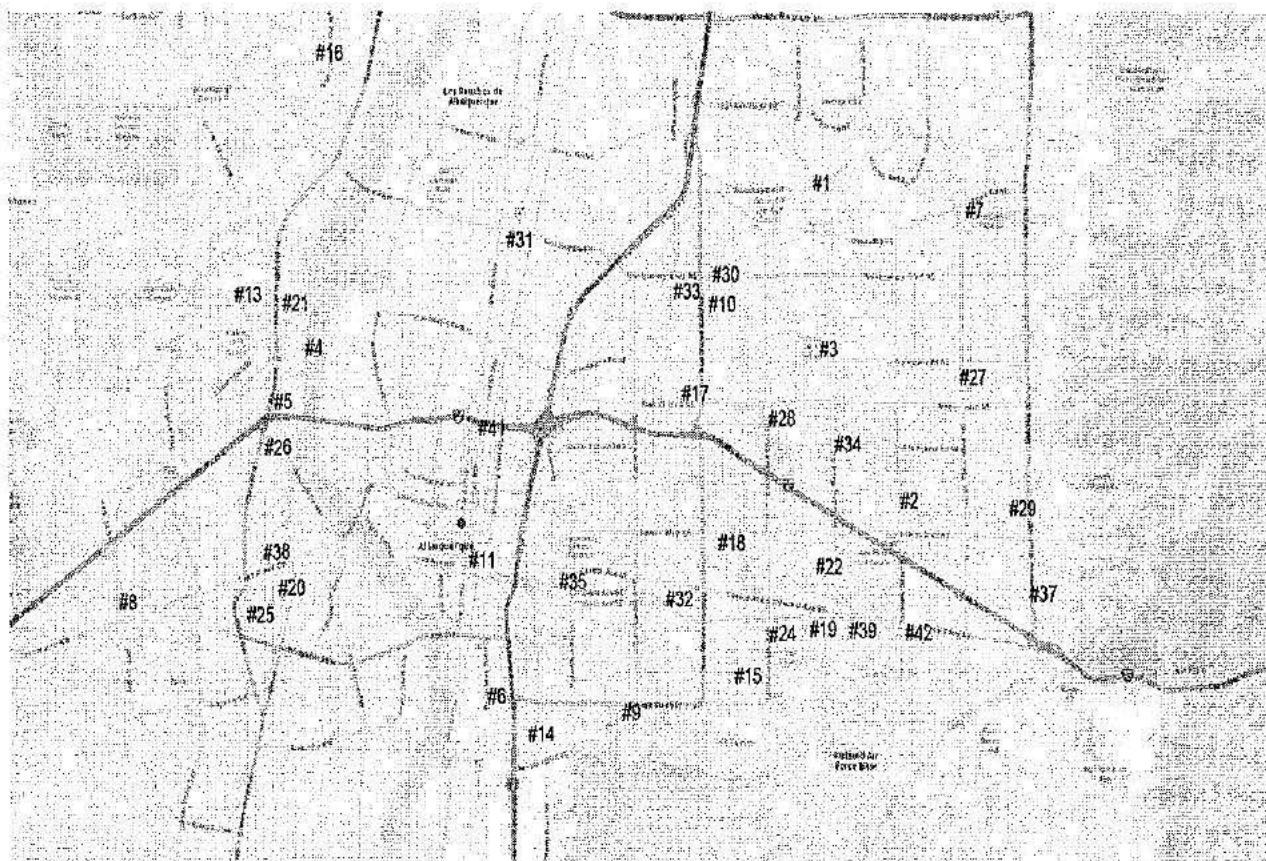


Figure 7: This figure represents the Albuquerque Police Shooting Locations chronologically from 2010-2014. Not Pictured: OIS #12 (Tucumcari); OIS #23 (West of Albuquerque); OIS #36 (Rio Rancho) The dot indicates the location of Albuquerque Police Department's main location.

### 1. January 9, 2010, Fatal, 5900 Wyoming NE Pursuit

Officer C. shot and killed Aaron Renfro, 32, after Renfro pulled a gun from his waistband during a foot chase after being stopped by police for a traffic stop.

### 2. January 13, 2010, Fatal, Eubank and Constitution SWAT CIT

Detective L. shot Iraq war veteran Kenneth Ellis III once in the neck, killing him, as Ellis was holding a gun to his head in the parking lot of the 7-Eleven at Eubank and Constitution.

### 3. January 29, 2010, Non-Fatal, 8100 Connecticut NE Pursuit SWAT CIT



Following a pursuit, Officer W. shot Wayne Cordova, 22, who was standing on a northeast Albuquerque rooftop. At the time of the shooting, Office W. stated he believed that Mr. Cordova possessed a firearm.

**4. March 4, 2010, Non-Fatal, 3500 Sequoia Ct. NE Pursuit**

Officer L. fired a single shot that missed Jose Castillo and other occupants of a brown car after they fled from the Giant gas station at Coors and Quail after they allegedly stole beer.

**5. March 29, 2010, Fatal, 2500 Coors NW Attempted Escape Robbery  
Surveillance**

Detective S. shot and killed armed robbery suspect Mickey Owings, 26, in the Walmart parking lot on Coors NW when Mr. Owings attempted to escape by driving a stolen vehicle at police who were attempting to surround him.

**6. April 14, 2010, Non-Fatal, 2100 Broadway SE Pursuit**

Detective S. shot 18-year-old Benjamin Marquez after Marquez refused to drop a weapon during a foot chase. Officers had approached the men Marquez was with and told them to put out a cigarette while pumping gas and Mr. Marquez refused to drop his weapon.

**7. June 10, 2010, Fatal, 5500 Carruthers NE SWAT CIT**

Officers B. and S. shot at and killed 43-year-old Chris Hinz when he approached officers armed with a rifle after police were called to his home by neighbors who reported seeing him with a weapon.

**8. June 14, 2010, Fatal, I-40 and 98th Street Kidnapping**

Officer Z shot and killed Julian Calbert, a 42-year-old man from Tucumcari, at the Flying J Truck Stop at Avalon and 98th in northwest Albuquerque, after one of two women he kidnapped at knife point from the University of New Mexico parking garage called 911 from inside the trunk of Calbert's car.

**9. July 27, 2010, Fatal, 3400 Crest SE Domestic Violence**

Officer H. shot and killed Len Fuentes, 41, when Fuentes threatened officers with a knife during a domestic violence call in southeast Albuquerque.

**10. August 17, 2010, Fatal, Montgomery and San Mateo Domestic Violence**

Officer B. killed 38-year-old Enrique Carrasco in the parking lot of the Ross discount store on Montgomery and San Mateo after Carrasco broke through Officer B.'s window and attempted to stab Officer B.. Just before the incident Carrasco had been involved in a domestic violence incident.

**11. September 14, 2010, Non-Fatal, 2nd and Central Subject with knife**

Officer K shot and killed Chandler Barr, a 19-year-old from Oklahoma, who was diagnosed as bipolar, after he walked toward Officer K. with a knife and refused to obey her commands to stop.

**12. October 19, 2010, Fatal, Tucumcari SWAT CIT**

APD SWAT team members, Officers B. and O., fatally shot 56-year-old Daniel Gonzales after police said he threatened them with two shotguns during a 6-hour standoff at a home in Tucumcari.

**13. October 31, 2010, Fatal, 6500 Tierra Prieta NW Reckless Driver**

Officer S. shot and killed 37-year-old Alexei Sinkevitch after Sinkevitch threatened officers with an assault rifle outside his northwest Albuquerque home following a call to dispatch reporting a reckless driver.

**14. November 11, 2010, Non-Fatal, 1400 Alamo SE Suicidal Subject CIT**

Officer P. shot Russell Tenorio after Tenorio's sister-in-law called police to say that Tenorio, who is mentally disabled, was threatening to harm himself with a knife after drinking. Tenorio walked toward officers in a small cramped living room, while armed with a knife and refused commands to drop the knife.

**15. February 9, 2011, Fatal, San Pedro and Kathryn SE Pursuit**

Detective E. shot 29-year-old Jacob Mitschelen twice after Mitschelen pointed a weapon at the officer during a foot chase after a traffic stop in southeast Albuquerque.

**16. April 12, 2011, Fatal, 7600 Sunrose NW Attempted Escape Warrant**

Detective B. shot and killed 27-year-old Christopher Torres after Torres grabbed a detective's pistol during a struggle that ensued when officers attempted to serve Torres with a warrant.

**17. May 10, 2011, Fatal, 2800 Madison NE Kidnapping/Assault SWAT/CIT on way**

Officer W. shot and killed Alan Gomez, 22, after the girlfriend of Gomez's brother called police and said Gomez was armed and was kidnapping her. Officer W. stated the he believed at the time that Gomez was holding a weapon, which turned out to be a large black spoon.

**18. June 4, 2011, Fatal, 5711 Lomas Blvd NE Carjacking Pursuit**

Officers N., T. and O. shot and killed Raymond Leroy Garcia, 41, after he hijacked a pickup truck driver at gunpoint in the parking lot of a liquor store and then led officers on a high speed pursuit.



**19. June 26, 2011, Non-Fatal, Bell Ave and Dallas St                      Domestic Violence**

Officer L. shot Orlando Paisano after he approached officers with a 15-inch bayonet and failed to stop after being hit repeatedly with a Taser.

**20. August 30, 2011, Fatal, Central and 60<sup>th</sup>                      Pursuit                      SWAT                      CIT**

SWAT team member Officer P. shot armed robbery suspect Michael Marquez, 31, was carrying an AK-47 in a duffel bag, when he was fatally shot by after a standoff in an open field, after refusing to drop his weapon and preventing two other officers from escaping harm's way.

**21. January 4, 2012, Fatal, 5300 St. Josephs Dr. NW                      Attempted Escape Robbery**

Officer P. shot and killed armed robbery suspect Mark Macoldowna, a 31-year-old resident of Ruidoso, while Mr. Macoldowna was running away on foot after committing an armed robbery and kidnapping of a security guard the Catholic Center/St. Pius X complex in northwest Albuquerque. Macoldowna had driven to Albuquerque from Ruidoso after planning to commit the robbery for weeks.

**22. March 19, 2012, Fatal, 8200 Marquette NE                      Stolen Property Attempted Escape**

Officer S. shot and killed 31-year-old Daniel Tillison outside of an apartment complex after Tillison crashed his car into Officer S.'s police car as the officer was responding to a call about someone selling a stolen stereo.

**23. March 21, 2012, Fatal, West of Albuquerque                      Pursuit**

Officer C. fatally shot 45-year-old Gary Atencio after Atencio led multiple police officers from several agencies on a high-speed car chase for more than 50 miles, followed by a half-mile foot chase, after Atencio had kidnapped and shot at his wife and her friend on Albuquerque's West Side.

**24. April 19, 2012, Non-Fatal, 400 Española SE                      Assault**

Detective H. shot 42-year-old Dennis Aragon twice in the stomach and once in the left forearm after Aragon raised a rifle towards Hill as he was responding to a possible assault call at a southeast Heights apartment complex, according to police.

**25. June 20, 2012, Non-Fatal, 400 67th Street SW                      SWAT CIT**

Santiago Chavez, 20, shot and killed himself after a 15-hour SWAT situation at his grandmother's South Valley home during which Chavez shot at officers and APD officers fired bullets and tear gas at Chavez, but never struck Chavez.

**26. August 6, 2012, Non-Fatal, Coors and Iliff                      Undercover Drugs**

Sergeant P. shot and wounded 20-year-old Dominick Solis-Mora during an undercover drug sting near a Furr's Fresh Buffet restaurant after Solis-Mora pointed a gun at officers.



**27. December 17, 2012, Non-Fatal, Candelaria and Juan Tabo** SWAT/CIT Pursuit

Officer W. fired at a vehicle as it fled from a SWAT standoff.

**28. March 5, 2013, Fatal, Louisiana and Menaul** Pursuit SWAT

Parrish Dennison, was shot and killed by APD Swat team members after Dennison, who was armed with a handgun, had committed an armed robbery of a nearby music store, led police on a foot chase and hours-long manhunt in northeast Albuquerque.

**29. March 19, 2013, Non-Fatal, 13000 Constitution NESWAT** CIT

Officers were attempting to serve an arrest warrant on Kendall Carroll and his brother who were suspects of a shooting an APD Officer earlier in the same week. Carroll refused to leave the apartment he was hiding out in. Carroll and/or his brother fired shots at officers who were attempting to arrest them. An APD officer shot at, but missed, Kendall Carroll, 21, during a four-hour SWAT standoff between Carroll and State Police and APD, during which Carroll fired numerous times at officers from inside a Northeast Heights apartment. A State Police officer fired the shot that killed Carroll.

**30. July 5, 2013, Fatal, San Mateo and Montgomery, Assault**

Vincent Wood, 66, brandished two large knives at police officers at a North Valley gas station. Mr. Wood refused commands to drop the machetti-type weapons and Officers B. and W. shot him.

**31. October 28, 2013, Fatal, Fourth and Montano** SWAT Pursuit

Christopher Chase, 35, led dozens of police officers on a 16-mile police chase after stealing an APD patrol car and firing at police multiple times with an assault rifle. He shot and wounded four law enforcement officers, one badly, before an APD Officer shot Mr. Chase as he was fleeing in the stolen patrol car.

**32. October 28, 2013, Non-Fatal, Central and Washington** Carjacking Pursuit

Joaquin Ortega had attempted to carjack a man and rob an elderly woman and her grandson at gunpoint. When police responded, Ortega attempted to run away on foot. Ortega refused Officer P.'s commands. Officer P. shot at the armed Ortega.

**33. November 15, 2013, Non-Fatal, 4400 Montgomery NE** DWI

Officer R. shot 64-year-old Robert Garcia Sr. once in the torso after Garcia pointed a gun, Officer R. during an early-morning DUI stop. It was later learned that Garcia's gun was a pellet gun and that Garcia had wanted APD to shoot him. Garcia had a suicide note addressed to APD in his wallet.

**34. December 1, 2013, Non-Fatal, Northeastern and Wyoming      Disturbance CIT**

Officers M., M. and E. all fired their guns at 34-year-old Shaine Sherrill, who police say was holding a brake pad brandished to look like it was a gun, after responding to a disturbance call.

**35. December 8, 2013, Fatal, Mesa and Gold      Assault**

Officer M. shot and killed 37-year-old Andy Snider, who was armed with a hammer, after officers responded to an assault call at the 7-Eleven on University and Central, according to police.

**36. January 9, 2014, Non-Fatal, Rio Rancho      ROP      Pursuit Warrant**

Detective C. shot at the tires of the car 33-year-old Jeremy Robertson was driving as he was attempting to flee from detectives who were trying to arrest him in a Walgreen's parking lot in Rio Rancho.

**37. March 6, 2014, Fatal, Sandia Mountain Foothills near Copper      SWAT/ROP      CIT**

Detective S. and Officer P. shot and killed 38-year-old James Boyd six times after APD responded to reports that Boyd had threatened APD Open Space Officers with knives in the Sandia foothills behind a residential area.

**38. March 25, 2014, Fatal, 228 60th St NW      SWAT      CIT**

Officer E. shot and killed 30-year-old Alfred Redwine after police said Redwine fired at least one shot while standing outside of his apartment near 60th Street and Central. Police were called to the scene after a 14-year-old girl said Redwine pointed a gun at her.

**39. April 21, 2014, Fatal, Zuni and Wyoming      Pursuit      Stolen Vehicle**

Officer D. shot and killed 19-year-old Mary Hawkes after a foot chase outside of a trailer park in SE Albuquerque. Police said that officers had seen Hawkes driving a stolen truck earlier and were attempting to locate and arrest her when the chase ensued. Officer D. said during the chase that Hawkes pointed a gun at him.

**40. May 3, 2014, Fatal, 10500 Coyote Canyon NW      SWAT      CIT**

SWAT team officer H. shot 50-year-old Armand Martin after police said Martin threatened his wife and children with a gun. Police said Martin fired into the neighborhood from his home, and came out of the house actively shooting with two handguns when he was fatally shot.

**41. May 22, 2014, Fatal, 2nd Street NM and Interstate 40      Aggravated Assault**

Officers G. and F. shot and killed Ralph Chavez after Chavez allegedly slashed the throat of a man who was attempting to intervene in a fight Chavez was having with his girlfriend.



Officers S. and O. fired two shots each, killing 33-year-old Jeremy Robertson, after Robertson reached into his waistband for a gun while running away from officers.

### III. Officer Involved Shooting Statistics Regarding Albuquerque Police Department Area Commands

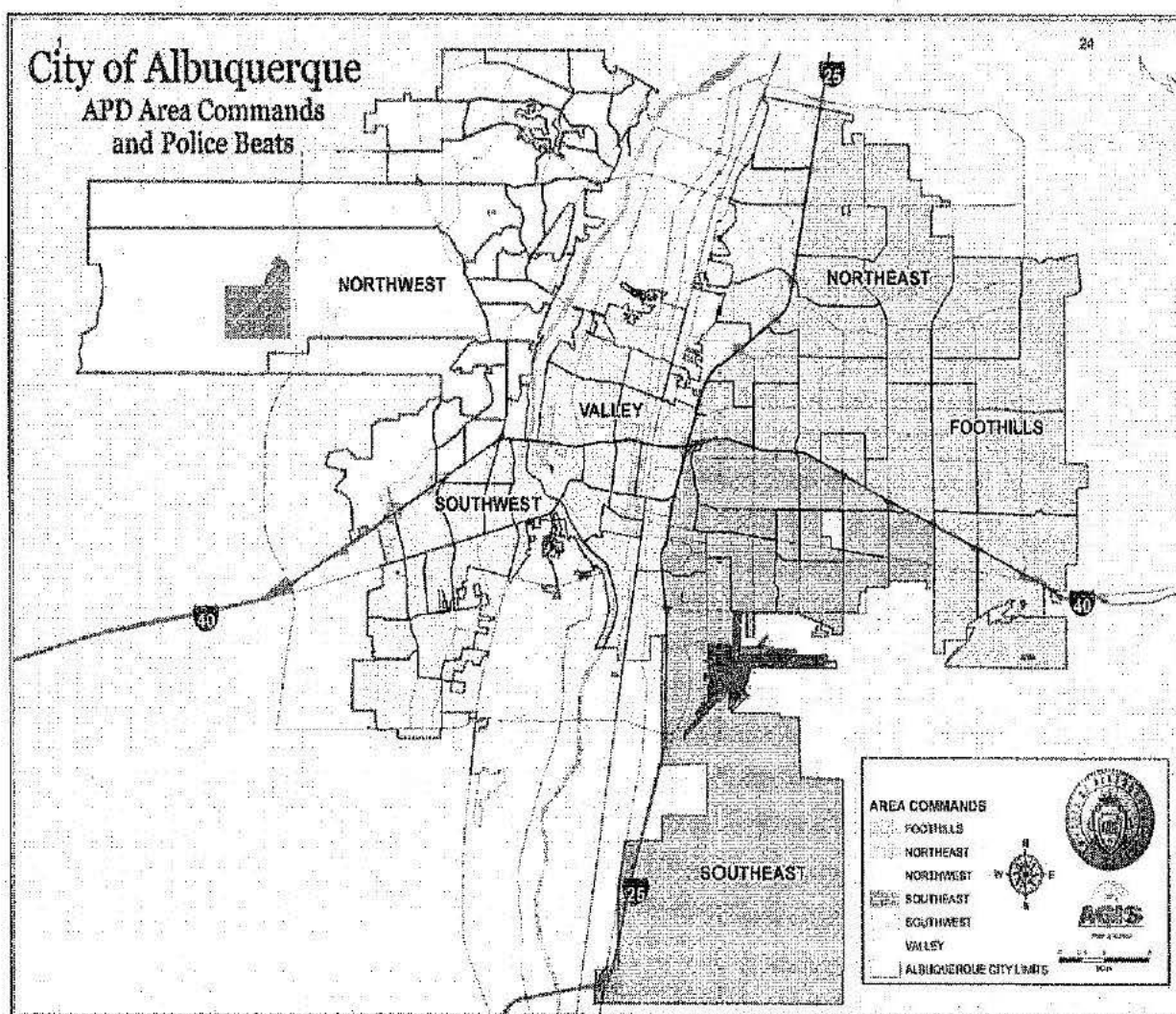


Figure 8: This figure represents the Area Commands for the Albuquerque Police Department as of December 17, 2014.



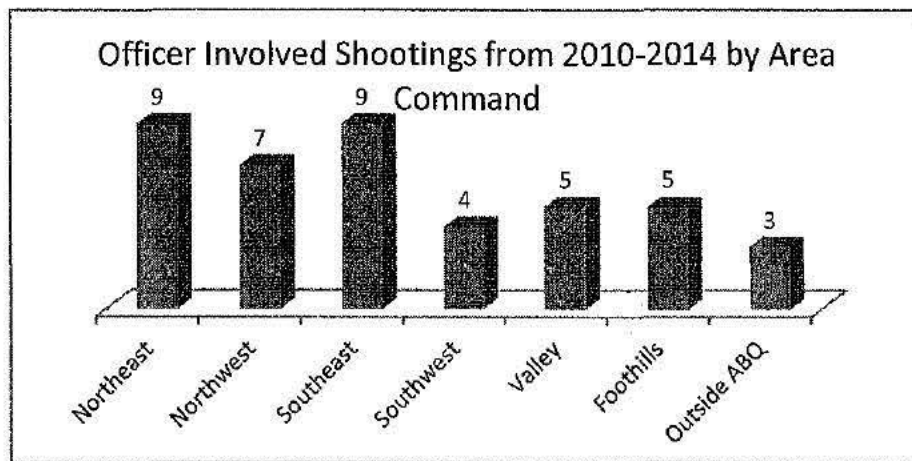
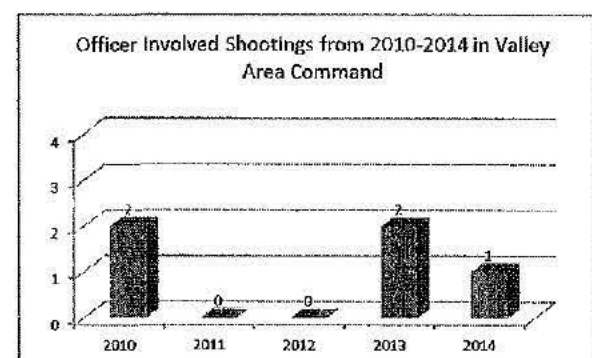
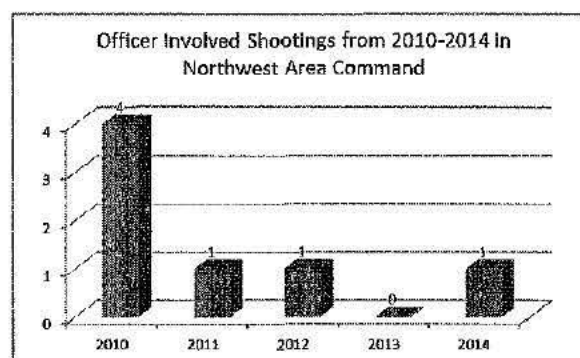
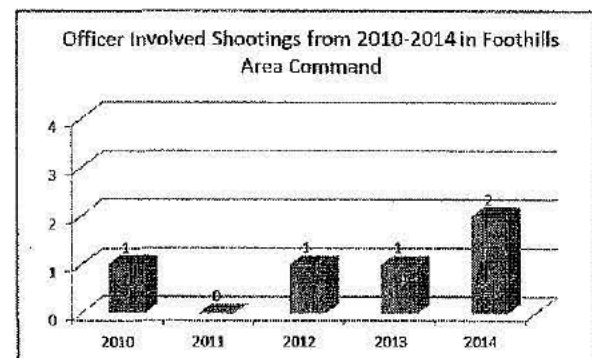
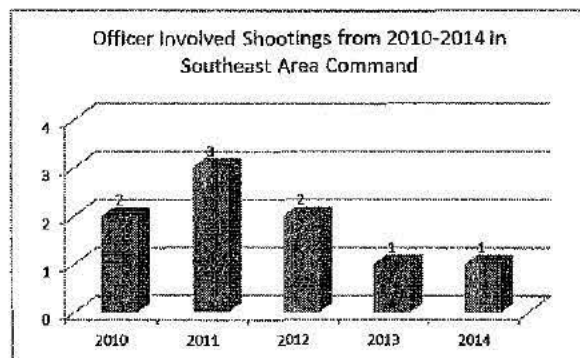
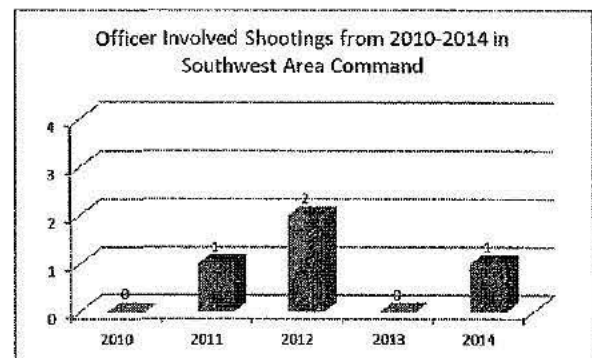
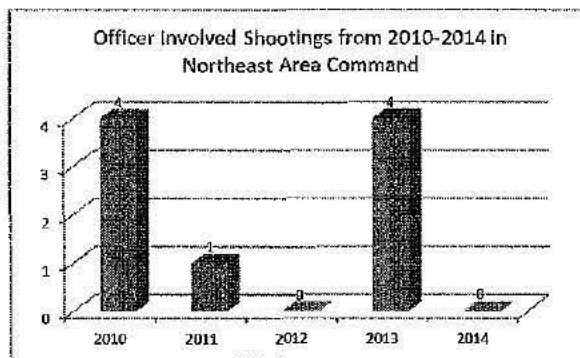
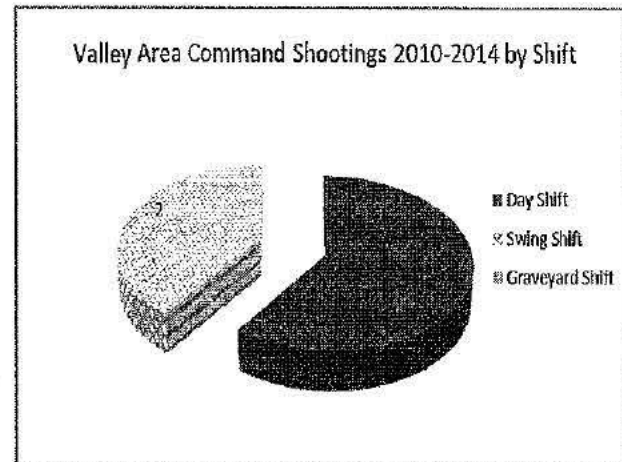
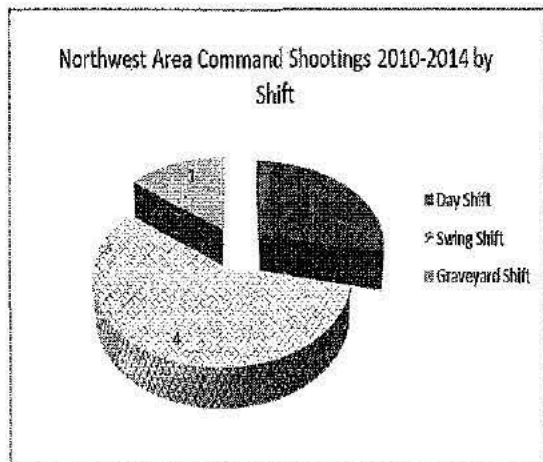
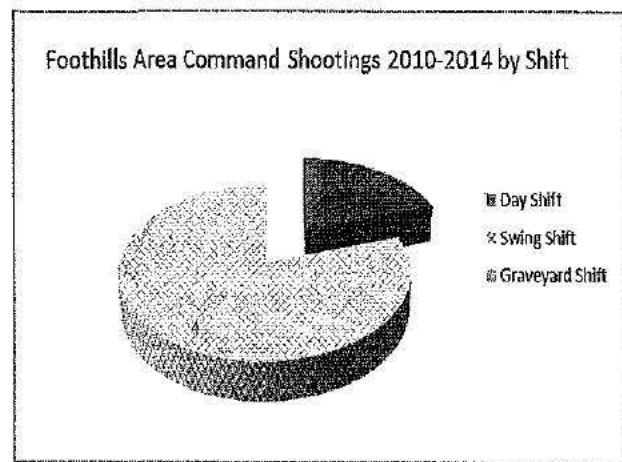
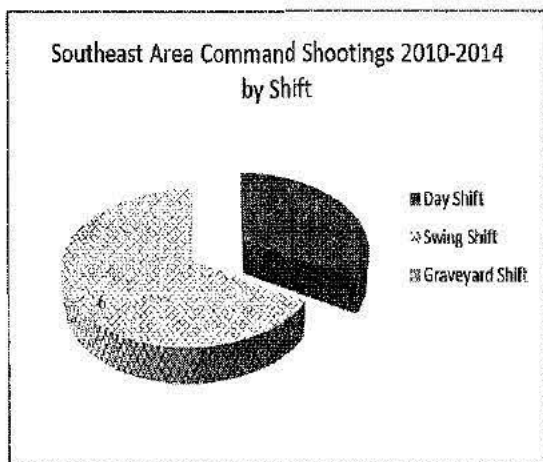
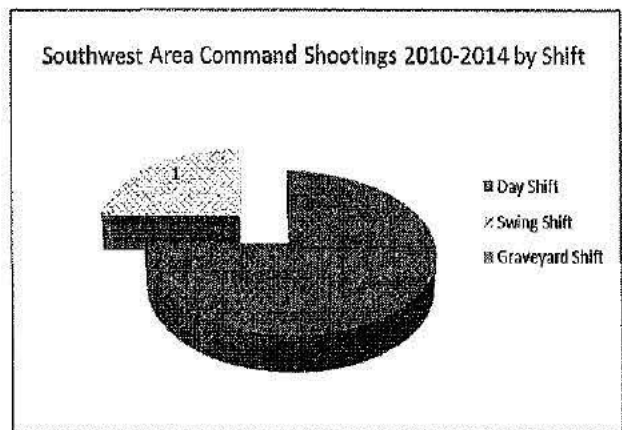
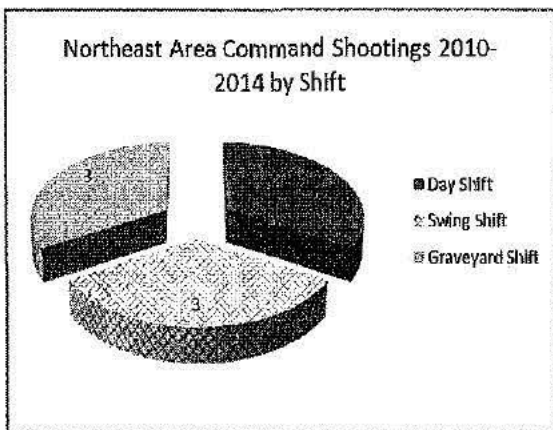


Figure 9: The most Officer Involved Shootings from 2010-2014 occurred in the Northeast and Southeast Area Commands.







## IV. Officer Involved Shooting Statistics by City Council District

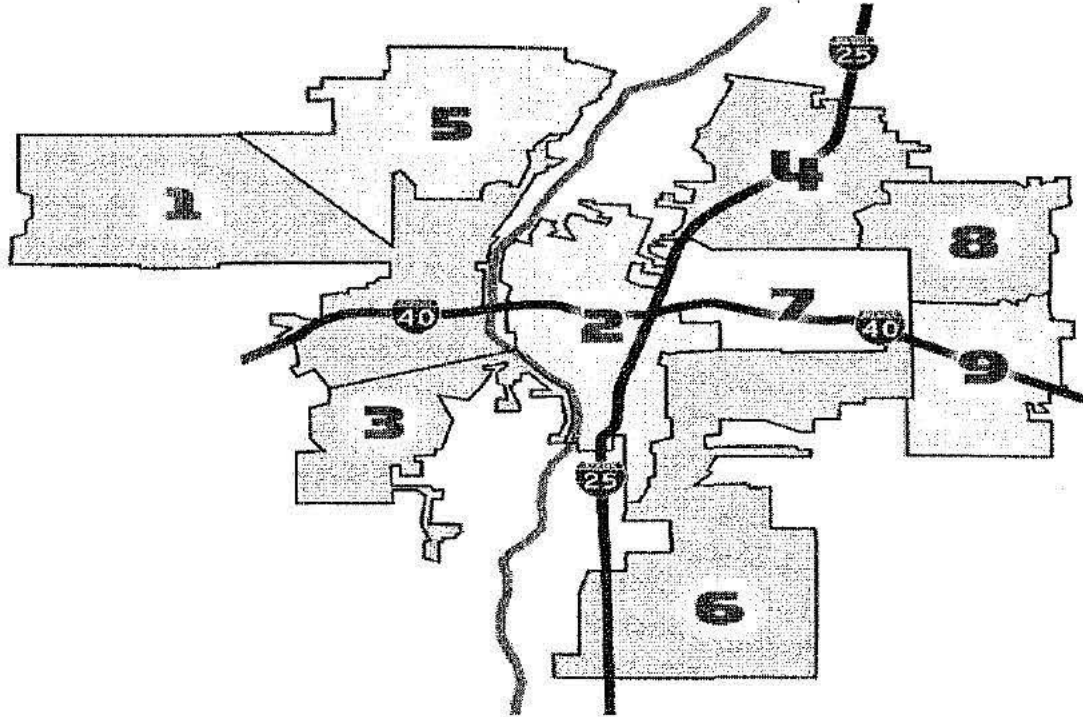


Figure 10: The above map shows the City Council Districts as of December 2014. The boundaries for the districts were revised in 2012.

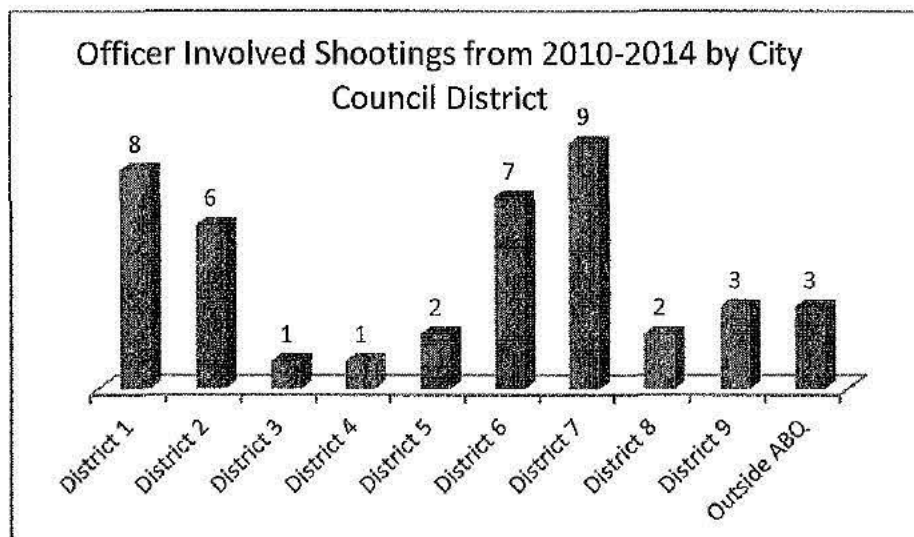
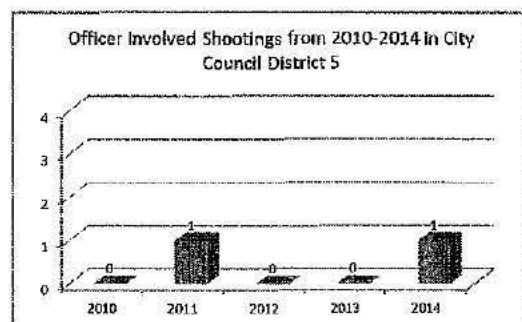
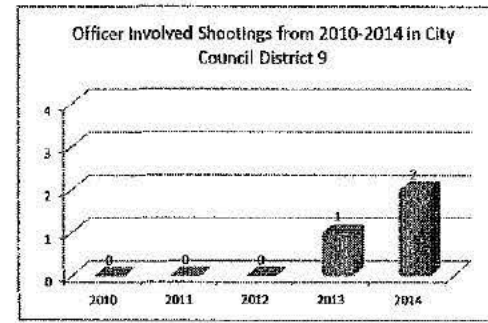
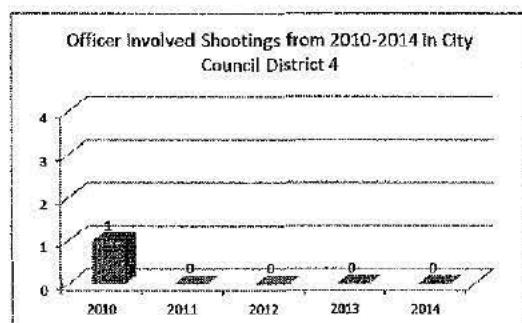
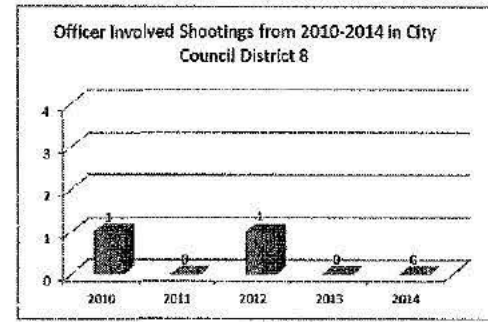
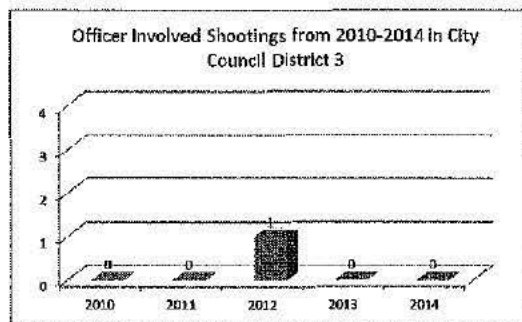
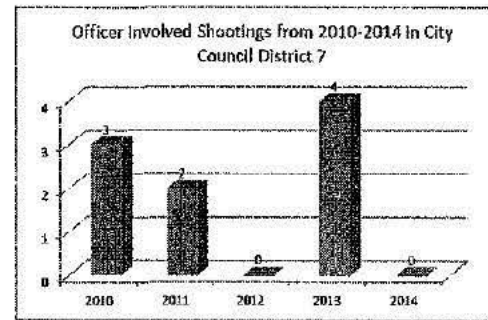
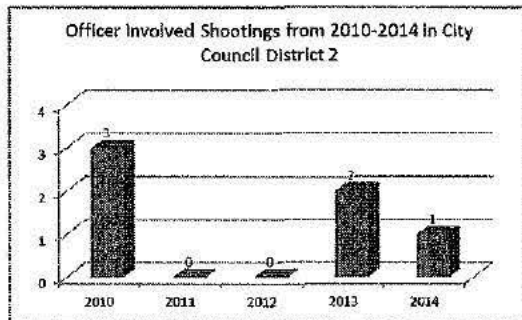
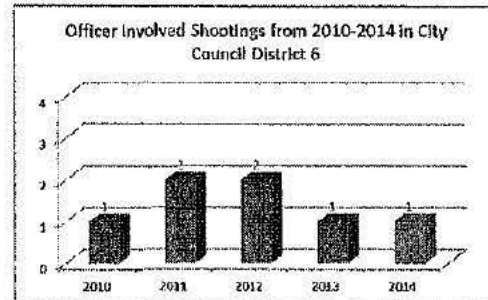
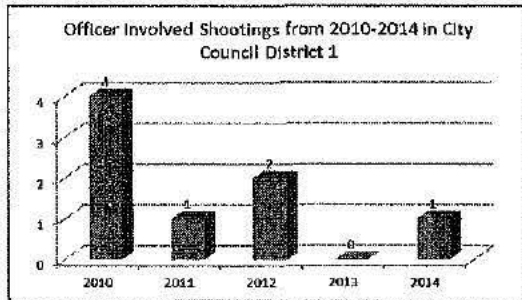
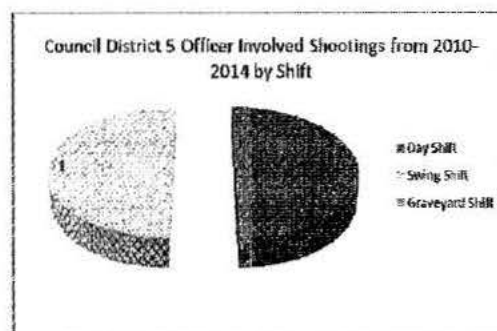
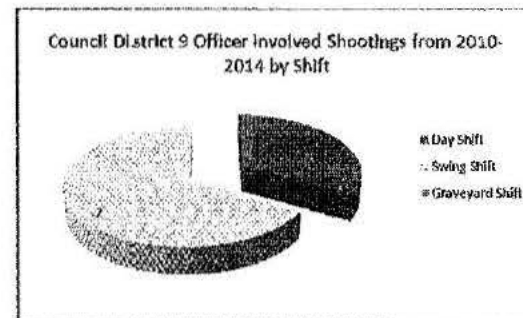
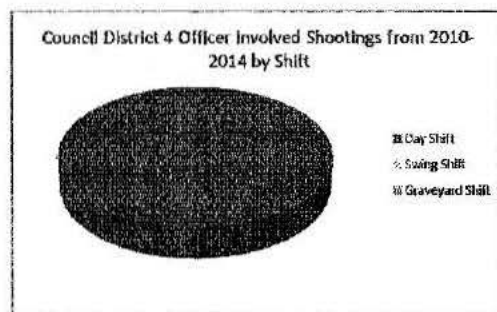
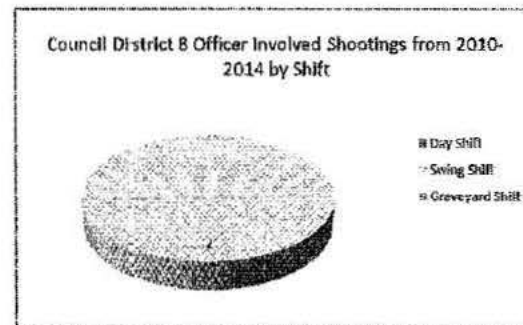
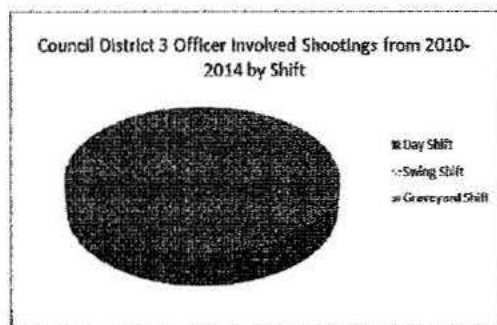
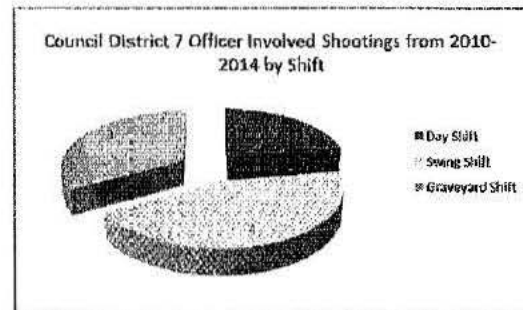
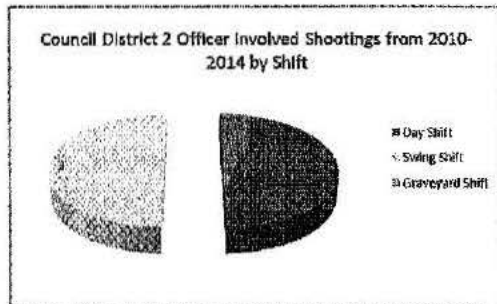
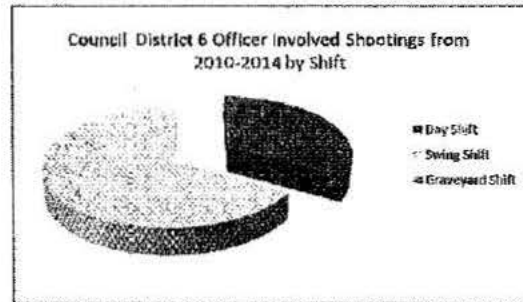
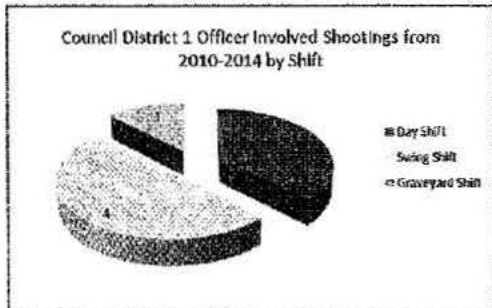


Figure 11: District 1 and 7 had the most Officer Involved Shootings from 2010 to 2014.









## V. Albuquerque Police Department Officers Involved in Shootings

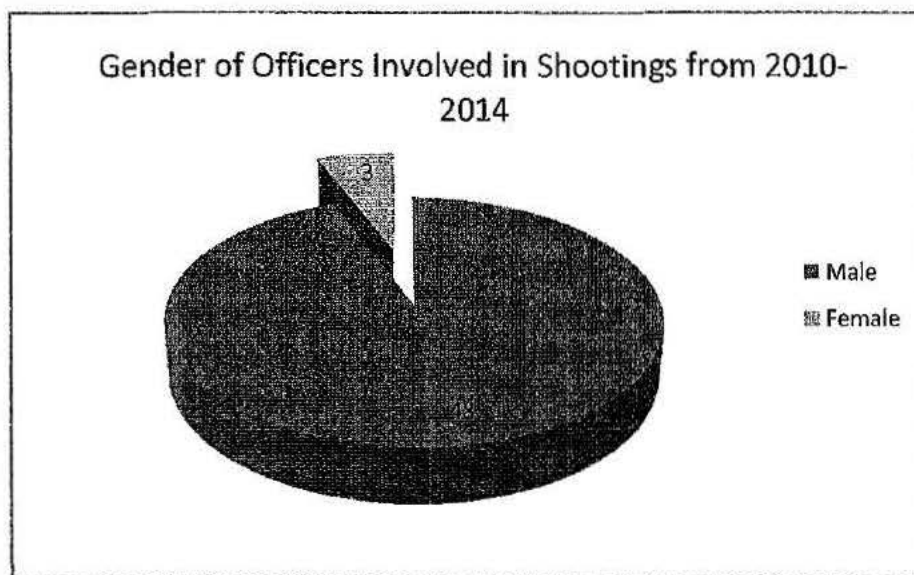


Figure 12: 94% of Officers who fired their weapons during Officer Involved Shootings from 2010-2014 were male.

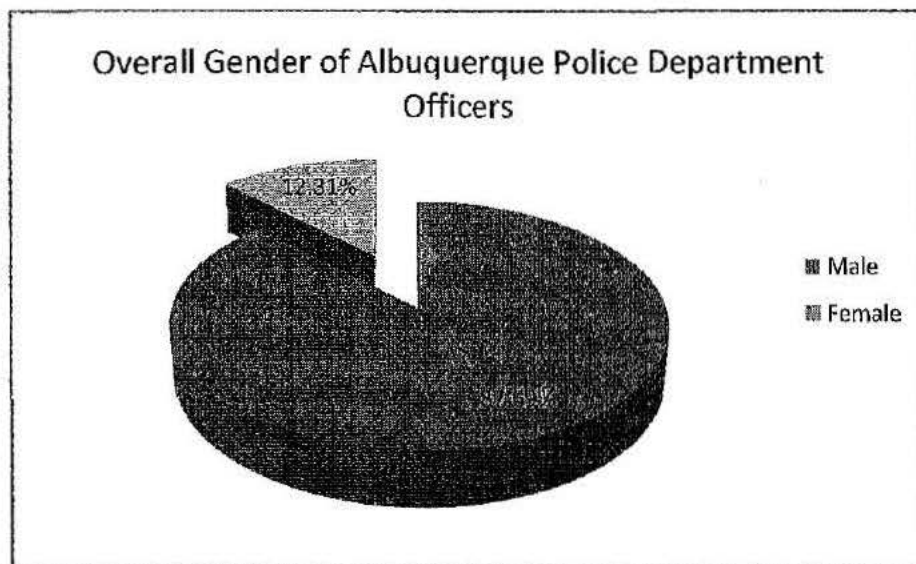


Figure 13: Male officers are involved in a higher percentage of Officer Involved Shootings than their overall percentage of the department would suggest.

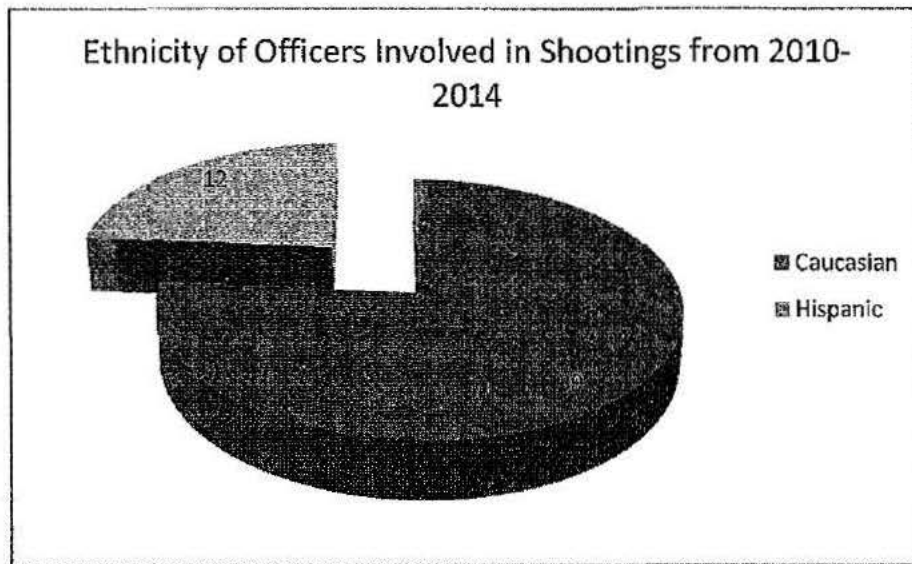


Figure 14: 76% of the Officers who fired their weapons during officer involved shootings from 2010-2014 were Caucasian.

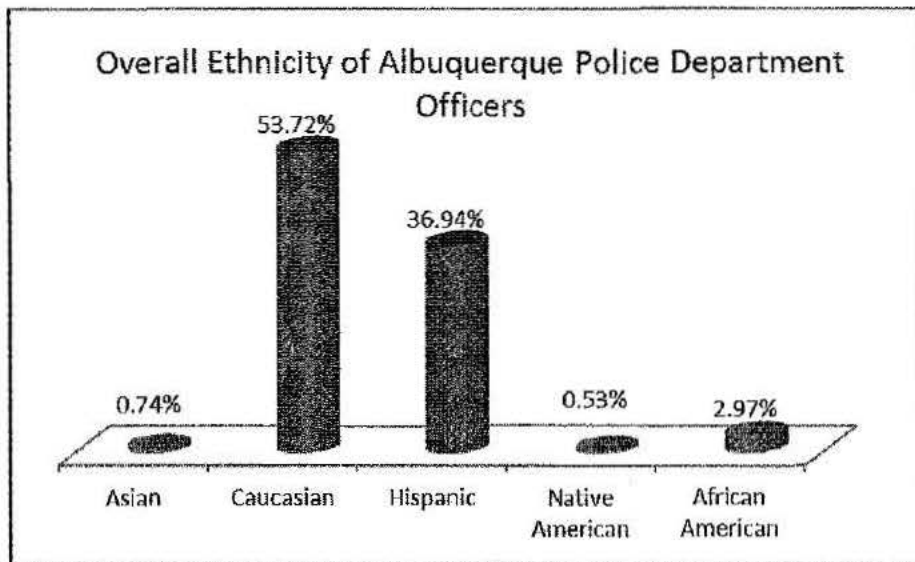


Figure 15: Caucasian officers were involved in a higher percentage of Officer Involved Shootings than their overall percentage of the department would suggest.

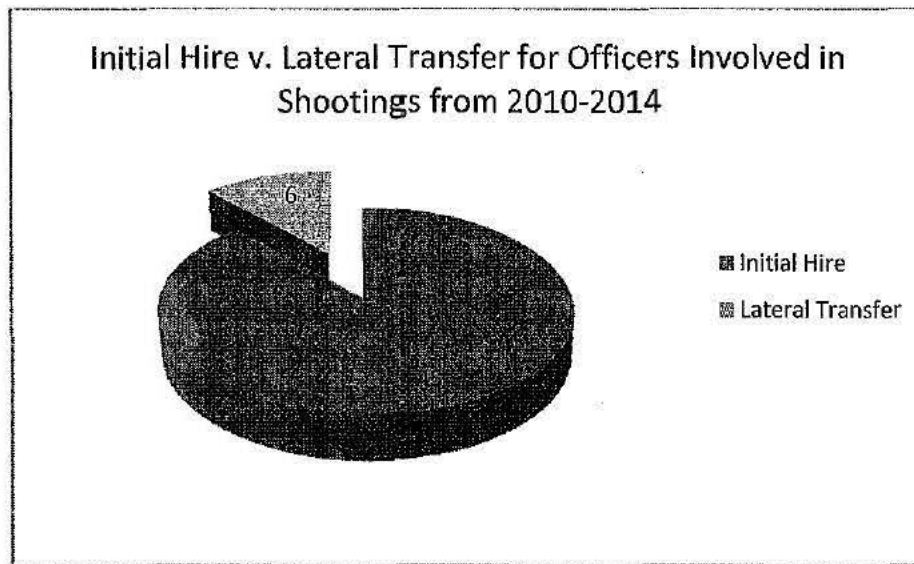


Figure 16: 88% of the Officers who fired their weapon in an Officer Involved Shooting from 2010-2014 were initially hired by APD.

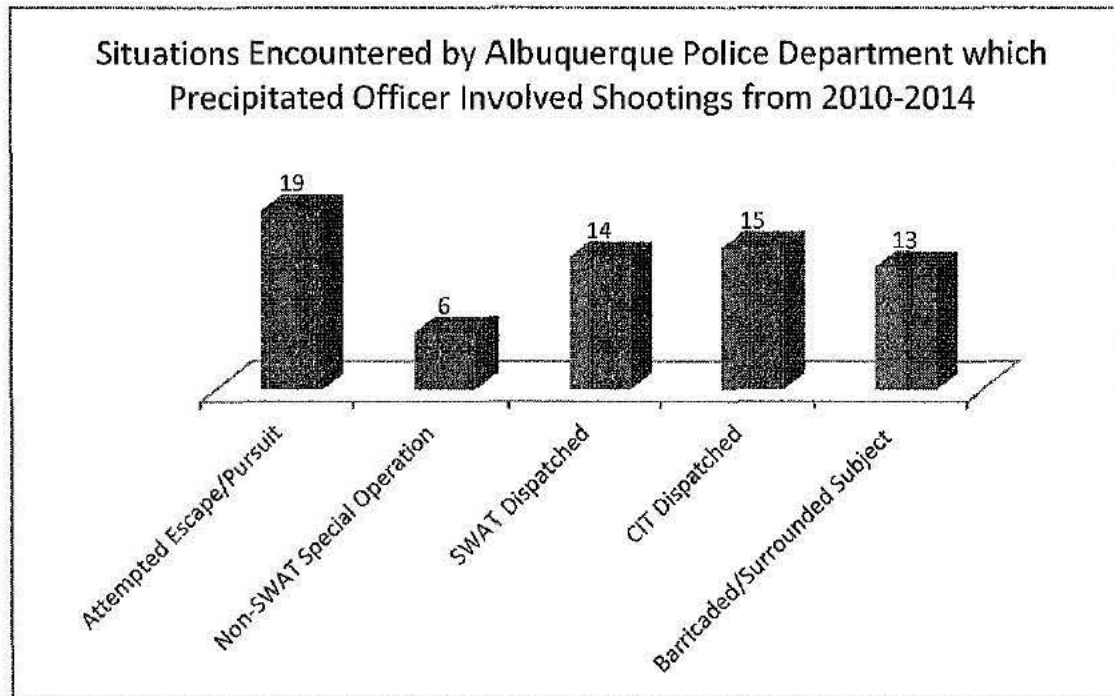


Figure 17: The categories above are not mutually exclusive. Each incident should be examined individually, as each occurrence does not squarely fit within a single police situation. Each category will be tied to an Officer Involved Shooting via the chronological numbering system used above: Attempted Escape/Pursuit: 1, 3, 4, 5, 6, 15, 16, 18, 20, 21, 22, 23, 27, 28, 31, 32, 36, 39, 42; Non-Swat Special Operation: 5 (Robbery Surveillance), 16 (Warrant), 26 (Undercover Drugs), 36 (ROP), 39 (Stolen Vehicle Surveillance), 42 (ATF); SWAT dispatched: 2, 3, 7, 12, 17, 20, 25, 27, 28, 29, 31, 37, 38, 40; CIT Dispatched: 2, 3, 7, 12, 14, 17, 20, 25, 27, 28, 29, 34, 37, 38, 40; Barricaded/Surrounded Subject: 2, 3, 5, 7, 12, 17, 20, 25, 27, 29, 37, 38, 40.



### Type of Weapon Brandished by Subjects shot by Officers from 2010-2014

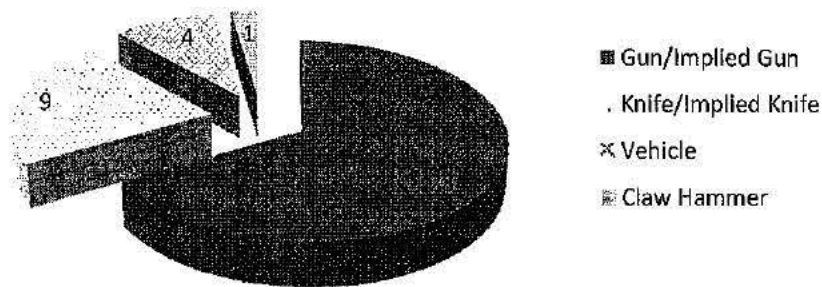


Figure 18: In 67% of the Officer Involved Shootings from 2010-2014 (28/42), Albuquerque Police Department Officers encountered either a person with a gun or an implied gun. "Implied" covers both information dispatched to officers indicating the subject was armed and situations in which subjects brandished another object intended to simulate a firearm.

### Assignment of Officers who were Involved in Shootings 2010-2014

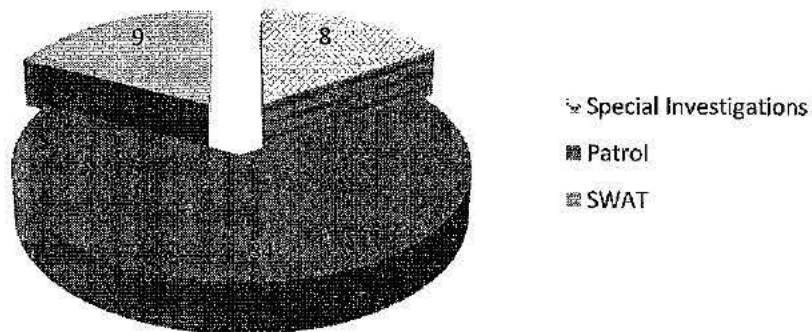


Figure 19: 33% of the Officers involved in shootings from 2010-2014 were assigned to Special Investigation Divisions including SWAT.



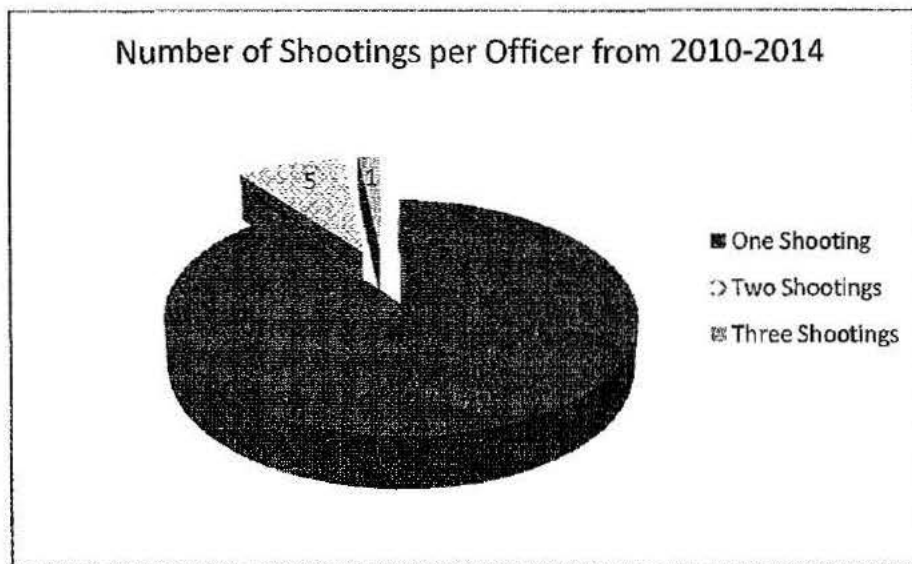


Figure 20: One officer was involved in three Albuquerque Police Department Shootings from 2010-2014.

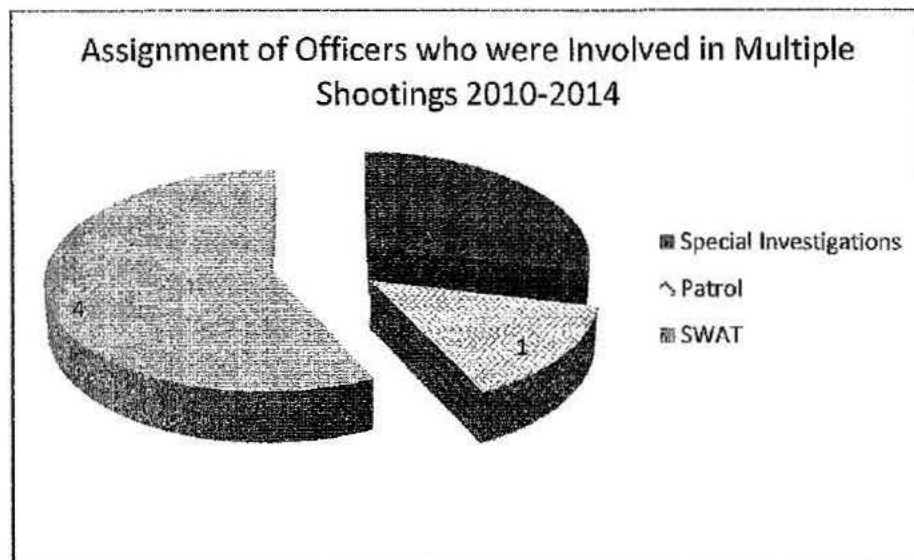


Figure 21: 83% of the officers who were involved in multiple shootings were assigned to a Special Investigation Division including SWAT. Two of the officers involved in multiple shootings were hired in 2007.

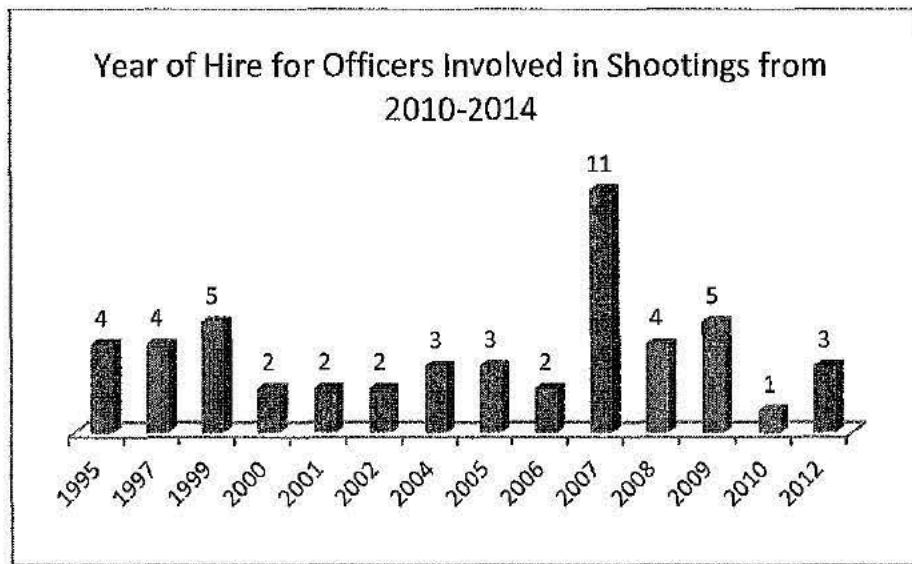


Figure 22: This graph takes into account that some individual officers were involved in multiple shootings and only lists those officers' dates of hires once. Thus, 51 hire dates are analyzed. From 1995 to 2006, 53% of officers who fired their weapons in shootings were hired. From 2007-2009, 39% of officers involved in shootings were hired. In 2007 alone, Albuquerque Police hired 22% of the total officers who fired their weapons during Officer Involved Shootings from 2010-2014. From 2010-2014, 8% of Officers Involved in shootings were hired.

## VI. Demographics for Subjects for Officer Involved Shootings

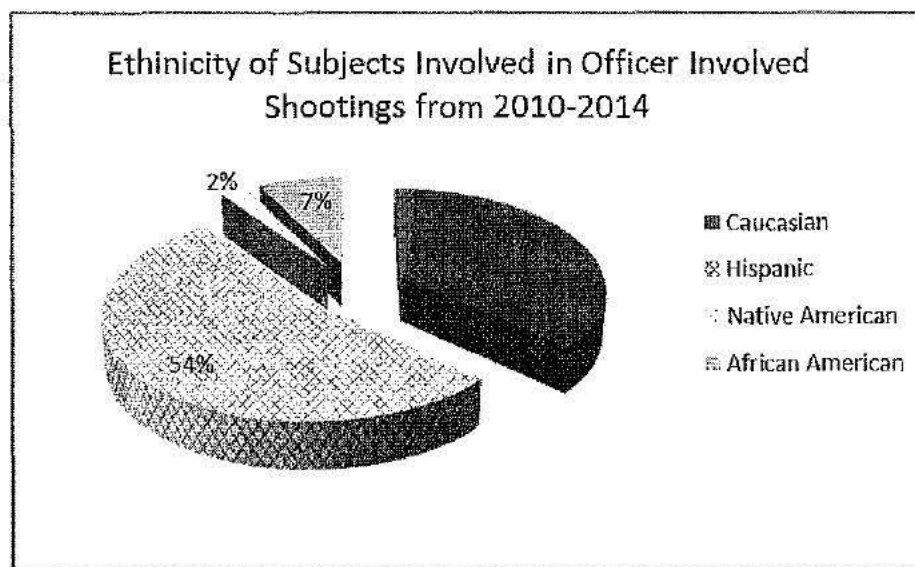


Figure 23: Over half of the subjects shot by Albuquerque Police Department Officers were Hispanic.

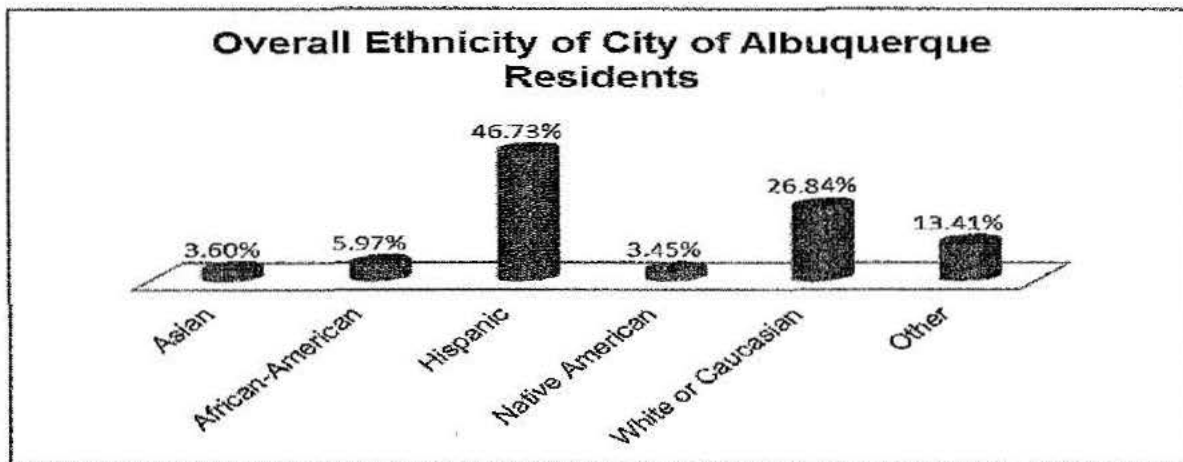


Figure 24: A comparison of the ethnicity of the subjects shot from 2010-2014 shows that Hispanics were shot at a rate slightly higher than their overall population in the City of Albuquerque.

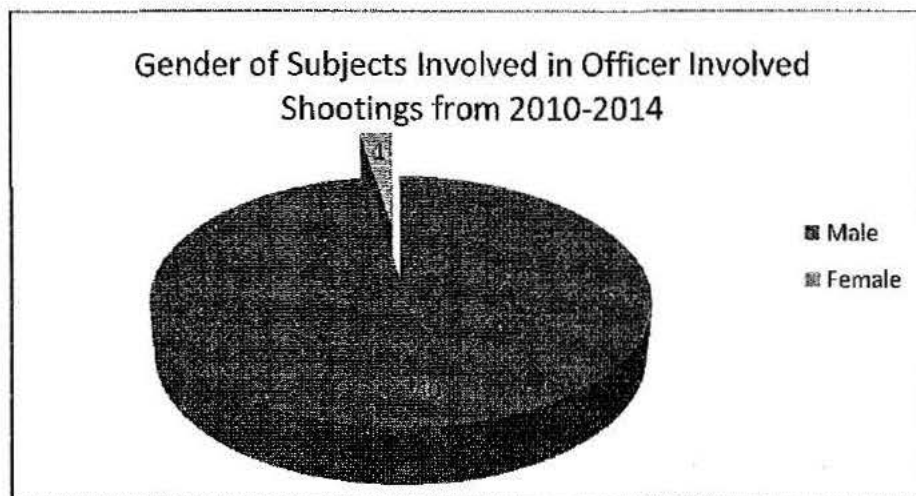


Figure 25: 97.5% of the subjects shot by Albuquerque Police were male. While there are forty-two total APD shootings from 2010-2014, Jeremy Robertson was the subject of two shootings.

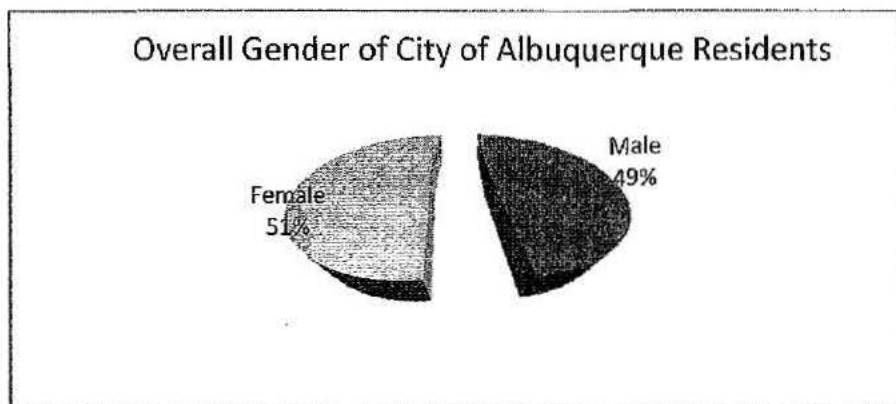


Figure 26: A comparison of the gender of subjects shot by APD from 2010-2014 shows males were shot at rate far outstripping their percentage of the overall population in the City of Albuquerque.



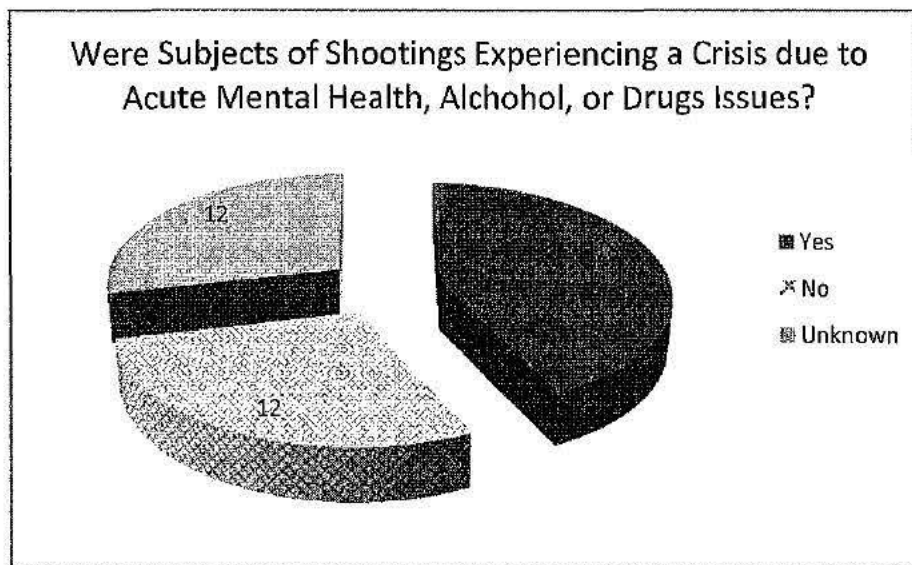


Figure 27: Using the chronological numbering from above: Yes: 1, 2, 5, 7, 8, 9, 11, 13, 14, 16, 17, 23, 30, 32, 35, 37, 39, 40; No: 3, 6, 10, 12, 15, 24, 25, 26, 27, 28, 29, 33; Unknown: 4, 18, 19, 20, 21, 22, 31, 34, 36, 38, 41, 42.

## VII. Officer Involved Shootings Presented to the Police Oversight Commission from December 2012 to August 2014

Case Number:	Officer:	Date of Incident	Date Received At IRO:	Fatal/Non-Fatal	Person Shot	Date DA completed review	Case Summary	Date Presented To POC
I 23-11	Officer S.	03/29/10	4/19/2011	Fatal	Mickey Owings	09/28/11	Robbery offender shot as officers attempted to surround his vehicle at Walmart	12/13/12
I 127-11	Officer B.	02/09/11	8/8/2011	Fatal	Jacob Mitschelen	04/03/13	Traffic stop; handgun pointed at officer	1/10/13
I 170-11	Officer P.	11/11/10	12/8/2011	Non-Fatal	Russell Tenorio	05/17/13	Suicidal offender; charged officers armed with knife	3/14/13
I 228-11	Officer P.	08/30/11	2/15/2012	Fatal	Michael Marquez	03/25/13	Offender pointed AK-47 at Officer	4/15/13
I 29-12	Officer P.	02/14/12	5/15/2012	Non-Fatal Dog shot	n/a	n/a-Dog	Dog Shot	5/9/13
I 79-12	Officer P.	01/04/12	07/16/12	Fatal	Mark Macoldowna	03/18/13	Robbery; held hostage at gun point	08/08/13
I 62-13	Officer P.	08/06/12	05/15/13	Non-	Dominic	05/02/13	Narcotics investigation;	09/12/13

Case Number:	Officer:	Date of Incident	Date Received At IRO:	Fatal/ Non-Fatal	Person Shot	Date DA completed review	Case Summary	Date Presented To POC
				Fatal	Solis-Mora		Offender had handgun	
I 168-12	Officer W.	09/06/12	09/25/12	Non-Fatal (Dog shot)	n/a	n/a-Dog	Dog Shot	10/10/13
I 154-12	Officer H.	04/19/12	10/16/12	Non-Fatal	Dennis Aragon	07/03/13	Armed offender; rifle aimed at officer	11/14/13
I 112-12	Officer J. Officer L.	6/14/12	9/10/12	Non-Fatal (Dog shot)	n/a	n/a-Dog	Dog Shot	01/09/14
I 58-13	Officer C.	2/22/13	4/23/13	Non-Fatal (Dog shot)	n/a	n/a-Dog	Dog Shot	04/10/14
I 100-13	Officer W.	12/17/12	5/30/13	Non-fatal (shot at car)	n/a	n/a	Shot at Fleeing suspect and struck car	5/13/14
I 208-13	Officer H.	03/19/13	03/10/14	APD Non-Fatal (NMSP Fatal)	Kendall Carroll	Not completed	Armed barricaded subject, shot by NMSP	5/13/14
I 188-12	Officer C.	9/20/12	12/19/12	Non-Fatal (Dog shot)	n/a	n/a-Dog	Dog Shot	6/12/14
I 195-13	Officer S.	08/11/13	10/03/13	Non-Fatal (Dog shot)	n/a	n/a-Dog	Dog Shot	06/12/14
I 166-13	Officer M.	07/15/13	06/13/14	Non-Fatal	Scott Maher	n/a	Accidental Discharge which struck partner	07/10/14
I-199-12	Officer S.	10/17/12	1/23/13	Non-Fatal (Dog shot)	n/a	n/a-Dog	Dog shot	08/14/14

## VIII. Completed Officer Involved Shootings Investigations Pending at the CPOA

Case Number:	Officer:	Date of Incident	Date Received At IRO:	Fatal/ Non-Fatal	Person Shot	Date of DA Review	Case Summary
I-193-11	Officer B.	04/12/11	2/16/2012	Fatal	Christopher Torres	02/14/14	Arrest Warrant; Offender punched police and grabbed officer's weapon
I-194-11	Officer W.	05/10/11	2/3/2012 (12/22/11)	Fatal	Alan Gomez	05/29/13	Kidnapping; previously offender had spoon at time shot
I-129-12	Officer S.	03/19/12	9/17/2012	Fatal	Daniel Tillson	05/08/13	Suspicious vehicle; selling stolen property
I-152-12	Officer C.	3/21/12	12/18/12	Fatal	Gary Atencio	05/09/13	NMSP, Laguna PD, and APD responded for domestic response in ABQ; Offender led police outside the city, crashed car, fled toward occupied buildings, armed
I-240-12	Officer B.	06/20/12	4/5/13	Officer shot & missed; Offender shot himself	Santiago Chavez	n/a-Non-Fatal	Offender shot at officer and at neighbors; Officer missed; Offender died from self-inflicted gunshot
I-8-13	Officer A.	01/15/13	03/25/14	Non-Fatal (shot at dog and missed)	n/a	n/a-Dog	Dog Attack
I-188-13	Officer P. Officer S. Officer A.	03/05/13	09/10/2013	Fatal	Parrish Dennison	Not Completed	Disturbance call; Offender stolen musical instruments – Chili's / Coronado Mall area
I-48-14	Officer B. Officer W.	07/05/13	04/22/14	Fatal	Vincent Wood	Not Completed	Mental health; Offender armed with butcher knife (Circle K)
I-70-14	Officer P.	10/28/13	6/10/14	Non-Fatal	Joaquin Ortega	Not Completed	Mental Health; armed robbery; Muffler shop
I-50-14	Officer A.	02/20/14	4/29/14	Non-Fatal (shot at dog and missed)	n/a	n/a-Dog	Dog Attack
I-49-14	Officer J.	02/24/14	05/08/2014	Non-Fatal (Dog shot)	n/a	n/a-Dog	Dog Attack
I-119-14	Officer M. Officer M. Officer E.	12/01/2013	10/15/14	Non-Fatal	Shane Sherrill	Not completed	Domestic Disturbance, armed with a brake pad that was pointed



## IX. Officer Involved Shootings Pending at APD Internal Affairs Which Investigations are Not Complete and Have Not Been Provided to the CPOA for Review

Case Number:	Officer:	Date of Incident	Date Received At IRO:	Fatal/ Non-Fatal	Person Shot	Date of DA Review	Case Summary
	Officer M. Officer S. Officer M. Officer C. Officer B. Officer D.	10/26/13		Fatal	Christopher Chase	Not completed	Mental health; armed with AK47 ; includes BCSO Montano
	Officer P.	11/15/2013		Non-Fatal	Bobby Garcia	Not completed	DWI stop at Montgomery/Washington
	Officer M.	12/08/2013		Fatal	Andy Snider	Not completed	Assault at convenience store; armed with a 10" claw hammer
	Officer S. Officer P.	03/16/2014		Fatal	James Boyd	Not completed	Homeless Camper armed with knives
	Officer E.	03/25/2014		Fatal	Alfred Redwine	Not completed	Domestic disturbance involving minor, armed with firearm which offender fired once
I-99-14	Officer D.	04/21/2014		Fatal	Mary Hawkes	Not completed	Foot chase at trailer park, offender armed with a gun which she pointed at officer
	Officer H.	05/03/2014		Fatal	Armand Martin	Not completed	Barricaded subject armed with knife threatened wife and children and actively shot at law enforcement
	Officer G. Officer F.	05/22/2014		Fatal	Ralph Chavez	Not completed	Offender had stabbed two people, armed with knife, repeatedly advanced at officers
	Officer O. Officer S.	07/22/2014		Fatal	Jeremy Joe Robertson	Not completed	Armed and fleeing federal fugitive at Eubank and Central
	Officer G.	01/03/2015		Non-Fatal	N/A	Not completed	Officer returned fire after being shot on a DWI traffic stop
	Officer B.	01/09/15		Non-Fatal	Officer G.	Not completed	Officer shot by another officer during undercover drug operation
	Officer F. Officer O.	01/13/2015		Fatal	John O'Keefe	Not completed	Officers shot a suspect during a pursuit in which the suspect fired at the officers with a handgun

## **X. Analysis and Recommendations**

From 2010-2014, Male Hispanics were shot at a disparate rate when compared to the population of Albuquerque. Women officers and Hispanic officers were slightly underrepresented within the department when compared to the overall demographics for the City of Albuquerque. Officers hired or trained from 2007 through 2009 are responsible for a disproportionate amount of the shootings which occurred by the Albuquerque Police Department from 2010-2014. Caucasian officers shot subjects at a ratio higher than the Caucasian population of the City and at a higher percentage than Caucasian officers on the Albuquerque Police Department.

Special Investigations, including SWAT, are responsible for a larger percentage of the shootings, which is understandable considering they deal with the riskiest subjects and situations. 71% of the shootings during from 2010-2014 occurred in City Council Districts 1, 2, 7, and 8. 43% of the Officer Involved Shootings from 2010-2014 occurred in the Northeast and Southeast APD Area Commands. At least 43% of the shootings involved a person experiencing a crisis due to substance abuse or mental health issues, so training should be increased concerning interactions with the mentally ill and substance abusers. In each instance in which SWAT was activated for a barricaded subject, a behavioral health or crisis intervention specialist was also dispatched. The census data must be examined carefully in context of the APD statistics due to the census' use of an "other" category concerning a person's ethnicity.

**From:** Hammer, Robin  
**To:** Bullock, Nicholas; Cash, Paul; Contreras, Michelle; Davidson, Christopher; Hammer, Robin; McDermott, Diane L.; O'Neil, Erin; Skotchdopole, Paul A.; Beth Mohr; David Ring; Eric H. Cruz; Eva P. Sandoval; Jeannette V. Baca; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Scott S. Wilson  
**Subject:** Personnel Sub-Committee  
**Date:** Wednesday, March 25, 2015 11:30:06 AM

---

The Personnel Sub-committee will meet on Tuesday, April 7, 2015 at 10:00 am.  
The meeting will be held in the hearing room 160, of Plaza del Sol, 600 Second Street NW.

Robin S. Hammer, Esq.  
Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3770  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

**From:** Hammer, Robin  
**To:** Leonard Waites; Moira Amado-McCoy; Scott S. Wilson  
**Cc:** Bullock, Nicholas  
**Subject:** Police Complaint SubCommittee  
**Date:** Thursday, March 19, 2015 2:40:24 PM  
**Attachments:** Copy of Hearing Room Schedule.xlsx

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Dear Police Complaint Sub-Committee members:

I propose meeting sometime toward the end of the week of March 30 to review CPC cases which will be set on the April 9, 2014 PO= Meeting. Attached is a the schedule for available dates for the hearing room at Plaza del Sol.

Please let me know when you would be available to schedule this Sub-Committee meeting.

Thanks,  
Robin Hammer

Robin S. Hammer, Esq.  
Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3774  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>



# Planning Department Hearing Room Schedule

March 23-April 10, 2015

DATE	8:00	9:00	10:00	11:00	12:00	1:00	2:00	3:00	4:00	5:00
Monday, March 23rd -										
Tuesday, March 24th -										
Wednesday, March 25th -										
Thursday, March 26th -										
Friday, March 27th -										
Monday, March 30th -										
Tuesday, March 31st -										
Wednesday, April 1st -										
Thursday, April 2nd -										
Friday, April 3rd -										
Monday, April 6th -										
Tuesday, April 7th -										
Wednesday, April 8th -										
Thursday, April 9th -										
Friday, April 10th -										

Green = Available

Yellow = Unavailable



**From:** Gonzales, Jessica L.  
**To:** Moira Amado-McCoy (moiraamado@gmail.com); Eric Cruz (eric.huizar.cruz@gmail.com); fine.joanne@yahoo.com; bmohr@theMcHardfirm.com; eve.sandoval@yahoo.com; "leonard.waites@yahoo.com" (leonard.waites@yahoo.com); jswilsonnm@live.com; "tybaca@icloud.com"; "Dave Ring III"  
**Subject:** Police Oversight Board  
**Date:** Friday, January 23, 2015 4:06:08 PM

---

Hi folks,

We've received a few emails inquiring as to whether the top 9 recommended board members should attend the City Council meeting on the Monday, February 2<sup>nd</sup>. You all are more than welcome to attend and are welcome to sign up during public comment and introduce yourselves to the Councilors or you can sign up to speak to the actual agenda item if you desire or just listen to the whole discussion and be available if you happen to be called upon. Nothing will be finalized until after the evening of the 2<sup>nd</sup> at which point we can formally address and make plans for the inaugural police oversight board.

City Hall is located at 4<sup>th</sup> and Marquette. You can park in the basement of City Hall and have your parking pass validated with our city council staff. Please let me know if you have any questions. Thanks so much and have a great weekend.

Respectfully, < p>

Jessica L. Gonzales  
Policy Analyst- District 4 < o:p>  
City Council Vice-President, Brad Winter  
505.768.3101  
[jessicagonzales@cabq.gov](mailto:jessicagonzales@cabq.gov) < a>  
[www.cabq.gov/council/councilors/district-4](http://www.cabq.gov/council/councilors/district-4)  
Twitter: @BradWinter <=:p>

<>

**From:** Moira Amado-McCoy  
**To:** Hammer, Robin  
**Subject:** printout of report?  
**Date:** Thursday, March 19, 2015 12:18:59 PM

---

Dear Robin --

I wonder if someone in your office could print out a copy of the =010-2014 Office Involved Shooting Report (file name: OIS Report-Draft =-4-15(3)), and perhaps you could bring it with you tonight?

Thanks for all your help.

Moira=

**From:** Hammer, Robin  
**To:** Bullock, Nicholas; Cash, Paul; Contreras, Michelle; Davidson, Christopher; Hammer, Robin; McDermott, Diane L.; O'Neil, Erin; Skotchdopole, Paul A.; Beth Mohr; David Ring; Eric H. Cruz; Eva P. Sandoval; Jeannette V. Baca; Joanne Fine; Leonard Waites; Mojira Amado-McCoy; Scott S. Wilson  
**Subject:** Proposed POB Rules and Compiled copy of Police Oversight Ordinance  
**Date:** Thursday, March 26, 2015 4:36:10 PM  
**Attachments:** Police Oversight Ordinance Informal Compilation as amended through O-2015-006 (March 2015).docx  
Notice of Proposed Rules.doc  
POB Rules and Regulations 2015-3-26-15 draft.rtf

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Dear POB Members:

Attached are the Notice of Hearing for Rule Change and the proposed POB Rules drafted by myself and CPOA Analyst Paul Cash. The POB will need to review, propose any amendments, and vote on Rules at the April 9, 2014 POB Meeting. The proposed Rules were based upon prior Rules, but were changed substantially to reflect the amended Ordinance and Settlement Agreement.

I have also attached a copy of the enacted Police Oversight Ordinance which incorporates the recent amendments. When referring to the Police Oversight Ordinance, please use this most recent version.

Please let me know if you have any questions.

All the best,  
Robin

Robin S. Hammer, Esq.  
Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
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Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

**CITY of ALBUQUERQUE**  
**TWENTY FIRST COUNCIL**

**COUNCIL BILL NO. F/S(3) O-14-13 ENACTMENT NO. \_\_\_\_\_**

**SPONSORED BY: Rey Garduño & Brad Winter**

**1** **ORDINANCE**

## 2 AMENDING CHAPTER 9, ARTICLE 4, PART 1 ROA 1994, THE POLICE

### 3 OVERSIGHT ORDINANCE, TO ABOLISH THE POLICE OVERSIGHT

#### 4 COMMISSION AND ESTABLISH THE CIVILIAN POLICE OVERSIGHT AGENCY

**5 WITH NEW OR AMENDED DUTIES, QUALIFICATIONS AND**

## 6 RESPONSIBILITIES, AND ADOPTING RELATED AMENDMENTS DEALING

**7 WITH THE CIVILIAN POLICE OVERSIGHT AGENCY AND THE INTERNAL**

**8 REVIEW OFFICE.**

**9 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**

10 ALBUQUERQUE:

11 SECTION 1. SECTION 9-4-1 IS HEREBY AMENDED AS FOLLOWS:

12 "PART 1: CIVILIAN POLICE OVERSIGHT AGENCY

13 § 9-4-1-1 SHORT TITLE.

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

-16      § 9-4-1-2 PURPOSE.

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

18 (A) Foster and perpetuate policing policies and practices that  
19 effectively maintain social order and which at the same time foster mutual  
20 trust and cooperation between police and civilians;

21 (B) Ensure that the civilian police oversight body functions as  
22 independently as possible from the executive and legislative branches of  
23 government of the City of Albuquerque;

24 (C) Provide civilians and police officers a fair and impartial system  
25 for the investigations and determinations on civilian police complaints;

26 (D) Gather and analyze data on trends and potential issues

1 concerning police conduct and practices and the related impacts on the  
2 community and individuals; and

3 (E) Provide policy guidance to the City Council, the Mayor and the  
4 Chief of Police.

5 § 9-4-1-3 LEGISLATIVE FINDINGS.

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

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

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

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

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

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

31 § 9-4-1-4 ESTABLISHMENT OF A CIVILIAN POLICE OVERSIGHT AGENCY.

32 There is hereby created a Civilian Police Oversight Agency (the  
33 "CPOA") as an independent agency of City Government, not part of either the

[+ Bracketed/Underscored Material+ ] - New  
[- Bracketed/Strikethrough Material- ] - Deletion



1 City Administration or City Council that consists of a Police Oversight Board  
2 (the "POB") and an Administrative Office led by the CPOA Executive Director.  
3 In addition to any other duties, the Administrative Office, through the  
4 Executive Director and staff, shall investigate all civilian complaints relating to  
5 police conduct, monitor and report on police internal affairs matters, provide  
6 staffing to the POB, and manage the day to day operations of the CPOA. The  
7 POB shall provide policy guidance for, and civilian oversight of the  
8 Albuquerque Police Department and review and approve or amend the  
9 findings and conclusions of all investigations completed by the Administrative  
10 Office.

11 (A) Independence. The CPOA is independent of the Mayor's  
12 Office, the City Council, and the Albuquerque Police Department with respect  
13 to the performance of its oversight role and duties under this ordinance.

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

18 (2) Budget. The CPOA shall have a dedicated and  
19 independent source of funding equal to, at a minimum, ½% of APD's annual  
20 operation budget, administer its own budget and supervise its own staff in  
21 compliance with the City's Merit Ordinance and contractual services policies  
22 and procedures. The CPOA shall recommend and propose its budget to the  
23 Mayor and City Council during the City's budget process to carry out the  
24 powers and duties under §§ 9-4-1-1 through 9-4-1-14, including the funding for  
25 staff, and all necessary operating expenses.

26 (3) Professional Legal Services. The CPOA may retain or  
27 employ independent legal counsel on a contractual basis to advise and  
28 represent the CPOA. If so retained, the CPOA's legal counsel shall represent  
29 the CPOA in the courts, and shall advise the CPOA as to any legal matters  
30 relating to this ordinance and the CPOA's duties, responsibilities, and  
31 procedures except for CPOA personnel matters which shall remain under the  
32 authority of the City Attorney's Office.

33 (4) Applicability of City Policies and Ordinances. The CPOA

1 shall comply with all City ordinances and policies dealing with administrative  
2 functions including but not limited to those dealing with personnel, the merit  
3 system, and procurements.

4 (B) Staff. The CPOA shall employ such staff as necessary to carry  
5 out its functions as prescribed by this Article, including but not limited to an  
6 executive director, professional investigative staff and other staff as may be  
7 necessary, subject to budget sufficiency and City personnel policies and  
8 procedures.

9 (C) Responsibilities. The Civilian Police Oversight Agency is  
10 responsible for civilian police oversight and has the following powers and  
11 duties:

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

20 (2) Promotion of Accountability. The CPOA shall promote a  
21 spirit of accountability and communication between the civilians and the  
22 Albuquerque Police Department while improving community relations and  
23 enhancing public confidence.

24 (3) Investigations. The Administrative Office shall  
25 independently investigate all civilian complaints; shall audit and monitor all  
26 incidences of use of force by police and all matters under investigation by  
27 APD's Internal Affairs (IA); and shall prepare proposed findings and  
28 recommendations on all officer involved shootings. All complaints filed by  
29 police officers will be investigated by Internal Affairs. Internal Affairs shall  
30 provide a weekly update to the Director on all open internal investigations. The  
31 Director's investigation report and findings shall indicate whether within the  
32 past year there were any IA investigations or supervisor generated complaints  
33 against the officer(s) involved in the incident being investigated or that are

[+ Bracketed/Underscored Material+ ] - New  
[-Bracketed/Strikethrough Material-] - Deletion



1 otherwise relevant to the subject matter of the investigation, the general  
2 nature of the prior investigations or complaints, and whether they resulted in  
3 any discipline. Redacted personnel records including those of the Internal  
4 Affairs Unit shall be made available to the POB on demand. Access to  
5 information that could be construed to be covered by *Garrity* will be made  
6 available to the POB only by application in writing, and by majority vote by the  
7 POB.

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

11 (b) POB Audits; Access to Files. The POB may,  
12 by majority vote, perform an annual audit, or direct that an audit be performed,  
13 on a random sample of up to 10% of individual civilian police complaint  
14 investigations involving allegations of use of force, or in exceptional  
15 circumstances, for the purpose of promoting an enhanced measure of quality  
16 assurance in the most challenging cases the POB may, by a vote of two-thirds  
17 (2/3) of the members of the POB, perform an audit, or direct that an audit be  
18 performed, on any individual Citizen Police Complaint Investigation completed  
19 by the Administrative Office. For purposes of its audit function, the POB shall  
20 have full access to investigation files and may subpoena such documents and  
21 witnesses as relevant to its audit function. In its review of the investigation  
22 file, the POB may review *Garrity* material or confidential material only in a  
23 closed session as permitted under the New Mexico Open Meetings Act. The  
24 POB shall maintain the confidentiality of any *Garrity* material or records that  
25 are made confidential by law and is subject to the same penalties as the  
26 custodian of those records for violating confidentiality requirements. In  
27 addition to any other penalty, any POB member or other person who violates  
28 the confidentiality provisions of this section shall be removed from the POB,  
29 and shall be subject to prosecution for a misdemeanor subject to the penalty  
30 provisions set forth in § 1-1-99. Access to information that could be construed  
31 to be covered by *Garrity* will be made available to the POB only by application  
32 in writing, and by majority vote by the POB.

33 (c) Disciplinary Recommendations. The POB

1 may, in its discretion, recommend officer discipline from the Chart of  
2 Sanctions for investigations that result in sustained civilian police complaints;  
3 and may also recommend discipline based on any findings that result from  
4 review of internal affairs investigations, including but not limited to officer  
5 involved shootings. Imposition of the recommended discipline is at the  
6 discretion of the Chief of Police, but if the Chief of Police does not follow the  
7 disciplinary recommendation of the POB, the Chief of Police shall respond in  
8 writing, within thirty (30) days, with the reason as to why the recommended  
9 discipline was not imposed.

10 (4) Reports to Mayor & Council. The CPOA shall submit a  
11 semi-annual written report to the Mayor and City Council according to § 9-4-1-  
12 10 herein. The CPOA Executive Director shall provide a quarterly oral report to  
13 the City Council at a regular or special meeting.

14 (5) CPOA Policy Recommendations. The CPOA shall  
15 engage in a long-term planning process through which it identifies major  
16 problems or trends, evaluates the efficacy of existing law enforcement  
17 practices in dealing with the same, and establishes a program of resulting  
18 policy suggestions and studies each year. The CPOA's policy  
19 recommendation process shall be as follows:

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

27 (b) The Chief of Police shall respond in writing within  
28 forty-five (45) days to any such policy recommendations by the CPOA, and  
29 indicate whether they will be followed through standard operating procedures  
30 or should be adopted as policy by the City Council, or explain any reasons  
31 why such policy recommendations will not be followed or should not be  
32 adopted.

33 (c) Within six months of its appointment, the POB



1 shall draft and approve policies, rules and procedures that ensure that the  
2 POB shall dedicate a majority of its time to the functions described in this  
3 subsection.

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

5 (A) Composition. The POB shall be composed of nine at-large  
6 members who broadly represent the diversity and demographics of the City by  
7 way of, including but not limited to, cultural, gender and geographic diversity;  
8 and who are representative of the stakeholders of the police oversight  
9 process, and who reside within the City of Albuquerque.

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

13 (1) Have not been employed by law enforcement for one  
14 year prior to appointment; and

15 (2) Successfully pass a background check; and

16 (3) Personal history lacking any pattern of unsubstantiated  
17 complaints against APD; and

18 (4) A demonstrated ability to engage in mature, impartial  
19 decision making; and

20 (5) A commitment to transparency and impartial decision  
21 making; and

22 (6) Residency within the City of Albuquerque.

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

32 (D) Membership Term. POB members shall serve a maximum of  
33 two three-year terms on a staggered basis so that no more than five of the

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1 members are eligible for reappointment or replacement each year.

2 (E) Removal of Members. Any POB member may be removed for  
3 cause by a two-thirds majority vote of either the POB itself or the City Council.  
4 The appointment of any member who has been absent and not excused from  
5 three consecutive regular or special meetings shall automatically expire  
6 effective on the date the fact of such absence is reported by the POB to the  
7 City Clerk. The City Clerk shall notify any member whose appointment has  
8 automatically terminated and report to the City Council that a vacancy exists  
9 requiring an appointment for the length of the unexpired term.

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

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

15 (a) Be trained by the CPOA staff or CPOA legal  
16 counsel on CPOA and APD rules, policies, and procedures;  
17 and

18 (b) Attend at least one POB meeting as an observer  
19 (except initial appointees).

20 (2) Required Training. Each POB member shall complete a  
21 training program within the first six months of the member's appointment that  
22 consists, at a minimum, of the following:

23 (a) Completion of the APD Civilian Police Academy –  
24 for purposes of this training requirement, APD may offer an abbreviated, two-  
25 day weekend Civilian Policy Academy available only to POB members;

26 (b) Civil Rights training, including the Fourth  
27 Amendment right to be free from unreasonable searches and seizures,  
28 including unreasonable use of force;

29 (c) At least two (2) APD ride-alongs;

30 (d) Annual firearms simulation training;

31 (e) Internal Affairs training;

32 (f) Training provided to APD officers on use of force,  
33 including a review and familiarization with all APD policies relating to use of

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1 force, and including policies related to APD's internal review of force  
2 incidents;

3 (g) Equity and Cultural Sensitivity training;

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

7 (i) Training on this Police Oversight Ordinance;

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

10 (k) A briefing that identifies and explains the  
11 curriculum of all training received or to be received by APD officers, including  
12 any outside training not provided by the City.

13 (3) Required On-Going Training. POB members shall be  
14 provided with eight hours of annual training on any changes in law, policy, or  
15 training in the areas outlined under subsection 2 above, as well as  
16 developments in the implementation of the 2014 DOJ Settlement Agreement  
17 (or any subsequent agreements) until such time as the terms of the agreement  
18 are satisfied. POB members shall also participate in at least two police ride-  
19 alongs for every six-months of service on the POB.

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

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

29 (H) Subcommittees. The POB may appoint such subcommittees  
30 as are deemed necessary or desirable for the purposes of §§ 9-4-1-1 through  
31 9-4-1-14, provided that, membership on such subcommittees shall be limited  
32 to POB members.

33 (I) Meetings. The POB shall conduct regularly scheduled public



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

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

§ 9-4-1-6 CPOA ADMINISTRATIVE OFFICE.

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

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

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

(2) Review and monitor all Internal Affairs investigations including but not limited to officer involved shooting investigations. The Director shall prepare and submit findings and recommendations to the POB relating to officer involved shootings, and shall report on general trends and issues identified through monitoring or auditing of Internal Affairs;

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

(C) The Administrative Office will receive and process all civilian complaints directed against the Albuquerque Police Department and any of its officers. The Director shall independently investigate and make findings and

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1 recommendations for review by the POB for such civilian complaints, or  
2 assign them for independent investigation by CPOA staff or an outside  
3 independent investigator. If assigned to staff or an outside investigator, the  
4 Director shall oversee, monitor and review all such investigations and findings  
5 for each. All findings relating to civilian complaints and police shootings shall  
6 be forwarded to the POB for its review and approval. For all investigations,  
7 the Director shall make recommendations and give advice regarding Police  
8 Department policies and procedures to the POB as the Director deems  
9 advisable.

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

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

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

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

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

30 (6) The Director shall maintain and compile all information  
31 necessary to satisfy the CPOA's semi-annual written reporting requirements in  
32 § 9-4-1-10.

33 (D) The Director shall have access to any Police Department



1 information or documents that are relevant to a civilian's complaint, or to an  
2 issue which is ongoing at the CPOA.

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

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

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

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

22 § 9-4-1-7 CPOA DIRECTOR QUALIFICATIONS AND SELECTION.

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

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

28 (1) The POB, through CPOA staff, shall accept applications  
29 from candidates. The POB shall review the applications and interview  
30 candidates, and submit to the City Council a ranked list of the three  
31 candidates that it finds to be the best qualified to be the Director and the City  
32 Council shall appoint the Director from the three by majority vote. The POB's  
33 recommendation to Council shall be based on the candidates' integrity,

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1 capability for strong management and abilities in investigations, law,  
2 management analysis, public administration, criminal justice administration or  
3 other closely related fields.

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

15 (3) The term of the Director shall be for three (3) years.  
16 Once confirmed, the Director may be removed only upon: 1) a  
17 recommendation of removal to the City Council by the affirmative vote of two-  
18 thirds (2/3) of the members of the POB; and 2) acceptance of the POB's  
19 recommendation by a simple majority vote of the City Council.

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

23 § 9-4-1-8 CIVILIAN COMPLAINT PROCEDURES.

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

31 (B) In cooperation with the POB, the Mayor shall designate civilian  
32 City staff to receive written civilian complaints at various locations throughout  
33 the City. The Police Department may also receive written complaints. The

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1 party who receives the complaint shall immediately transmit all civilian  
2 complaints for further investigation to the Director.

3 (C) After the investigation of a civilian complaint is completed, the  
4 Director shall analyze all relevant and material circumstances, facts and  
5 evidence gathered under the investigation. For each investigation, the Director  
6 shall prepare investigation reports with proposed findings and  
7 recommendations and submit them to the POB for its review and  
8 consideration. The Director may share any disciplinary recommendations  
9 with the Chief of Police in advance of their submission to the POB only as  
10 necessary to help ensure timeliness pursuant to any applicable personnel or  
11 union contract requirements. The POB shall review the proposed findings and  
12 recommendations, and shall by majority vote of members present: 1) approve  
13 the findings and recommendations as proposed; 2) approve other findings  
14 and recommendations as determined by the POB and supported by the  
15 investigation file; or 3) defer action on the matter to allow for further  
16 investigation or analysis by the Director. As part of its review, the full  
17 investigation file shall be made available to the POB. In its review of the  
18 investigation file, the POB may review *Garrity* material or confidential material  
19 only in a closed session as permitted under the New Mexico Open Meetings  
20 Act. Access to information that could be construed to be covered by *Garrity*  
21 will be made available to the POB only by application in writing, and by  
22 majority vote by the POB. The POB shall maintain the confidentiality of any  
23 *Garrity* material or records that are made confidential by law and is subject to  
24 the same penalties as the custodian of those records for violating  
25 confidentiality requirements. In addition to any other penalty, any POB  
26 member or other person who violates the confidentiality provisions of this  
27 section shall be removed from the POB, and shall be subject to prosecution  
28 for a misdemeanor subject to the penalty provisions set forth in § 1-1-99. Upon  
29 approval of findings and recommendations by the POB, the Director shall  
30 prepare and submit a public record letter to the civilian complainant, with a  
31 copy to the Chief of Police, that outlines the findings and recommendations as  
32 approved. Unless a hearing is requested by the civilian complainant, within 30  
33 days of receipt of the decision of the POB, the Chief of Police shall notify the

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1 POB and the original civilian complainant of his or her final disciplinary  
2 decision in this matter in writing, by certified mail.

3 § 9-4-1-9 REQUESTS FOR HEARING; APPEALS OF DISCIPLINARY  
4 DECISIONS.

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

25 (B) Appeals of the Disciplinary Decision. If any person who has  
26 filed a civilian complaint under this ordinance is not satisfied with the final  
27 disciplinary decision of the Chief of Police or any matter relating to the Chief  
28 of Police's handling of his or her complaint, he or she may request that the  
29 Chief Administrative Officer review the complaint, the findings of the POB and  
30 the action of the Chief of Police by requesting such review in writing within  
31 thirty days (inclusive of weekends and holidays) of receipt of the Chief of  
32 Police's letter pursuant to § 9-4-1-9(A). Upon completion of his or her review,  
33 the Chief Administrative Officer shall take any action necessary, including

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1 overriding the decision of the Chief of Police regarding disciplinary action, to  
2 complete the disposition of the complaint. The Chief Administrative Officer  
3 shall notify in writing, by certified mail, the complainant, the individual against  
4 whom the complaint was filed, the Chief of Police and the Director, of the  
5 results of his or her review and any action taken.

6 § 9-4-1-10 REPORTS.

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

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

12 (B) Discussion of issues of interest undertaken by the POB which  
13 may include suggested policy and/or procedural changes, a listing of  
14 complaints and allegations by Council District, statistical ethnicity of subject  
15 officers, statistical ethnicity of complainants, and updates on prior issues  
16 and/or recommendations;

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

20 (D) Information on all public outreach initiatives undertaken by the  
21 POB or the Director such as speaking engagements, public safety  
22 announcements, and/or public information brochures on the oversight  
23 process;

24 (E) The status of the long-term planning process identifying major  
25 problems, policy suggestions, and studies as required by § 9-4-1-4(C)(5) of  
26 this ordinance;

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

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

33 § 9-4-1-11 EVALUATION.

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

**§ 9-4-1-12 SPECIAL MEETINGS.**

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

**§ 9-4-1-13 CONFIDENTIALITY.**

The POB hearing process shall be open to the public to the extent legally possible so that it does not conflict with state or federal law. However, upon the opinion of the CPOA Attorney, some of the details of the investigations of the Director, or the designated independent investigator, shall become privileged and confidential. The details of investigations should not be open to the public subject to the opinion of the CPOA Attorney and the Director. Compelled statements given to the Director, or the designated independent investigator, will not be made public. The Director may summarize conclusions reached from a compelled statement for the report to the POB and the Chief of Police, and in the public record letter sent to the complainant. Nothing in this ordinance affects the ability of APD to use a compelled statement in a disciplinary proceeding.

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

The City Council believes that full participation and cooperation of all parties involved is essential to the success of the new police oversight process, and that APD hereby agrees and understands that its full cooperation is necessary, hereby agrees to mandate that its officers provide honest and truthful responses to all questions by the Director, CPOA staff or the

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1 designated independent investigator. If any officer refuses to answer the  
2 questions proposed to him or her by the Director, CPOA staff, or the  
3 independent investigator, he or she may be subject to termination or  
4 disciplinary action at the discretion of the Chief of Police. Compelled  
5 statements given to the Director, CPOA staff or the designated independent  
6 investigator, by a police officer will be used only for the Director's  
7 investigation and the closed session review of the investigation file by the  
8 POB, if any. The actual statement will remain confidential and will not be  
9 included in a final report. The Director may summarize conclusions reached  
10 from a compelled statement for the investigation report and in the public  
11 record letter to the complainant."

12 SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence,  
13 clause, word or phrase of this ordinance is for any reason held to be invalid or  
14 unenforceable by any court of competent jurisdiction, such decision shall not  
15 affect the validity of the remaining provisions of this ordinance. The Council  
16 hereby declares that it would have passed this ordinance and each section,  
17 paragraph, sentence, clause, word or phrase thereof irrespective of any  
18 provision being declared unconstitutional or otherwise invalid.

19 SECTION 3. COMPILATION. The ordinance amendment prescribed by  
20 SECTION 1 shall amend, be incorporated in and made part of the Revised  
21 ordinances of Albuquerque, New Mexico, 1994.

22 SECTION 4. EFFECTIVE DATE. This ordinance shall take effect five days  
23 after publication by title and general summary.  
24  
25  
26  
27

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## **CIVILIAN POLICE OVERSIGHT AGENCY**

*Dr. Moira Amado-McCoy   Dr. Jeannette Baca   Eric H. Cruz*  
*Joanne Fine   Beth Mohr   Rev. Dr. David Z. Ring III*  
*Eva P. Sandoval   Leonard Waites   Jeffery Scott Wilson*  
Robin S. Hammer, Acting Executive Director

### **NOTICE OF PROPOSED RULES ADOPTION FOR THE POLICE OVERSIGHT BOARD**

When: April 9, 2015 at 5:00 pm

Where: Vincent E. Griego City Council Chambers, Basement, One Civic Plaza

On April 9, 2015 at 5:00 pm at its regular meeting in the Vincent E. Griego City Council Chambers the Police Oversight Board (POB) will consider adoption of proposed Rules concerning the Procedures and Policies of the Board. A copy of the proposed Rules can be found on the Home Page of the Civilian Police Oversight Agency at [www.cabq.gov/cpoa](http://www.cabq.gov/cpoa) or requesting a copy from the Civilian Police Oversight Agency at (505) 924-3770.

Public comments on the proposed Rules are welcomed and encouraged.

If special accommodations are necessary to attend this meeting or if you have questions about this notice, please call the Administrative Office of the Civilian Police Oversight Agency at (505) 924-3770.

**Police Oversight Board**  
**Rules and Regulations 2015**

(amended 9/14/06, 3/8/07, 3/5/09, 11/8/12, 12/13/12, and 4/9/15)

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# **Rules and Regulations Governing the Police Oversight Board (POB) of the Civilian Police Oversight Agency (CPOA)**

## **ARTICLE I-MEETINGS**

### **Section 1. Regular Meetings.**

- A. The regular meetings of the Police Oversight Board (POB) for the City of Albuquerque will be typically held at 4:00 p.m. on the second Thursday of every month and at times consistent with resolutions adopted by the POB. Changes in Meeting time and place shall be made with as much advanced notice as practicable. Meetings are normally held in the City Council/Board Chambers, Albuquerque/Bernalillo County Government Center.
- B. In December or as early as possible each calendar year, the Chair of the POB shall introduce a resolution in compliance with the Open Meetings Law specifying the date and time for the regular meetings of the POB.
- C. Regularly scheduled public meetings will be conducted with a prepared agenda that is distributed in advance to the Mayor, City Council, Police Chief, and City Attorney, and will comply with the New Mexico Open Meetings Act. The CPOA Administrative Office shall also publish the Agenda on its website 72 hours in advance and provide a copy of the Agenda to the City Clerk.
- D. Except for emergency matters, the POB shall take action only on items appearing on the agenda. For the purpose of this subsection, an "emergency matter" refers to unforeseen circumstances that if not addressed immediately by the POB will likely result in injury or damage to persons or property or substantial financial loss to the City.
- E. Each POB meeting will begin with public comment. The Rules for comment are contained in Section 6 below.
- F. Regularly scheduled meetings will be televised live on the appropriate government access channel, if it is operating.
- G. If the POB needs to consult with their attorney on an issue during the public meetings, the POB will comply with the State Open Meetings Law, but may properly have privileged communications with their attorney. These closed consultations will be kept to a minimum.

### **Section 2. Special Meetings.**

- A. Special meetings may be called by the Chair or by three Board Members provided that written notice of such meetings shall be given to the public and each Board Member at least 72 hours before the time set for the meeting.
- B. Except for emergency matters, the POB shall take action only on items appearing on the agenda. For the purpose of this subsection, an "emergency matter" refers to unforeseen circumstances that if not addressed immediately by the POB will likely result in injury or damage to persons or property or substantial financial loss to the City.
- C. Special meetings must comply with the Open Meetings Law and shall be videotaped and aired on the appropriate government access channel; however, there

is no requirement for providing live television coverage.

- D. Special meetings may also be required in accordance with §9-4-1-12 Revised Ordinances of Albuquerque 1994 (ROA 1994) upon petition of 1000 or more citizens in the City of Albuquerque and filed in the Office of the City Clerk.
- E. The POB may have closed meetings for training purposes or any other purpose allowed by law. No business or other POB issues may be discussed during these closed meetings unless otherwise allowed by law.  
Closed meetings must be announced in advance and explained in public as to the reasons for a closed meeting (only for training). After the closed meeting and at the next regularly scheduled meeting, the Chair will announce what occurred at the closed meeting, if it is appropriate to do so.
- F. The New Mexico Open Meetings Act, §1-01-51, et seq., NMSA will be complied with for closed meetings. Nothing in this rule is meant to forbid Board Members from receiving training individually or in groups constituting less than a quorum.

### Section 3. Emergency Meetings.

- A. Notwithstanding any provision contained herein, the Chair of the POB, may in the event of an emergency, call with whatever notice is possible under the circumstances, a meeting of the POB to consider any matter. For the purpose of this subsection, an "emergency matter" refers to unforeseen circumstances that if not addressed immediately by the POB will likely result in injury or damage to persons or property or substantial financial loss to the City.
- B. These meetings will comply with the New Mexico Open Meetings Act and shall be videotaped and aired on the appropriate government access channel. There is no requirement for providing live television coverage.

### Section 4. Compliance with City Ordinances and State Statutes.

- A. Substantial compliance with any one of the foregoing methods of giving notice shall constitute compliance with Chapter 10, Article 15 NMSA, 1978, as amended.
- B. Nothing herein shall prevent the use of additional means or methods of giving notice of regular or special meetings; nothing herein shall require new notice for any public meeting for which notice has been given pursuant to these rules and which is recessed or adjourned, except an oral announcement of the date, time, and place shall be made by the Chair before such meeting is recessed or adjourned.
- C. The Chair of the POB or anyone designated by the Chair is hereby authorized to give any such foregoing notice and the Chair of the POB may establish additional means or methods of making known to the public the date, time, and place of any regular meeting of the POB.

### Section 5. Quorum.

- A. A majority of the Board Members of the POB shall constitute a quorum thereof. The majority of Board Members shall be of those Board Members who have been appointed and approved and have not resigned.
- B. For example, the amended ordinance provides for a total of nine Board Members. A quorum is five Board Members. If two Board Members resigned before additional Board Members were appointed, with seven Board Members remaining, the quorum would be four of the seven Board Members.

## Section 6. Public Comment and Addressing Meetings.

- A. Regularly scheduled meetings will begin the substantive portion of the meeting with public comment. Members of the public may sign up for public comment before the meeting begins. The POB shall allow general public comment at each of its meetings, and the POB shall also allow comment on each of its agenda items. Public comment about non-Citizen Police Complaints (CPC) matters shall be limited to three minutes, unless extended by the Chair.
- B. At a Regular Meeting when an individual Citizen Police Complaint case is on the Agenda to be reviewed, the complainant or complainant's authorized representative in the Citizen Police Complaint will be provided with a minimum of five minutes to address the POB relating to the complaint and investigation.
- C. During public comment, other than when the complainant or complainant's authorized representative are speaking about their CPC case on the Agenda, public speakers are not restricted as to topic. Comments on agenda items must be germane to that particular agenda item. Speakers should be polite and address the Chair of the Board rather than other members of the Board or other persons. Speech that involves incitement to violent action, false statements of fact, obscenity, fighting words, or threats is prohibited and will subject that member of the public to removal following one warning from the Chair.
- D. Persons may be invited by the POB to address the board. These invitees may be given a time to be established by the Chair, but normally will be 10 minutes. Invitees included, but are not limited to:
  - The Mayor or the Mayor's designated representative;
  - The City Councilors or their designated representative;
  - The City Attorney or his/her designated representative;
  - The Chief of Police or his/her designated representative; and/or
  - The CPOA CPOA Executive Director or his/her designated representative.

## Section 7. Records.

Unless otherwise provided, the staff of the CPOA CPOA Executive Director shall serve as the custodian of records for the POB. The City Clerk shall keep the minutes and records of all POB proceedings.

## Section 8. Attendance.

Board Members shall attend all meetings of the POB unless excused by the Chair. The appointment of any member of the POB who has been absent and not excused from three consecutive regular or special meetings shall automatically expire effective on the date the fact of such absence is reported by the POB to the City Clerk.

## Section 9. Open Meetings.

All meetings of the POB and its Sub-Committees shall be open to the public. The POB may close such meetings upon proper notice and recording to the public or as otherwise allowed by law.

## **ARTICLE II-ORGANIZATION OF THE POLICE OVERSIGHT BOARD**

### **Section 1. Election of Chair and Vice Chair.**

- A. At the first meeting of the POB in the month of March of each year, the POB shall elect one of its members to act as Chair and another member to act as Vice Chair of the POB. The Chair and Vice Chair shall serve at the pleasure of the POB until March of the next year and until their successors are elected.
- B. No officers shall be eligible to succeed themselves in the same office.
- C. The POB shall be the judge of the election and qualification of its members.

### **Section 2. Powers and Duties of the Chair and Vice Chair.**

- A. The Chair shall call the Board Members to order, and upon a quorum being present, shall proceed to business.
- B. The Chair shall possess the powers and perform the duties described below. The Chair shall:
  - 1. Preserve order and decorum and have general direction of the Board/chambers or any location where the POB holds its meetings.
  - 2. Assign agenda items and have the responsibility for preparation of the agenda and dissemination of the agenda with the public notice for the meeting.
  - 3. Decide all questions of order, subject to a Board Members right to appeal to the POB as a whole.
  - 4. Speak to points of order in preference to other Board Members.
  - 5. Vote upon all questions in the same manner as other Board Members.
  - 6. Announce the result promptly on the completion of every vote.
  - 7. Appoint all members to Sub-Committees whether standing, joint, or special, subject to the approval of the POB. Committees shall consist of any number of Board Members fewer than a quorum. The Chair shall designate the Chair for each committee, subject to the approval of the POB.
  - 8. Sign all letters in conjunction with the business of the POB.
  - 9. Receive all formal messages and communications from the Mayor, City Council, and others.
  - 10. Shall hold over or refer to the appropriate Sub-Committee any issues of interest to the POB.
- C. The Chair may speak, as other Board Members, on general questions.
- D. In the absence of the Chair, upon the Chair's inability to act, or upon request of the chair, the Vice Chair shall preside and shall have all the powers and authority of the Chair.

### **Section 3. Sub-Committees.**

- A. Membership on any Sub-Committee shall be limited to Board Members.
- B. No Sub-Committee shall hold a hearing without a quorum of the Committee present. Any Board Member who is not a member of the Committee may be designated as an alternate for any Committee member who cannot be present at the meeting. The alternate shall be selected by the Board Member for whom the alternate is serving.
- C. The Chair of a Sub-Committee shall vote on all matters before the Sub-Committee as other members of the Sub-Committee. The Sub-Committee Chair

- may make motions and second motions.
- D. At each Regular POB meeting following a Sub-Committee meeting, the Sub-Committee Chair shall give an oral report from the Sub-Committee meeting. The Regular Meeting Minutes shall contain a summary of the Sub-Committee Report.
  - E. The POB Chair may request Sub-Committee Reports to be in writing and submitted to the full POB. If written reports are submitted, a minority report from the Sub-Committee may be also submitted and included in the Sub-Committee report.
  - F. The Sub-Committees shall report on all matters referred to them without unnecessary delay. If a Sub-Committee refuses or neglects to report on any matter referred to it, the Chair may take the matter from the Sub-Committee.
  - G. The rules and orders of the POB shall apply to all committees, except as otherwise provided:
    - 1) Sub-Committees may establish their own time limitations for witnesses addressing the committee and for debate by members of the Sub-Committee.
  - H. If the Chair so delegates, a Case Review Sub-Committee may review Citizen Police Complaints matters and report their review at the next Regular POB Meeting. The Case Review Sub-Committee may recommend CPC cases to be placed as a consent agenda item at the Regular POB Meeting. At the Regular POB Meeting, any Board Member may request that a CPC case which the Case Review Sub-Committee placed on the consent agenda to be placed on the non-consent POB Agenda.

### **ARTICLE III- PROCEDURES**

#### **Section 1. General Rules.**

Any matter not covered by these rules shall be governed by Roberts' Rules of Order (latest edition), or by a decision of the Chair, subject to the right of appeal.

#### **Section 2. Conflicts of Interest**

- A. A Board Member shall withdraw from any proceeding in which he or she has a direct or indirect conflict of interest or the Board Member does not believe he or she can provide a fair and impartial hearing.
- B. Board Members should err on the side of caution and withdraw from any proceeding in which there is an appearance of a conflict of interest.

#### **Section 3. Motions**

- A. The Chair may make motions or second motions.
- B. No motions shall be entertained or debated until announced by the Chair, and every motion shall be seconded, prior to debate.

#### **Section 4. Debate.**

- A. Any Board Member wishing to speak, debate, make a motion, submit a report, or conduct other business shall address the Chair and shall not proceed further until recognized by the Chair.
- B. If two or more Board Members seek recognition at the same time, the Chair shall name the one who shall speak first.



- C. The Board Member who sponsors a motion shall have the privilege of opening and closing debate. A Board Member may direct an inquiry and receive a response without yielding the floor.
- D. No Board Member shall be permitted to speak more than once on any motion until every Board Member desiring to be heard has been allowed to speak. Nor shall any Board Member, except the sponsor of the motion speak more than a total of five minutes on any motion.
- E. No Board Member shall be interrupted when speaking, nor shall any motion be in order until the Board Member has concluded.
- F. No question shall be asked of the Board Member except those directed through the Chair with the consent of the Board Member.

#### Section 5. Voting.

- A. Voting shall be in the form of "Yes" or "No". Any action on a question is lost by a tie vote. Every Board Member who is within the room shall vote upon each question, except those who have disqualified themselves due to a conflict of interest.
- B. A Board Member shall be allowed to change his/her or her vote but only before the result has been announced.
- C. A Board Member may request to vote by telephone or other similar device when a medical or emergency situation exists. Such voting can only take place upon the approval of the Chair and provided that the Board Member can be heard on a speaker to enable the POB and the public to determine when the Board Member is speaking and casting a vote.
- D. Reconsideration. Any Board Member who voted with the prevailing side on any question may move at the same meeting to reconsider the question. A motion to reconsider shall require the affirmative vote of a majority of Board Members present.
- E. An appeal may be made on any decision of the Chair. The Board Member appealing the Chair's decision will speak and the Chair may respond. Such appeals shall be acted upon immediately and no other motions shall be entertained until the question has been decided. A vote of the majority of the Board Members present shall be required to sustain an appeal.
- F. Any Board Member may move to end debate. A majority of the Board Members present must agree to end the debate or it may continue.

#### Section 6. Decorum.

Board Members or other speakers shall confine their remarks to the question under discussion or debate, avoiding personal attacks. No Board Member shall engage in private discourse or commit any other act tending to distract the attention of the POB from the business before it.

#### Section 7. Early Departure.

Any Board Member leaving a POB meeting early shall make the Chair aware of such departure as early as possible, so that allowances in scheduling business can be made. Any Board Member leaving a Committee meeting when the departure will cause a loss

of quorum shall make every effort to secure and alternate Board Member to sit on the Committee.

#### Section 8. Order of Business.

- A. The POB shall consider business in the following order:
  1. Welcome and Call to Order
  2. Pledge of Allegiance
  3. Public Comment
  4. Review/Approval of Minutes
  5. Citizen Appeals
  6. Findings by POB
  7. Reports from Sub-Committees
  8. Reports from City Staff, including the CPOA Executive Director, Mayor, City Council, City Attorney, and Albuquerque Police Department.
  9. Other Business
- B. The POB may, upon the affirmative vote of a majority of the Board Members present, proceed out of order to any order of business or return to any prior order of business.
- C. During the business for Findings by the POB, if any Board Member wishes to discuss a particular Finding (CPC or Police Shooting), the Board Member may have that Finding placed separately in that portion of the agenda. Those Findings will be handled individually from a consent agenda.
- D. The CPOA findings letter will not be sent to the citizen until approved by the POB. This approval may be delegated to a Sub-Committee.
- E. The CPOA findings letter will be mailed to the complainant the next business day after approval by the POB. While the public record letter may be provided to the complainant immediately, the public record letter will not be provided to the public or the media until five days after approval by the POB or upon receipt by the complainant. The delay is to provide the complainants a reasonable opportunity to receive the information before another member of the public or the media. This is an effort to notify the complainant about the decisions of the POB before the citizen might be informed of them from another person or in the media. (Section E amended 9/ 14/06)

#### Section 9. Minutes

The CPOA Staff shall prepare Meeting Minutes for all Regular, Special, Emergency POB Meetings and Sub-Committee meetings. A draft of meeting minutes shall be available within 10 days after a meeting is held.

#### Section 10. Administrative Closing of Civilian Police Complaints. (revised 4/9/15)

- A. The CPOA Executive Director, with the approval of the POB, may administratively closed CPCs.
- B. Complaints may be administratively closed for any one of the following reasons :
  1. The officers complained about are not APD officers.
  2. The officer is deployed for military duty for an extended period of time.
  3. If, after thorough investigation, the officer involved in the alleged conduct cannot be identified.

4. The complaint was successfully mediated.
  5. The citizen withdrew the complaint. If the CPOA Executive Director determines the complaint is too serious to ignore, the complaint may be investigated even if the civilian attempts to withdraw it.
  6. The complaint contains no allegations of violations of Standard Operating Procedures.
  7. Even if all the facts were proven to be true, there would be no violations of Standard Operating Procedures.
  8. Allegations concern the perjury of officers during testimony in court. These are determinations to be made by the court or District Attorney.
  9. Complaints of criminal action by the officers. Criminal cases may be investigated first as a criminal matter and after the criminal investigation is completed, the CPC may be reopened.
  10. Administrative closing of a complaint investigation shall be used for the most minor policy violations that do not constitute a pattern of misconduct, duplicate allegations, or allegations that even if true would not constitute misconduct.
- (revised 4/9/14 Settlement Agreement Paragraph 184)

#### Section 11. Request for Reconsideration/Appeals to the POB.

- A. Any person who has filed a civilian complaint and who is dissatisfied with the findings and/or recommendations approved by the POB may request reconsideration by the POB within thirty days of receipt of the public record letter.
- B. The POB may grant a complainant's request for reconsideration only upon a showing by the complainant that:
  - 1) a policy was misapplied in the evaluation of the complaint;
  - 2) that the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
  - 3) that the findings and recommendations were not consistent with the record evidence.
- C. If the POB grants a complainant's request for reconsideration, the POB shall notify the Chief of Police of the request for hearing and hold a hearing on the matter at its next regularly scheduled meeting provided that there is a period of at least ten (10) days between the receipt of the request for hearing and the next POB meeting
- D. Notice shall be sent to the Complainant one week prior to a hearing on their request for reconsideration.
- E. Notice for any reconsideration hearing shall be given in the Agenda for the POC.
- F. Complainants may request a delay in writing to a hearing date within the next two months. Failure to appear at the hearing or to request a delay in writing may result in the POC acting on the request for reconsideration without further input from the Complainant.
1. Time allowed for request for reconsideration/appeal hearings shall be as follows:  
The preferred sequence and normal maximum times allowed shall be as follows:
  - a. 15 minutes for the Complainant
  - b. 5 minutes for the police officer if present
  - c. 10 minutes for APD
  - d. 10 minutes for the CPOA Executive Director

e. 5 minutes for Complainant

The POC may combine separate appeals of the same action, in which case each appeal will receive an equal share of the Complainant's time. The Chair shall indicate in advance the division of time. The parties shall decide on the speakers to use the time. This decision is not subject to further appeal.

2. Evidence:

a. New evidence may be accepted by the POB at the appeal hearing. Acceptance of new evidence is discretionary and the POB may rely on the evidence on the record.

b. If the POB decides that certain additional evidence is necessary and appropriate for the proper disposition of the appeal, it may accept the evidence offered during the hearing or require the CPOA Executive Director to obtain such evidence for them.

c. New evidence, which could have been put in the record during previous investigations or hearings, is not favored for introduction at POB appeal hearings. New evidence, which clarifies evidence already in the record may be allowed. New evidence, which is offered to contradict evidence in the record, may be allowed if such evidence appears convincing and is on an important matter.

d. Board Members may ask questions at any time of the Complainants, the CPOA Executive Director, APD, witnesses, and/or, if present, the police officer. When a Board Member asks questions, the time limit is stayed until questioning is completed.

(Amended 03/05/09)

3. With regard to any request for reconsideration that has been filed with and is pending before the POB:

a. No Board Member shall communicate outside a hearing with the Complainant or the Complainant's representative.

b. No Board Member shall knowingly communicate with a member of the public or an organization about the subject of the appeal. Information and correspondence that is not in the record at the time the appeal is filed is not evidence and should not be considered in making a decision unless accepted as new evidence.

c. No Board Member shall conduct their own investigations or add their own evidence to the record regarding any appeals.

d. Any correspondence regarding the subject of an appeal that is an *ex parte* communication and is inadvertently received by a Board Member shall be delivered to the CPOA Executive Director and be available for review by the Complainant.

e. Notwithstanding the above, the CPOA Executive Director and CPOA staff may, upon the request of a Board Member, communicate with that Board Member at any time and by any means. Copies of any written materials from the CPOA Executive Director shall be distributed to all parties.

4. A Board Member shall withdraw from any proceeding in which he or she has a direct or indirect conflict of interest or the Board Member does not believe he or she can provide a fair and impartial hearing.

a. Board Members should err on the side of caution and withdraw from any proceeding in which there is an appearance of a conflict of interest.

b. If the number of Board Members drops below a quorum, Complainants may waive the quorum and the remaining Board Members may hear and vote on the appeal.

c. If the number of Board Members drops below a quorum, the hearing may still

be heard by the POB without a vote and the entire appeal forwarded to the CAO for final decision.

5. The POB may affirm, modify or change their original findings
6. The POB may make further recommendations to the Chief regarding the findings and any discipline imposed or proposed by the Chief.
7. Decisions on appeals shall be made by a majority of the Board Members present. If the POB vote on the appeal ends in a tie, the original findings remain the final findings.

#### Section 12. Appeals to the CAO.

- A. Appeals of the Disciplinary Decision. If any person who has filed a civilian complaint under this ordinance is not satisfied with the final disciplinary decision of the Chief of Police or any matter relating to the Chief of Police's handling of his or her complaint, he or she may request that the Chief Administrative Officer review the complaint, the findings of the POB and the action of the Chief of Police by requesting such review in writing within 30 calendar days of receipt of the Chief of Police's letter pursuant to § 9-4-1-9(A).
- B. Upon completion of his or her review, the Chief Administrative Officer shall take any action necessary, including overriding the decision of the Chief of Police regarding disciplinary action, to complete the disposition of the complaint.
- C. The Chief Administrative Officer shall notify in writing, by certified mail, the complainant, the individual against whom the complaint was filed, the Chief of Police and the CPOA Executive Director, of the results of his or her review and any action.

#### Section 13. Final Findings.

- A. The final findings of the POB shall be placed with the Chiefs findings in the Internal Affairs Unit Discipline Status Sheet in the officer's Retention File.
- B. If the case is appealed to the CAO, then the CAO's findings shall be the final findings. The Chief's findings and the POB's findings in APD's records shall be retained.

#### Section 14. Amendment of Rules.

These rules, or any part thereof, may be amended, repealed, altered or rescinded by a vote of a majority of all Board Members and after two week's notice of an intended motion pursuant to City Ordinance § 2-6-1-4 (C). These Rules shall not be used to change the clear meaning of the Police Oversight Ordinance.

#### Section 15. Suspension of the Rules.

Except for charter, statutory, or ordinance provisions, these rules, or any part thereof, may be temporarily suspended by a vote of two-thirds of the Board Members present. When the suspension of a rule is requested and no objection is offered, the Chair shall announce the rule is suspended and the POB may proceed accordingly.

#### Section 16. Time Computation.

In computing any period of time prescribed or allowed by these rules, by the Police Oversight Ordinance, or by any applicable statute or ordinance, the day of the act, event, or default from which the designated period of time begins to run shall not be included.



## **ARTICLE IV-POWERS AND DUTIES OF THE BOARD**

### **Section 1. Source of Authority.**

- A. The Police Oversight Board and the Civilian Police Oversight Agency were established in 1998 by the City Council for the City of Albuquerque in the Police Oversight Ordinance, subsequently codified as Chapter 9 of the Albuquerque Code of Ordinances, §9-4-1-1 *et seq.* ROA 1994.
- B. The Board is the governing authority of the Civilian Police Oversight Agency and has the power to promulgate rules implementing the provisions of the Law upon City Council approval of these rules and regulations.

### **Section 2. Purpose.**

- A. A properly conceived and functioning police oversight system is necessary to promote accountability of the police officers and protect the rights of civilians.
- B. The POB is to provide a means for prompt, impartial, and fair investigation of all citizen complaints brought by individuals against the Albuquerque Police Department.
- C. The POB is to foster and perpetuate policing policies and practices that effectively maintain social order and which at the same time foster mutual trust and cooperation between police and civilians.
- D. The POB is to ensure that the civilian police oversight body functions as independently as possible from the executive and legislative branches of government of the City of Albuquerque.
- E. The commission is to gather and analyze data on trends and potential issues concerning police conduct and practices and the related impacts on the community and individuals.
- F. The POB is to provide policy guidance to the City Council, the Mayor and the Chief of Police.
- G. The POB will oversee the full investigation and/or mediation of all citizen complaints.
- H. Complaints other than misconduct may be resolved informally or through mediation. Administrative closing or inactivation of a complaint investigation shall be used for the most minor policy violations that do not constitute a pattern of misconduct, duplicate allegations, or allegations that even if true would not constitute misconduct.
- I. The POB will audit and monitor investigations, incidences of use of force and/or police shootings under investigation by APD's Internal Affairs.
- J. The POB will gain the cooperation of APD and solicit public input by holding regularly scheduled meetings.
- K. The POB will engage in a long term planning process through which it identifies major problems and establishes a program of policy suggestions and studies each year.
- L. The POB will recommend to the Mayor and City Council during the City's budget process, their proposed budget for provision of such staff as is necessary to carry out the powers and duties of the Police Oversight Ordinance, including the funding for the Civilian Police Oversight Agency, staff, and all necessary

operating expenses.

Section 3. Access to Documentation and Personnel/Subpoenas.

- A. The Police Oversight Board may issue subpoenas on its own initiative, in which case a showing of relevance is not required and an appeal need not be pending.
- B. The subpoena shall be issued by the City Clerk's Office and signed by the Chair of the Police Oversight Board or his/her designee.
- C. Any applicable witness and travel fees and costs associated with service of process shall be the responsibility of the Police Oversight Board.
- D. The City shall ensure that the agency, including its investigative staff and the CPOA Executive Director, have access to all APD documents, reports, and other materials that are reasonably necessary for the agency to perform thorough, independent investigations of civilian complaints and reviews of serious uses of force and officer-involved shootings. At a minimum, the City shall provide the agency, its investigative staff, and the CPOA Executive Director access to:
  - a) all civilian complaints, including those submitted anonymously or by a third party;
  - b) the identities of officers involved in incidents under review;
  - c) the complete disciplinary history of the officers involved in incidents under review;
  - d) if requested, documents, reports, and other materials for incidents related to those under review, such as incidents involving the same officer(s);
  - e) all APD policies and training; and
  - f) if requested, documents, reports, and other materials for incidents that may evince an overall trend in APD's use of force, internal accountability, policies, or training.
- E. The City shall provide reasonable access to APD premises, files, documents, reports, and other materials for inspection by those appointed to the agency, its investigative staff, and the CPOA Executive Director upon reasonable notice. The City shall grant the agency the authority to subpoena such documents and witnesses as may be necessary to carry out the agency functions identified in this Agreement.

Section 4. Burden of Proof.

- A. All findings will be made based on a preponderance of the evidence.
- B. The burden of proof is not on any particular party to the complaint.

Section 5. Attendance at the National Association of Civilian Oversight of Law Enforcement Annual conferences.

- A. Attendance by all Board Members is highly encouraged. The POB will pay the travel and attendance expenses of as many Board Members each year as fiscally responsible. Board Members are also encouraged to attend at their own expense.
- B. The Chair shall select which Board Members may attend and in which priority order for funding. The Chair shall consider such factors as whether the Board Member has attended previously and when the term of the Board Member ends. The decision of the Chair is final.
- C. The CPOA Executive Director and CPOA staff should attend whenever financially

feasible.

Section 6. Complaints about POB Board Members.

- A. The Police Oversight Board will not address complaints against another Board Member. All Complaints of this nature will be forwarded to the City Council's liaison to the POB.
- B. If the complaint relates to a possible conflict of interest, Board Members will consider the complaint and decide whether an appearance of a conflict of interest exists and act accordingly.

Section 7. Complaints about the CPOA Executive Director.

- A. The POB acts like the supervisor over the CPOA Administrative office.
- B. The CPOA Executive Director is a full-time contractual city employee governed by the contract with the City and the Police Oversight Ordinance.
- C. The Police Oversight Board reviews all complaints against the CPOA Executive Director and may take some actions or may recommend to the Mayor that certain supervisory actions be taken, including dismissing the complaint, conducting their own informal investigation into the complaint, recommending specific administrative action, requesting additional formal investigation, etc.
- D. To the fullest extent possible and in accordance with the Police Oversight Ordinance, this process will be made public.

Section 8. Complaints by the CPOA Executive Director, CPOA Staff /POB against APD employees.

- A. This section applies to complaints that the CPOA Executive Director, CPOA Staff, or POB Board Members may file as individuals based on incident they may have personally witnessed or where they are claiming to be aggrieved by actions of the APD employees.
- B. Complaint filed by a Board Member.
  - 1. The Board Member will be excused from participating on any findings, votes, or recommendations concerning the complaint.
  - 2. POB Board Members will decide individually whether or not they have an appearance of a conflict of interest. Any POB Board Member may raise the possibility of a conflict of interest by another POB Board Member.
  - 3. If there is not a quorum of Board Members available to make decisions, then the appeal may be heard by the POB but no findings or recommendations will be made on the complaint and the appeal will be forwarded to the CAO for final decision.
- C. Complaints filed by CPOA Staff.
  - 1. The CPOA staff will not investigate this complaint. It may be investigated by an outside investigator at the discretion of the CPOA Executive Director
  - 2. The POB will make findings unless there is a conflict of interest. These finding will be reviewed by the Chief of Police and finalized by the POB in the same manner as other citizen complaints. (Amended and Section added 9/14/06)
- D. Complaint filed by the CPOA Executive Director.

1. The CPOA Executive Director will be excused from participating on any findings or recommendations as the CPOA Executive Director concerning the complaint, but may act and is entitled to the same rights as any person who filed a complaint.
2. The CPOA Executive Director will hire an independent investigator to investigate the complaint, make findings, and write the public record letter.
3. The independent investigator will act as the CPOA Executive Director.
  - a. Ensure the investigation is thorough, impartial, and free of political influences.
  - b. Write the public record letter, including therein the summary and conclusions from the officers' compelled statements.
  - c. Ensure the public record Letter is mailed to the CPOA Executive Director, who may appeal the findings to the POB.
  - d. The POB will not make findings or recommendations on the CPOA Executive Director's complaint, but may hear the appeal.
  - e. The appeal will be sent to the CAO for final decision.

#### Section 9. POB Right to Counsel.

The CPOA may retain or employ independent legal counsel on a contractual basis to advise and represent the CPOA. If so retained, the CPOA's legal counsel shall represent the CPOA in the courts, and shall advise the CPOA as to any legal matters relating to this ordinance and the CPOA's duties, responsibilities, and procedures except for CPOA personnel matters which shall remain under the 31 authority of the City Attorney's Office.

#### Section 10. Indemnification of CPOA Staff and POB.

- A. In the event the CPOA Executive Director, CPOA staff, or POB members are named as defendants in any lawsuit in connection with advice given or actions properly taken under the terms of the CPOA Executive Director's contract, the City will indemnify, provide representation, including outside counsel, if appropriate, and hold the CPOA Executive Director and/or CPOA staff harmless for any liability or claim which is or may be asserted in the capacity of CPOA Executive Director or CPOA staff arising out of the CPOA Executive Director's agreement with the City and while acting on behalf of and in service to the city in an official capacity.
- B. The City shall provide POB Board Members with legal representation including, if appropriate, outside counsel. The City will hold the POB Board Members harmless for any liability or claim which is or may be asserted while the Board Members act on behalf of and in service to the city in their capacity of POB Board Members

### **ARTICLE V- PROCEDURES WHEN THERE IS NO CPOA EXECUTIVE DIRECTOR AND SELECTION OF CPOA EXECUTIVE DIRECTOR**

#### Section 1. The CPOA Executive Director Is Critical.

- A. The CPOA Executive Director is critical to successful civilian oversight of the police department. This is recognized by Section 9-4-1-7 ROA 1994 of the Police Oversight Ordinance which provides the CPOA Executive Director may continue to serve in the same capacity until a new CPOA Executive Director is selected and

approved by the City Council. If for any reason there is a period of time during which there is no CPOA Executive Director, the City Council may appoint a temporary CPOA Executive Director of its choosing by a majority vote. A temporary CPOA Executive Director shall serve in that capacity only for a period not to exceed six months.

#### Section 2. Prolonged or Temporary Absence of CPOA Executive Director.

In the event of prolonged, temporary absence of the CPOA Executive Director or during a period after CPOA Executive Director has ended contractual obligations with the City and a temporary appointment has not yet been completed, the following procedures will be used to process Citizen Police Complaints (CPCs).

- A. All Citizen Police Complaints will be assigned to the investigators in the Civilian Police Oversight Agency Administrative Office until the Chair of the Police Oversight Board or his/her Board Member designee determines that the investigators workload is too large and some complaints should be assigned to outside independent investigators.
- B. The Civilian Police Oversight Agency Administrative Office investigators will continue recommending findings on allegations of violations of Standard Operating Procedures.

#### Section 3. Selection of the CPOA Executive Director

Qualifications for the position of CPOA Executive Director shall minimally include the requirement of a law degree and experience in criminal investigations.

- A. The CPOA Executive Director will be a full-time contractual City employee to be selected as follows:
  - (a) The POB, through CPOA staff, shall accept applications from candidates. The POB shall review the applications and interview candidates, and submit to the City Council a ranked list of the three candidates that it finds to be the best qualified to be the CPOA Executive Director and the City Council shall appoint the CPOA Executive Director from the three by majority vote. The POB's recommendation to Council shall be based on the candidates' integrity, capability for strong management and abilities in investigations, law, management analysis, public administration, criminal justice administration or other closely related fields.
  - (b) In lieu of recommending three candidates to the Council, the POB may recommend to the Council the reconfirmation of the incumbent CPOA Executive Director.
  - (c) Should the Council decline to reconfirm the incumbent CPOA Executive Director, the Council President shall notify the POB that it needs to provide the Council with three alternate candidates.
  - (d) Should the CPOA Executive Director not be reconfirmed, the current CPOA Executive Director may continue to serve in the same capacity until a new CPOA Executive Director is selected and approved by the City Council. If for any reason there is a period of time during which there is no CPOA Executive Director, the City Council may appoint a temporary CPOA Executive Director of its choosing by a majority vote. A temporary CPOA Executive Director shall serve in that capacity only for a period not to exceed six months.
  - (e) The term of the CPOA Executive Director shall be for three (3) years. Once confirmed, the CPOA Executive Director may be removed only upon: 1) a



recommendation of removal to the City Council by the affirmative vote of two-thirds (2/3) of the members of the POB; and 2) acceptance of the POB's recommendation by a simple majority vote of the City. (Revised 4/9/15 Ordinance 9-4-1-7)

- B. The POB shall annually review the performance of the CPOA Executive Director taking into consideration the obligations and duties prescribed by the Police Oversight Ordinance and the performance of the CPOA Administrative Office.

**HISTORY:** On November 8, 2012, the POB deleted former Article II, Sections 3(H) and 3(1), of the Police Oversight Board Rules and Regulations 2009, which stated: 3(H). Complaints in which the IRO and Chief of Police disagree or non-concur will be reviewed by the Long Term Planning Committee. Their recommendations will be addressed by the Police Oversight Board; and 3(1). The IRO's findings of police shootings will be reviewed by the LTTC and presented to the POB at the next regular meeting.

On December 13, 2012, the POB deleted former Article III, Section 5(F), which stated: If the Chief and the IRO disagree on the findings of any citizen police complaint or police shooting, the LTTC will review the findings and make recommendations to the POB. All proposed recommendations will be presented to the POB for its consideration at the next regular meeting.

On September 18, 2014, the City Council amended the Police Oversight Ordinance. The April 9, 2015 Rule Amendments are intended to reflect those amendments in the Police Oversight process regarding appeals, Board Member appointments, and right to counsel. On November 24, 2014, the City and the Department of Justice entered into a Settlement Agreement with terms which mandated actions by the CPOA. The Settlement Agreement's requirements were also reflected in the April 5, 2015 amendments.

**From:** Maira Amado-McCoy  
**To:** Hammer, Robin  
**Subject:** question on copies? --  
**Date:** Thursday, March 19, 2015 4:29:34 PM

---

Hi, again, Robin.

Thanks for looking into getting a some copies together for me. Of =course, if you'd prefer that I pick them up at your office, that would =e fine, but tonight would be very convenient for me.

Since we're talking about this, actually, I wonder if you would simply =ake a package for me, akin to what we spoke about at the Board meeting: =ou would be glad, you said, to make copies, but worried about having to =end them in the post to folks. I'd like to figure out an expedient way =o have paper copies of all the material you provide to us, and hope =ou'll do it, now, for that first set of documents you sent each of us =prior to our first meeting..

So, as you get the one document to me (the 2010-2014 Officer Involved =hooting Report), would you also simply make a full package for me of =ll that was provided to us electronically before that first meeting?

Thanks for your help.

Maira=

**From:** [Moirira Amado-McCoy](#)  
**To:** [Moirira Amado-McCoy](#)  
**Cc:** [Hammer, Robin](#); [Davila, Natalee Z](#); [Funes, Ana R.](#); [Gonzalez, Arturo E.](#); [Medrano, Michael V.](#); [Norris, Scott](#); [DuBols, John E.](#); [Cash, Paul](#); [Contreras, Michelle](#); [Davidson, Christopher](#); [McDermott, Diane L.](#); [O'Neill, Erin](#); [Skotchdopole, Paul A.](#); [Beth A. Mohr \(CABQ.POB.Mohr@gmail.com\)](#); [David Z. Ring \(dzt3@juno.com\)](#); [Eric H. Cruz \(eric.hulzar.cruz@gmail.com\)](#); [Eva P. Sandoval \(Evaps3716@yahoo.com\)](#); [Jeannette Baca \(jvbaca.pob@gmail.com\)](#); [Joanne Fine \(joannefine413@gmail.com\)](#); [Leonard Waites \(phamason.lw@gmail.com\)](#); [Scott Wilson \(jswilsonpob@outlook.com\)](#); [Bullock, Nicholas](#)  
**Subject:** Re: 2014 Annual and Semi Annual Reports; Police Oversight Ordinance and Draft Rules  
**Date:** Thursday, March 12, 2015 9:11:30 AM

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Just a quick follow up, as i've just had a conversation with Robin that I should share.

First, the question RE agenda: The agenda can be altered up to 72 hours before a meeting. In the future, this situation will be less sticky, because our own Board President will be responsible for this, and the entire thing will be a more collaborative effort. Check. Got it.

On independent representation: This is truly an issue, and one which Robin has put some effort into solving. It only occurred to me yesterday, but Robin tells me she's been working on it for at least a week. Apparently, we have what we have for tonight, and this will be a "best effort" situation. It's up to the board, now, as we know it has been, to decide on that as an ongoing need tonight.

I would still like someone from personal or purchasing -- or some professional advisor RE hiring/search policies and procedures. This is strictly a strategic suggestion on my part, anticipating that there will be questions we come across in our discussions tonight for which we'd appreciate professional clarification. Perhaps not. But, Robin said she would do a little outreach today to find out if such a professional might be available to us tonight.

As always, each of these questions (even my "copies" example!) are tied up with budget as well. We'll address these as they arise tonight, I suspect.

Thanks for helping me think through these things, and I genuinely look forward to seeing everyone tonight.

Best,

Moirira

On Mar 12, 2015, at 7:37 AM, [Moirira Amado-McCoy](#) <[moiraamado@gmail.com](mailto:moiraamado@gmail.com)> wrote:

Dear Robin,

Thanks for taking all the time to write out this email. I do regret, though, that you felt you must take time out of your busy day to reiterate what you've already said and to point me back to the training manual. My question was in regard to organizational exceptions to this traditional material, and also to the actual practice of other sitting

odies subject to the same Act. The City Council, for instance. I'm also interested in how the office of the Agency (the CPOA) seems able to take advantage of these same exceptions--planning and dissemination of information. But, maybe we can follow this up elsewhere.

I do appreciate your time, but getting buried in an avalanche of words can be seen as a defensive strategy, and it is certainly not productive. From my perspective, I can't help but see it as an obvious indication of our need for independent council. Provided we can find someone who won't create a dynamic where both attorney's are burying each other in an avalanche of words. Please understand that there's nothing that propels me into areas like this other than a commitment to move forward with ethical expediency; while this will certainly entail a certain learning curve, that curve will be sharpened by directness and clarity, and will very regularly involve questions directed at unraveling the details of the status quo. So, to take a simpler case, just to use as a quick example, "we've never made copies for Board members," is a red flag, not a directive, in my mind.

I'll now reiterate my interest in the board having representation at this meeting beyond advising about procedural issues. I will take from your note that this request cannot be met.

Perhaps you've tried to answer the question about purchasing in your email, but one question could have been confusing. My question is simply regarding my understanding that we will need to use purchasing (as opposed/in addition to human resources?) in the process of making hires that are specifically delineated as "contract" by the City Council. Are you saying that this is not the case?

When you have a moment, and if you can answer simply and directly, please let me know why a Board member would not have the right -- indeed, be invited -- to give input into our own agenda before it is published. I won't quote our previous thread regarding getting out drafts of the agenda in time for this very purpose (though the fact that other Board members did not see this email thread is an example of my concern that Board members are not privy to all the correspondence between individual members and your office), but my understanding was certainly that we have been invited, appropriately, to give just such feedback. Simple enough to make a motion--thanks for that advice. But, my question is larger than this single incident.

Thanks again.

Maira

On Mar 11, 2015, at 4:54 PM, Maira Amado-McCoy  
<moiraamado@gmail.com> wrote:

Dear Robin --

Thanks for all the information you've provided over the past couple of weeks.

I'm writing to the entire list, because as I understand it, many offices have been clear about their interpretation RE "open meetings" requirements, and there seem to be at least two exceptions outside of how we've been instructed so far: 1) information and communication regarding the organization for specific upcoming work i.e., where to meet, questions about the agenda, etc., simply avoiding discussion of public matters), 2) correspondence solely for the purpose of the dissemination of information. As, for instance, you're going from your office to all of us. It seems, in any case, that we might have some further discussion about this policy, as it seems to place an undo burden on us to communicate solely through you.

I want to check on two items before tomorrow's meeting. One question and one suggestion/request.

First, will you please let us know who will be staffing the meeting tomorrow for the board as legal advisor? Obviously, we will be considering future representation at this meeting, but it also seems important that we have someone there at our first meeting to advise us regarding legal questions that will invariably arise. Given the fact that the two positions we will be considering tomorrow night in terms of hiring procedures (Attorney and ED) are both contract positions, we might also be well served by having someone from purchasing present as well. Is there any chance that we might be able to find someone who could wear both hats tomorrow night?

On the agenda. Will you please move the current item XI ("Process and Selection of CPOA Executive Director") up to the section of the meeting before "Citizen Police Complaint Findings" (VIII), where all the other organizational/administrative work is being done? This item will flow more naturally from our discussions about the "Role of CPOA and POB" (VI) and retaining "Independent Legal Counsel" (VIII), than it will if we have to come back around to it after your report about citizen police complaints.

Thanks.

Best,

Moir  
Moir Mado-McCoy

On Mar 31, 2015, at 2:13 PM, Hammer, Robin  
<rhammer@cabq.gov> wrote:



Dear Board Members:

Attached is a link to the 2014 Semi-Annual and 2014 Annual Report from the Independent Review Office/POC/CPOA.

<https://www.dropbox.com/sh/8oj78vb3bbsp9bf/AABnFJoliWwOBMIToRXa=wKXa?dl=0>

These Reports are also available on the CPOA's website ([www.cabq.gov/cpoa](http://www.cabq.gov/cpoa)), under the tab "Reports and Documents."

One Board member had requested a listing of all the bodies which have some review or oversight responsibilities for APD. I prepared a summary of these agencies, which is attached.

A WORD version of the enacted Police Oversight Ordinance is attached, and is searchable through the Word program.

- Section 9-4-1-4(A)(3), page 3, addresses Independent Legal Counsel.

- Section 9-4-1-7(B)(1-3), pages 11-12 address the Executive Director position.

A Strikethrough version of POC Rules, which are in the process of being revised to conform to the Amended Police Oversight Ordinance is attached. The Board may wish to consider forming a sub-committee to complete a draft of Rules which the entire body could adopt at a future meeting.

As a cost saving measure and for efficiency of staff time, the office has not provided copies of all of the documents for each meeting in the past and will not do so tomorrow. Typically, Board Members have either downloaded the documents to a laptop and reviewed the documents electronically and/or printed out their own copies as needed.

Tomorrow, please plan to arrive a few minutes early to City Council Chambers. Because it is televised, we try to begin the meetings on time at 4 pm. The Administrative Office validates parking for the parking garage under City Hall, so please bring in your parking ticket stub to be validated.

Please let me know if you have any questions.

All the best,  
Robin

**Robin S. Hammer, Esq.**  
Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque

M002172

P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3774  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

<Police Oversight and Review  
Bodies.docx> <POC=Ordinance Enacted -  
Word.docx> <Strikethrough.POC Rules and  
Regulations =015.rtf>

Moirá Amado-McCoy, Ph.D.  
President and CEO  
All Innovation and Kairos Solutions

Albuquerque, NM 87102  
505-553-1818

[www.all-innovation.com](http://www.all-innovation.com)  
[www.moiraaamado.com](http://www.moiraaamado.com)

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M002173

All Innovation and Kairos =olutions

Albuquerque, NM 87102  
505-553-1818

[www.all-innovation.com](http://www.all-innovation.com)  
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=

**From:** Beth Mohr  
**To:** Molra Amado-McCoy  
**Cc:** Leonard Waites; Scott S. Wilson; Joanne Fine  
**Subject:** Re: addition to agenda?  
**Date:** Monday, April 06, 2015 1:58:05 PM

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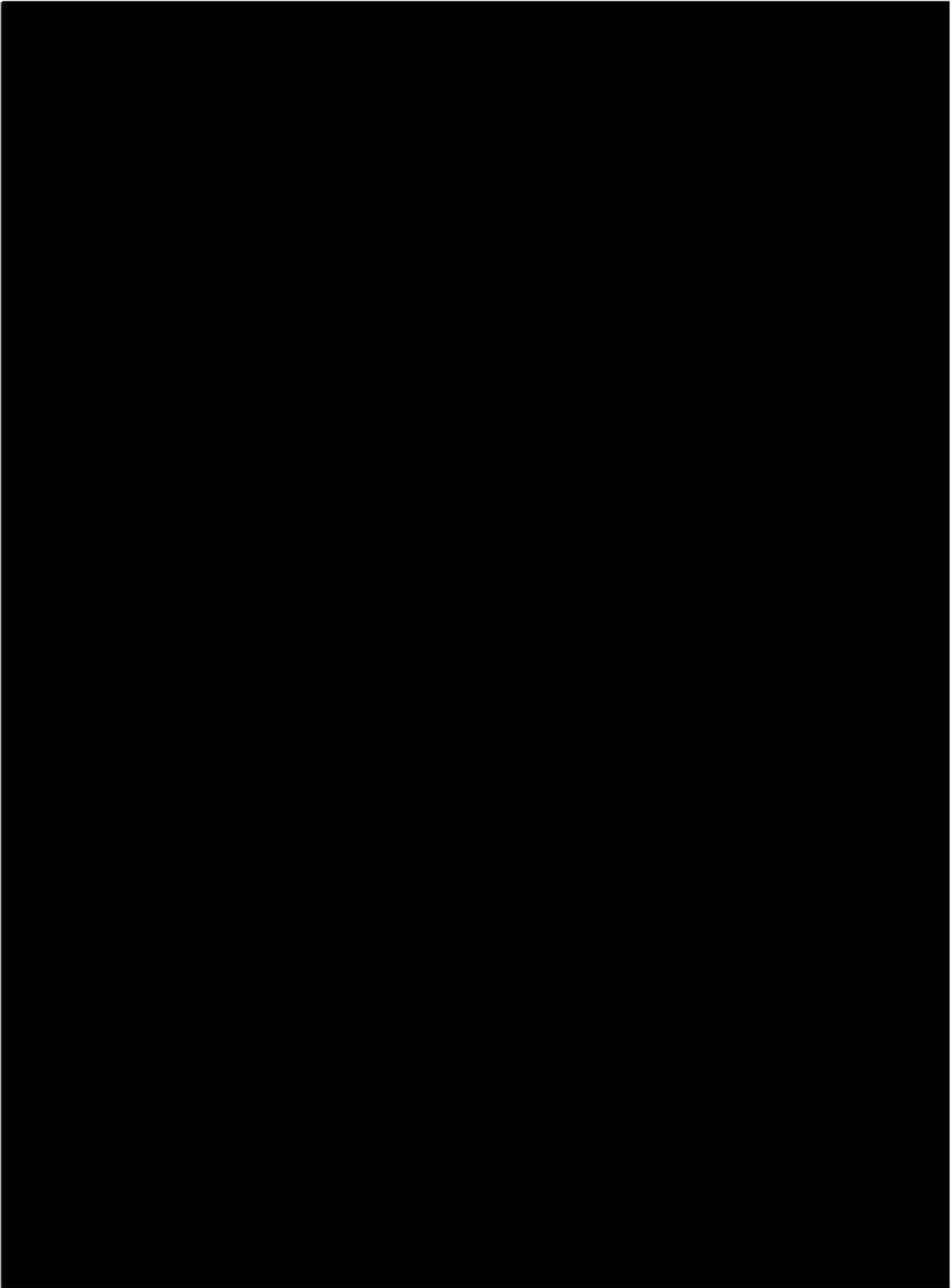
It appears that you have included a total of 5 members of the POB on the email string, including yourself. This is a violation of the New Mexico Open Meetings Act and creates a quorum in this email string. As such, I cannot, by my actions, condone continuing this violation and will not otherwise reply to your email. Please remember our obligations under the Open Meetings Act and constrain your communications as required in that Act.

Beth A. Mohr, Board Member  
Albuquerque Police Oversight Board

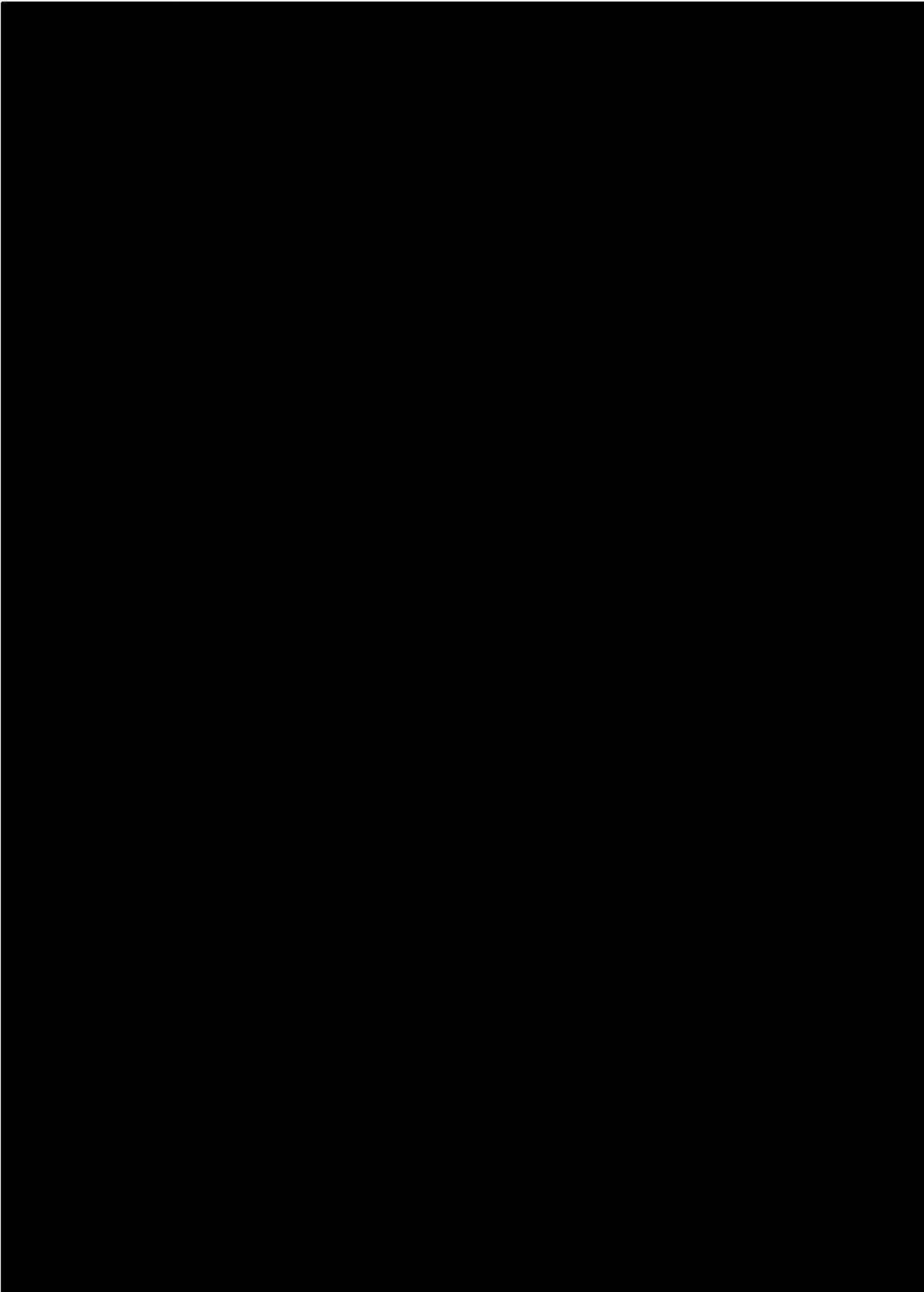
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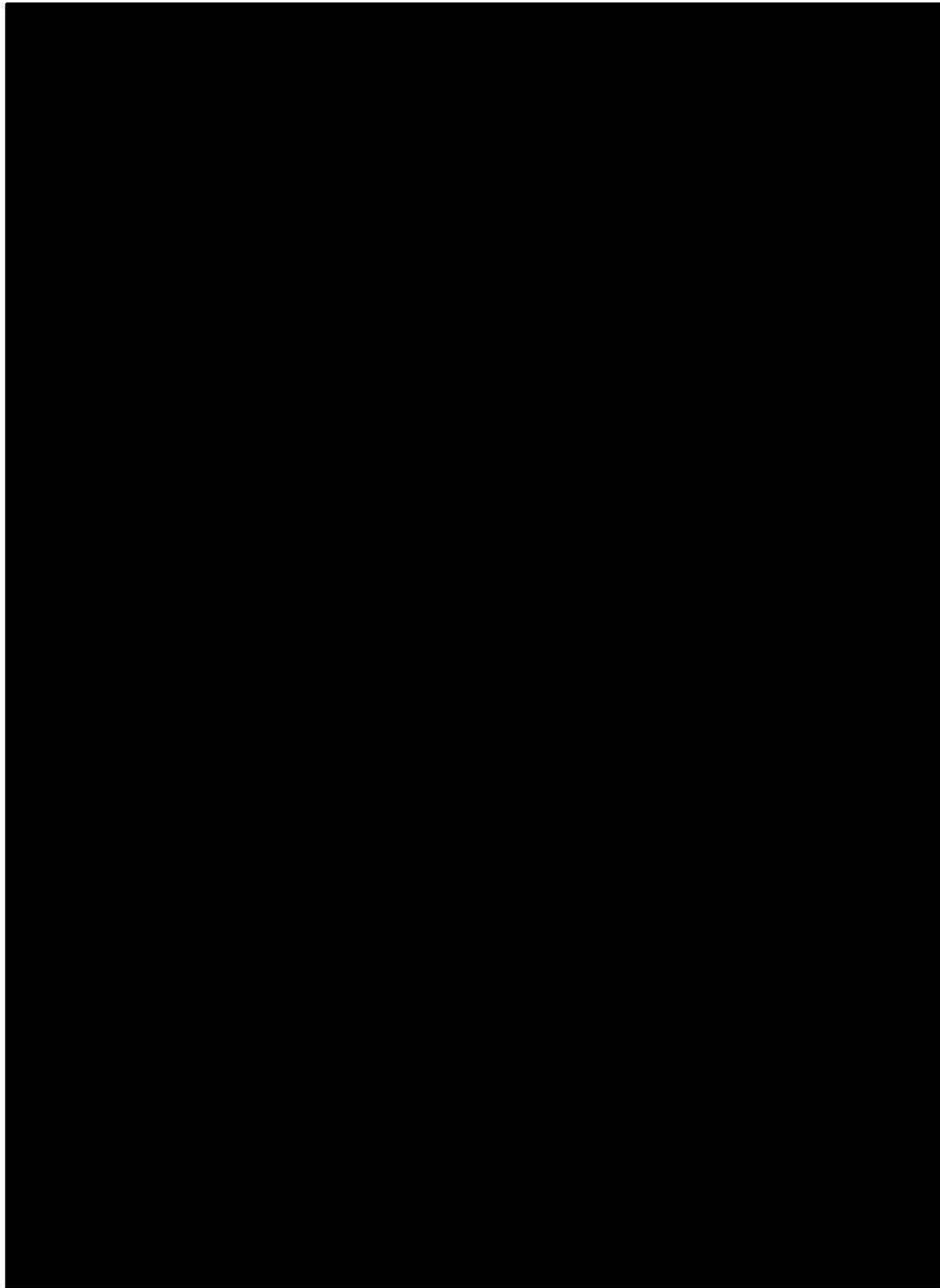
NOTICE: This email may be subject to disclosure under the New Mexico Inspection of Public Records Act. Please be thoughtful when replying to or forwarding this email.

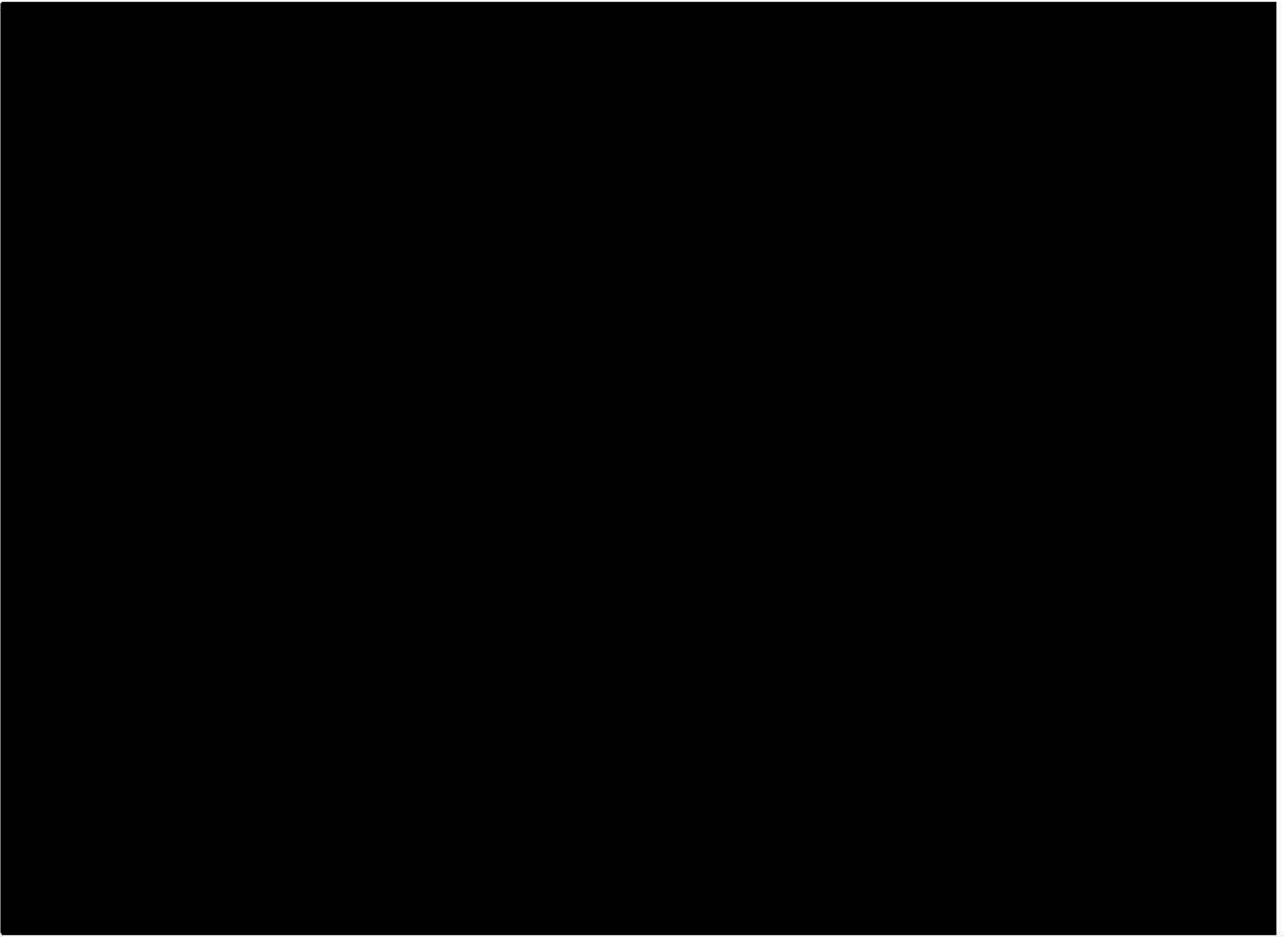
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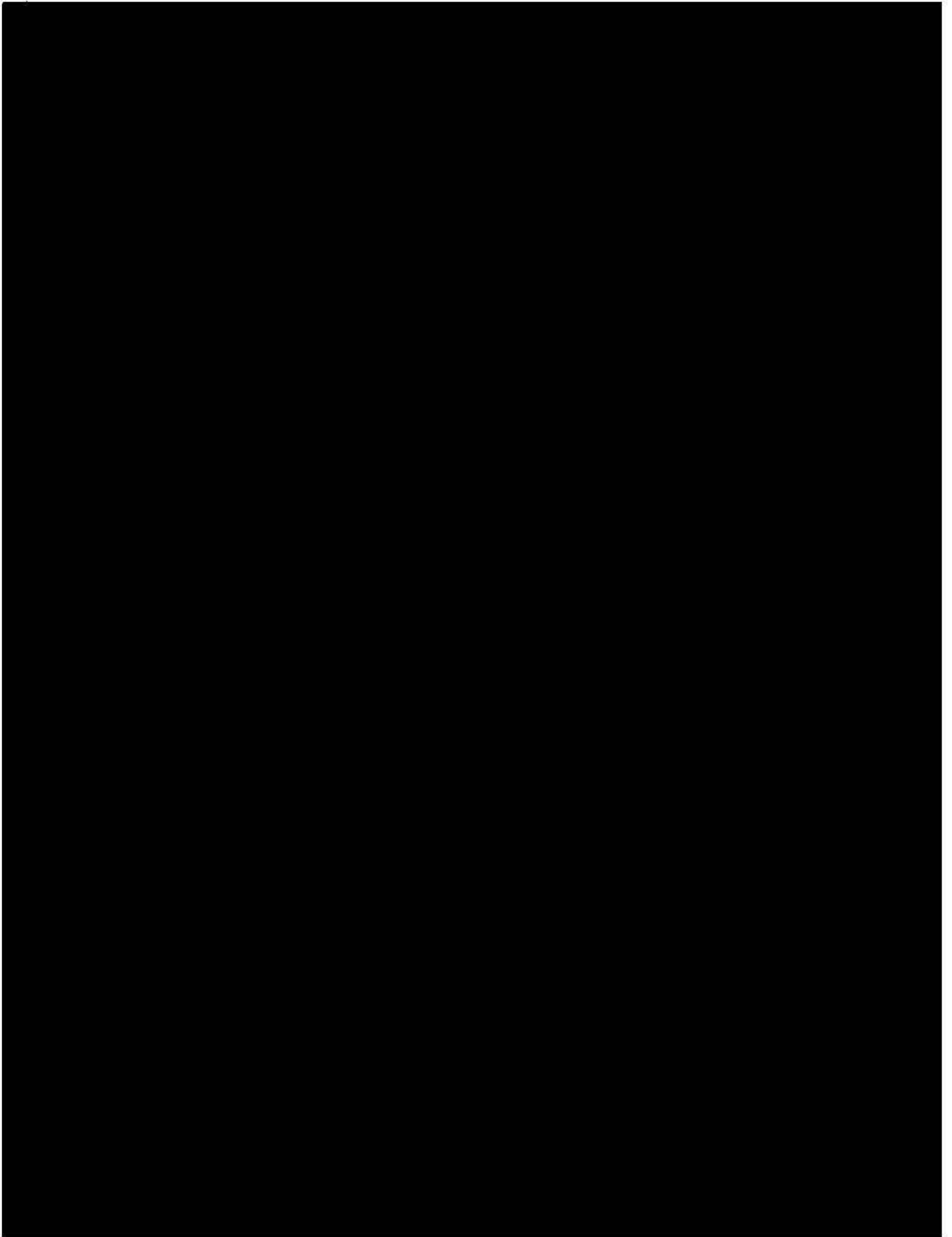




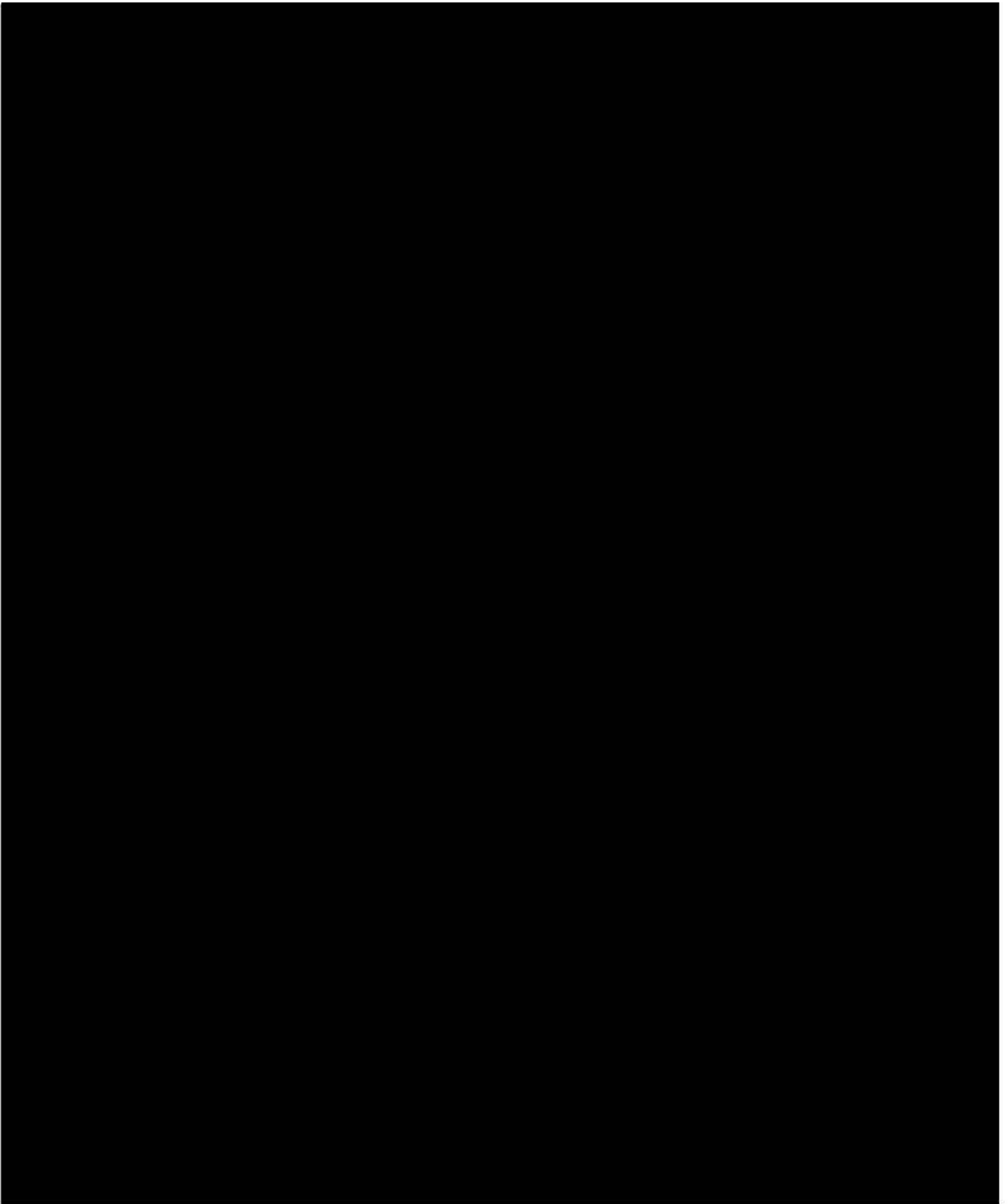


**From:** Beth Mohr  
**To:** Melra Amado-McCoy  
**Cc:** Leonard Waites; Scott S. Wilson  
**Subject:** Re: addition to agenda?  
**Date:** Sunday, April 05, 2015 6:01:58 PM

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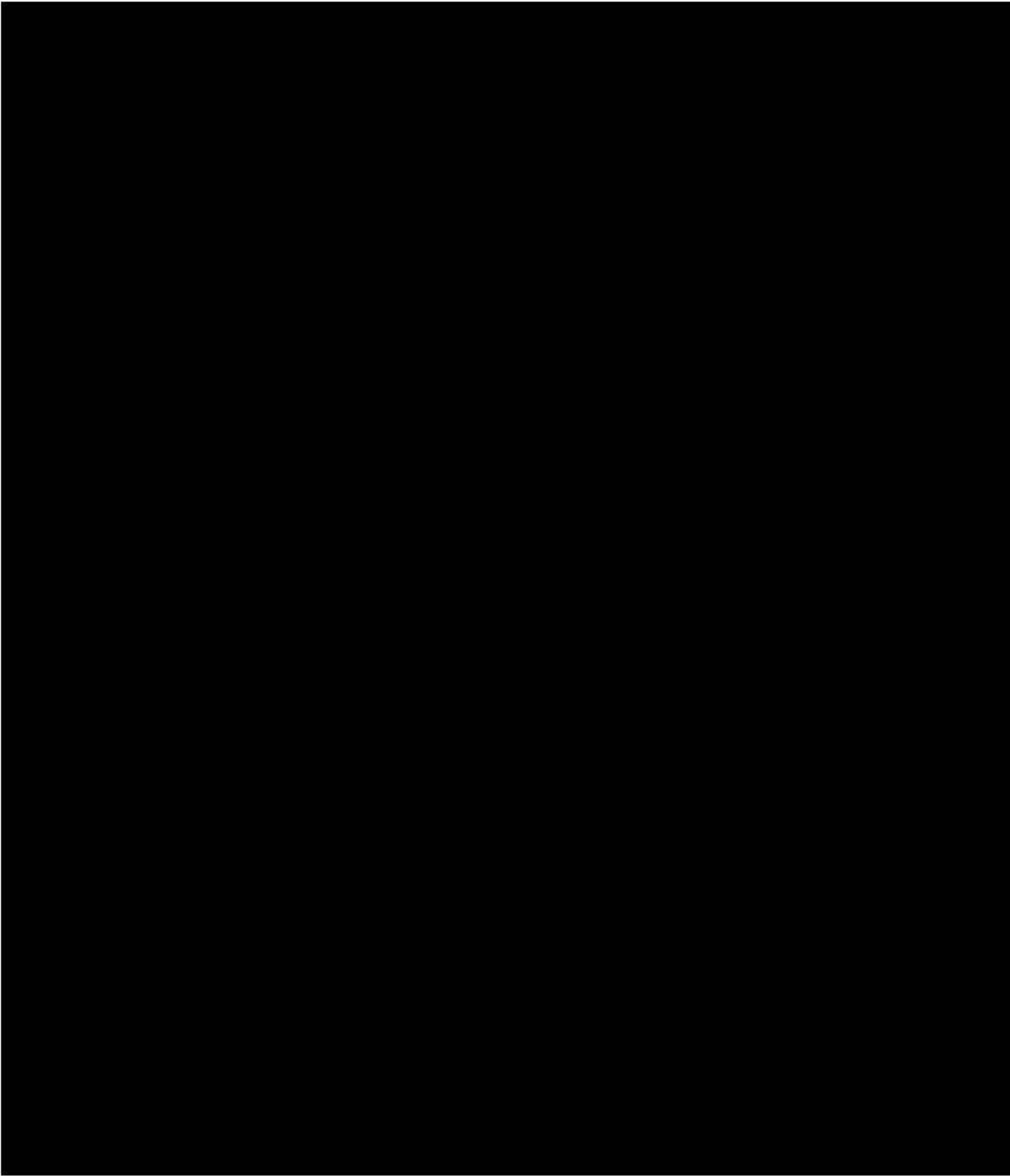
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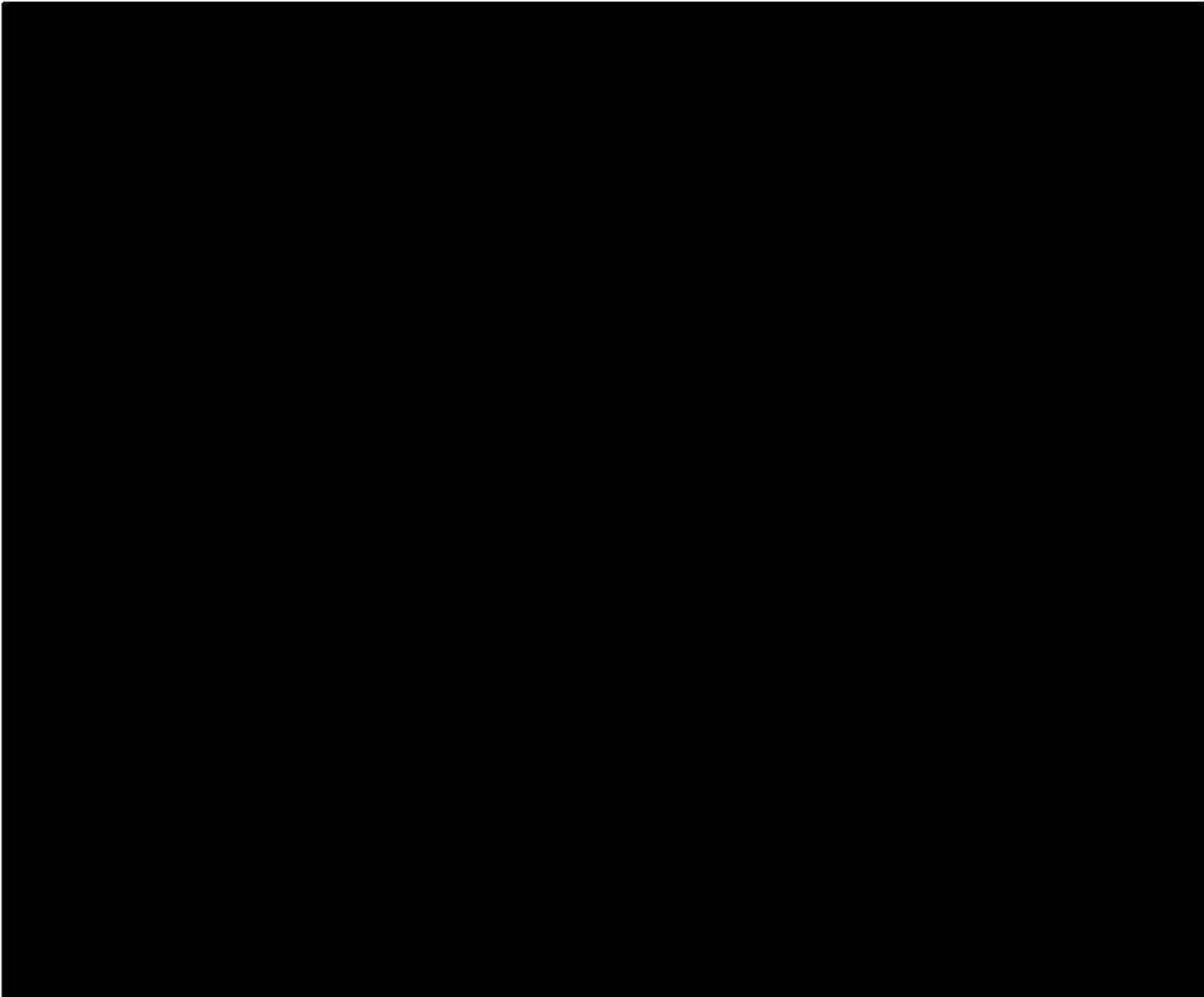
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21

**From:** Beth A. Mohr  
**To:** Molra Amado-McCoy  
**Cc:** Leonard Waites; Scott S. Wilson  
**Subject:** Re: addition to agenda?  
**Date:** Friday, April 03, 2015 10:45:03 AM

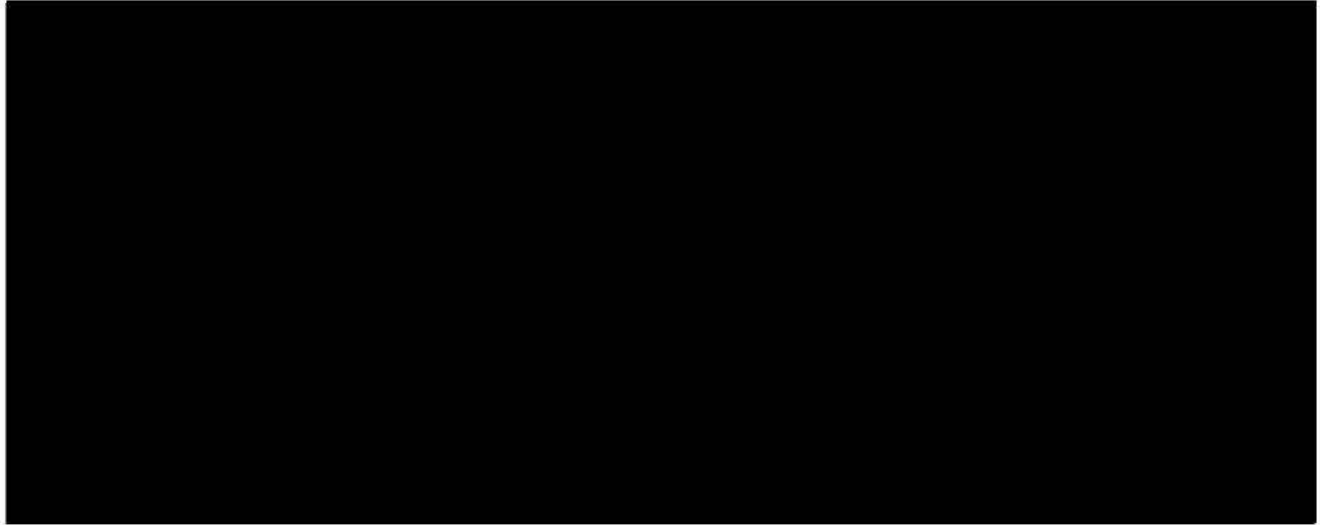
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**From:** Leonard Waites  
**To:** Moira Amado-McCoy  
**Subject:** Re: addition to agenda?  
**Date:** Friday, April 03, 2015 7:45:48 AM

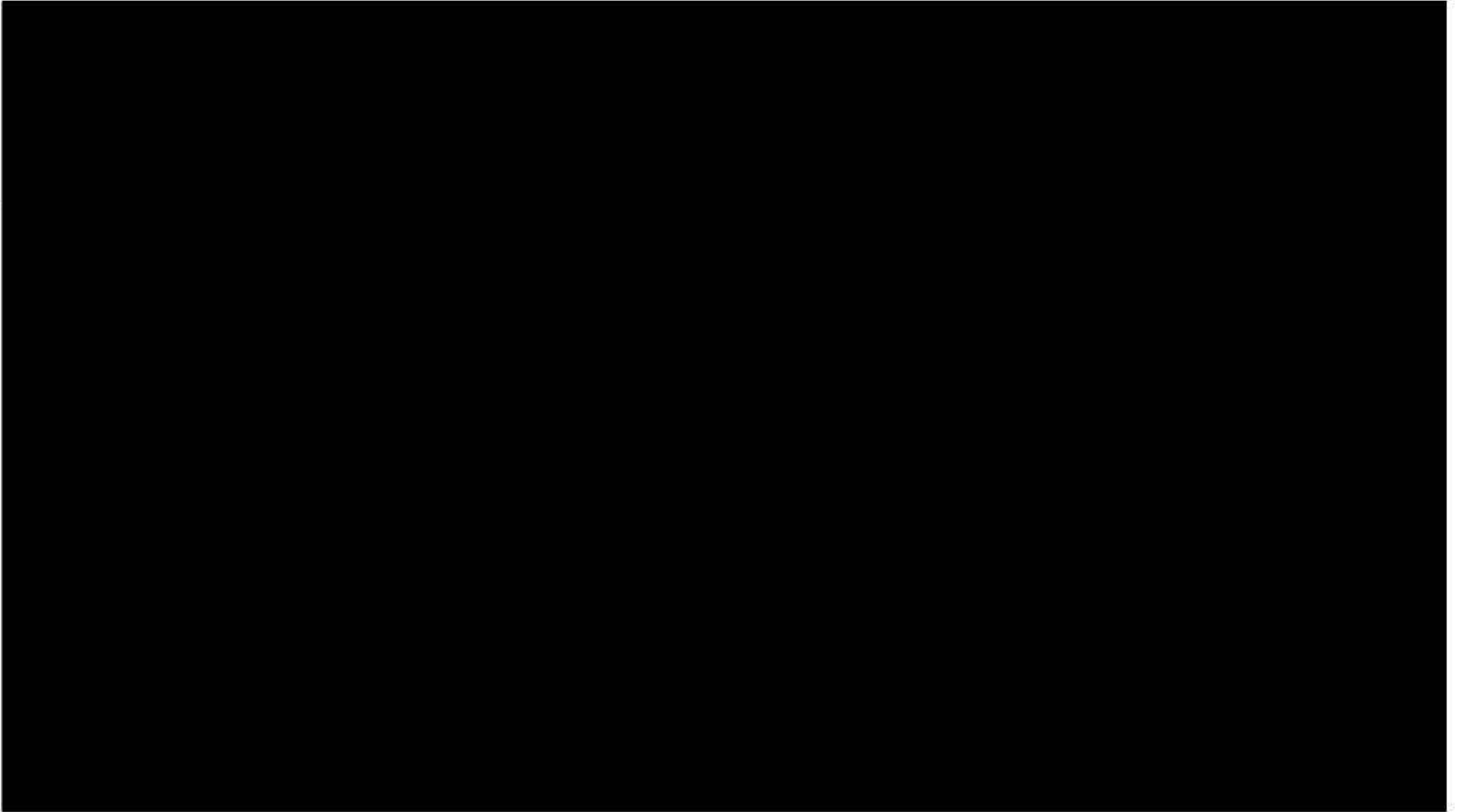
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**From:** Beth A. Mohr  
**To:** Molra Amado-McCoy  
**Cc:** Leonard Waites; Scott S. Wilson  
**Subject:** Re: addition to agenda?  
**Date:** Friday, April 03, 2015 1:39:03 AM

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**From:** Hammer, Robin  
**To:** "Maira Amado-McCoy"  
**Subject:** RE: agenda?  
**Date:** Wednesday, March 04, 2015 11:09:23 AM  
**Attachments:** 3.12.15 POB Draft Agenda.doc

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Maira, <=p>

<=p>

Attached is a draft Agenda which I will send out to the entire Board tomorrow with materials. There may be a few minor changes prior to tomorrow.

<=p>

Thanks, <=p>

Robin

<=p>

Robin S. Hammer, Esq.

Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87106  
(505) 924-3774  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

<=p>

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**From:** Maira Amado-McCoy [mailto:[moiraamado@gmail.com](mailto:moiraamado@gmail.com)]  
**Sent:** Monday, March 02, 2015 2:27 PM  
**To:** Hammer, Robin  
**Subject:** Re: agenda?

Got it, thanks.

I will wait to see your draft before adding any suggestions!

Please don't feel it has to be complete -- if there's one thing I do a lot of, it's read people's drafts. I know you have a good team beside you, but I'd be glad to help. Once you have something you're comfortable sharing, send it on over!

Best,

Maira

On Mar 2, 2015, at 2:16 PM, Hammer, Robin <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)> wrote: <

Maira,

I haven't completed a draft of the Agenda yet, but am working on it. I will email it to you once I have a draft ready to go. I hope to have something

together tomorrow. If you have any suggestions that you think I should incorporate, please email those to me. I typically send out most materials for a meeting about one week ahead of the meeting.

As far as the Citizen's Police Academy (CPA), I have informed APD Command and Staff that Police Oversight Board Members would miss 3 CPA sessions due to conflicts with the POB meetings. Lt. Archibeque indicated that they would hold make up sessions for the POB Members for these sessions.

Thanks,  
Robin

Robin S. Hammer, Esq.  
Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3770  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

-----Original Message-----

From: Moira Amado-McCoy [<mailto:moi=aamado@gmail.com>]  
Sent: Monday, March 02, 2015 1:47 PM  
To: Hammer, Robin  
Subject: agenda?

Hi, Robin.

Will you please send me a copy of the agenda we're expected to use for the first meeting of the POB on the 12th -- even if it's just in draft form? Thanks.

Also -- the 12th meeting conflicts with a meeting of the Police Academy, also scheduled that night from 6-9. Do you happen to know how that will be resolved?

Thanks for your help.

Moira

Moira Amado-McCoy  
Albuquerque  
505-553-1818

Moira Amado-McCoy, Ph.D.  
President and CEO  
All Innovation and Kairos Solutions

Albuquerque, NM 87102  
505-553-1818

[www.all-innovation.com](http://www.all-innovation.com)  
[www.moiramado.com](http://www.moiramado.com)

## **CIVILIAN POLICE OVERSIGHT AGENCY**

*Dr. Moira Amado-McCoy    Dr. Jeannette Baca    Eric H. Cruz*  
*Joanne Fine    Beth Mohr    Rev. Dr. David Z. Ring III*  
*Eva P. Sandoval    Leonard Waites    Jeffery Scott Wilson*  
Robin S. Hammer, Acting Executive Director

## **POLICE OVERSIGHT BOARD AGENDA**

**Thursday, March 12, 2014 – 4:00 PM**  
**Vincent E. Griego Chambers**

- I. Welcome and Call to Order:** *J. Scott Wilson*
- II. Pledge of Allegiance:** *Leonard Waites*
- III. Election of Chair, Vice Chair**
- IV. Approval of the Agenda**
- V. Public Comments**
- VI. Discussion of Role of CPOA and POB**

*Receipt of CPOA Administrative Office's Officer Involved Shooting Statistical Study*

- VII. Discussion of Process to Retain Independent Legal Counsel**

### **VIII. Findings by CPOA :**

CPC 196-14	CPC 198-14	CPC 209-14	CPC 230-14
CPC 233-14	CPC 001-15	CPC 010-15	CPC 018-15

- IX. Police Shooting Case:** *I-49-14, Shooting of dog on February 24, 2014*
- X. Process and Selection of CPOA Executive Director**
- XI. Reports from City Staff:**
  - A. Executive Director** *Report by Robin Hammer*
  - B. SOP Update** – *Report by Assistant Lead Investigator Paul Skotchdopole*
  - C. Mayor's Staff** – *Report*
  - D. City Council Staff**– *Report*
  - E. City Attorney's Staff** – *Report*
  - F. APD** *Report*

### **XIV. Other Business**

**XV. Adjournment - Next POB meeting will be on Thursday, September 11, 2014 at 4:00 PM in the Vincent E. Griego Chambers**



**From:** Hammer, Robin  
**To:** "Maira Amado-McCoy"  
**Subject:** RE: agenda?  
**Date:** Monday, March 02, 2015 2:16:21 PM

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Maira,

I haven't completed a draft of the Agenda yet, but am working on it. I will email it to you once I have a draft ready to go. I hope to have something together tomorrow. If you have any suggestions that you think I should incorporate, please email those to me. I typically send out most materials for a meeting about one week ahead of the meeting.

As far as the Citizen's Police Academy (CPA), I have informed APD Command staff that Police Oversight Board Members would miss 3 CPA sessions due to conflicts with the POB meetings. Lt. Archibeque indicated that they would hold make up sessions for the POB Members for these sessions.

Thanks,  
Robin

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P.O. Box 1293  
Albuquerque, NM 87103  
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Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

-----Original Message-----

From: Maira Amado-McCoy [<mailto:moiraamado@gmail.com>]  
Sent: Monday, March 02, 2015 1:47 PM  
To: Hammer, Robin  
Subject: agenda?

Hi, Robin.

Will you please send me a copy of the agenda we're expected to use for the first meeting of the POB on the 12th -- even if it's just in draft form? Thanks.

Also -- the 12th meeting conflicts with a meeting of the Police Academy, also scheduled that night from 6-9. Do you happen to know how that will be resolved?

Thanks for your help.

Maira

Maira Amado-McCoy  
Albuquerque  
505-553-1818

**From:** Joanne Fine  
**To:** Saavedra, Sharon L.; Hammer, Robin; Beth A. Mohr (CABQ.POB.Mohr@gmail.com); David Z. Ring (dzt3@juno.com); Eric H. Cruz (eric.huizar.cruz@gmail.com); Eva P. Sandoval (Evaps3716@yahoo.com); Jeannette Baca (jvbaca.pob@gmail.com); Jeffrey Scott Wilson (jswilsonnm@live.com); Leonard Waites (leonard.waites@yahoo.com); Moira Amado-McCoy (moiraamado@gmail.com)  
**Subject:** RE: background waiver  
**Date:** Monday, February 23, 2015 8:59:53 AM

---

What time of day are the classes, please? And they are Tues and Thursday for 12 weeks, right?

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

**From:** "Saavedra, Sharon L."  
**Date:** 02/23/2015 8:44 AM (GMT-07:00)  
**To:** "Hammer, Robin" , "Beth A. Mohr (CABQ.POB.Mohr@gmail.com)" , "David Z. Ring (dzt3@juno.com)" , "Eric H. Cruz (eric.huizar.cruz@gmail.com)" , "Eva P. Sandoval (Evaps3716@yahoo.com)" , "Jeannette Baca (jvbaca.pob@gmail.com)" , "Jeffrey Scott Wilson (jswilsonnm@live.com)" , "Joanne Fine (joannefine413@gmail.com)" , "Leonard Waites (leonard.waites@yahoo.com)" , "Moira Amado-McCoy (moiraamado@gmail.com)"  
**Subject:** background waiver

Hello all,

I have already received some but In addition to the application, I need a signed waiver and liability release form to conduct a background check.  
These are the requirements set forth to all applicants by the APD. I have been informed that every applicant has to follow the same steps to attend so that it doesn't appear that I'm giving preferential treatment to anyone or group. Thank you for your cooperation.

Attached is the waiver, can you email or fax a completed and signed waiver to me? The fax is 505-343-5025. Atten: Officer Saavedra please. Also please bring in the original signed copy on the first day. Call me with any questions.

Thank you. I look forward in meeting you on March 3rd.

Officer Sharon Saavedra  
Citizen Police Academy Coordinator  
Albuquerque Police Department  
Email: [ssaavedra@cabq.gov](mailto:ssaavedra@cabq.gov)  
Phone: (505) 224-6641

---

**From:** Hammer, Robin  
**Sent:** Friday, February 20, 2015 10:22 AM  
**To:** Beth A. Mohr (CABQ.POB.Mohr@gmail.com); David Z. Ring (dzt3@juno.com); Eric H. Cruz (eric.huizar.cruz@gmail.com); Eva P. Sandoval (Evaps3716@yahoo.com); Hammer, Robin; Jeannette Baca (jvbaca.pob@gmail.com); Jeffrey Scott Wilson (jswilsonnm@live.com); Joanne Fine (joannefine413@gmail.com); Leonard Waites (leonard.waites@yahoo.com); Moira Amado-McCoy (moiraamado@gmail.com)  
**Cc:** Saavedra, Sharon L.; Roseman, William G.; Slauson, Bill R.; Gonzalez, Arturo E.; Archibeque, Michael E.; Saladin, David R.  
**Subject:** FW: Basic information about Citizen Police Academy for Police Oversight Board Members

Dear Board Members:

Below is an email from Officer Sharon Saavedra regarding the Citizen's Police Academy (CPA), which is scheduled to begin March 3. The City's Police Oversight Ordinance mandates that POB Members complete the Citizen's Police Academy within the first six months after appointment. I waited a few days to forward this information regarding the CPA because a bill was pending before the City Council this week which would have required APD to offer a weekend version of the CPA to POB Members. The bill was amended to permit APD to offer a shortened CPA, but would not require APD to do so. It is my understanding that APD will not be offering a shortened version of the CPA to POB Members at this time.

Therefore, each of you need to apply on-line to Citizen's Police Academy. Here is the <http://www.cabq.gov/police/programs/citizen-police-academy>

Please let me know if you have any questions.

Thanks,

Robin

**Robin S. Hammer, Esq.**

Acting Executive Director

Civilian Police Oversight Agency

City of Albuquerque

P.O. Box 1293

Albuquerque, NM 87103

(505) 924-3774

City Cell: (505) 205-6169

Fax: (505) 924-3775

<http://www.cabq.gov/cpoa>

---

**From:** Saavedra, Sharon L.  
**Sent:** Tuesday, February 17, 2015 2:20 PM  
**To:** Hammer, Robin  
**Cc:** Archibeque, Michael E.; Saladin, David R.  
**Subject:** RE: Basic information about Citizen Police Academy  
**Importance:** High

Ms Hammer,

I am glad to announce the official start date for the 47th Citizen's Police Academy, March 3, 2015. We will now be contacting applicants from applications already received and begin the background and seating process. In order to seat the Police Oversight Commission for the CPA, I will need their application. Could you please urge the POC to fill out their applications online at <http://www.cabq.gov/police/programs/citizen-police-academy>. Please ensure they put down the POC as their Neighborhood, community, or civic Organization so that I know they need to be in the first available class. Or have them email me when they do. Could you also please send me a list of names so that I can ensure they get in. It is also important I get these applications as soon as possible due to the high interest from the community for the CPA. I have received a large amount of applications to go through. If you have any questions please feel free to email or call me. Thank you.

Officer Sharon Saavedra

Citizen Police Academy Coordinator

Albuquerque Police Department

Email: [ssaavedra@cabq.gov](mailto:ssaavedra@cabq.gov)

Phone: (505) 224-6641

**From:** Hammer, Robin  
**To:** Moira Amado-McCoy  
**Subject:** RE: CPOA Budget docs  
**Date:** Saturday, March 21, 2015 9:35:03 AM

---

Ok. They will be ready any time after 9 am on Monday.

<=p>

Thanks,=p>

Robin

<=p>

Robin S. Hammer, =sq.

Acting Executive Director

Civilian Police Oversight Agency

City of Albuquerque<=:p>

P.O. Box 1293

Albuquerque, NM 8710=

(505) 924-3770<=o:p>

Fax: (505) 924-3775<=:p>

<http://www.cabq.gov/cpoa=/a>>

-  
<=p>

---

**From:** Moira Amado-McCoy [mailto:[moiraamado@gmail.com](mailto:moiraamado@gmail.com)]

**Sent:** Saturday, March 21, 2015 8:56 AM

**To:** Hammer, Robin

**Subject:** Re: CPOA Budget docs

-  
Thanks for this, Robin.

-  
Perhaps you can include it in the package of copies I'll pick up this coming week?

-  
Moira

-  
-  
-  
-  
-  
-

On Mar 19, 2015, at 1:26 PM, Hammer, Robin <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)> wrote:

Dear POB Members:

Attached are the CPOA's proposed budget for FY 2016.

Please let me know if you have any questions.

Thanks,

Robin

Robin S. Hammer, Esq.

Acting Executive Director



Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3774  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

<CP-110.xlsx><CPOA Budget Forms.xlsx>

Moirira Amado=McCoy, Ph.D.  
President and CEO  
All Innovation and Kairos Solutions

Albuquerque, NM 87102  
505-553-1818

[www.all-innovation.com](http://www.all-innovation.com)  
[www.moiriraamado.com](http://www.moiriraamado.com)

**From:** Hammer, Robin  
**To:** Maira Amado-McCoy  
**Subject:** RE: Draft POB Agenda, Meeting Materials and Letter from CAO Perry  
**Date:** Friday, April 03, 2015 2:59:03 PM

---

Maira,

I am planning on sitting on at least a portion of the Citizens' Police Academy on Tuesday. I could bring by the documents to you then.

If you decide you would like to pick up the documents on Monday afternoon, please let me know.

Thanks,  
Robin

**Robin S. Hammer, Esq.**  
Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3770  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

---

**From:** Maira Amado-McCoy [mailto:[moiraamado@gmail.com](mailto:moiraamado@gmail.com)]  
**Sent:** Friday, April 03, 2015 2:43 PM  
**To:** Hammer, Robin  
**Subject:** Re: Draft POB Agenda, Meeting Materials and Letter from CAO Perry

Thank you, Robin, for the material/documents you sent yesterday via email.

Will you please print these up for me, along with the document you forwarded from Stephanie Yara on 4/1 (FY/16 General Budget Questions)?

I can come by for them Monday afternoon, or if you plan on sitting in on Citizen Police Academy again on Tuesday night, you could bring them to me then. Whatever is best for you.

Thanks.

Maira

On Apr 2, 2015, at 1:39 PM, Hammer, Robin <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)> wrote:

Dear POB Board Members:

M002198

Attached is a letter from Chief Administrative Officer Robert Perry to Chair Waites and Co-Vice Chair Mohr.

The Draft Agenda for next week's meeting is attached. Please send any suggested changes to Leonard for his consideration by 5 pm tomorrow, Friday, April 3. A final Agenda will be published Monday afternoon. The Minutes from the last meeting are attached.

Regarding Item 6, Settlement Agreement Discussion and Training, I provided everyone a copy of the Settlement Agreement at our initial training. Attached are the Amicus Brief I filed in the DOJ Lawsuit and the Agency's plan to comply with the paragraphs which pertain the Agency.

Regarding Item 9, attached is a draft of the proposed Contract of an Independent Legal Counsel.

Regarding Item 10, I sent out a copy of the proposed Rules on March 26.

Please let me know if you have any questions.

Thanks,  
Robin

**Robin S. Hammer, Esq.**

Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3774  
Fax: (505) 924-3775  
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<Draft 4 9 15 POB Agenda- v2.doc><March 2015 CPOA Minutes- 4-1-15  
Draft.doc><CPOA ACTIONPLAN for DOJ Compliance-4-1-15.docx><Contract  
Outside Counsel Contract.doc><3-31-15 CAO Perry Letter to Waites and  
Mohr.pdf><CPOA Amicus Brief CIV 14-1025 -.pdf>

Maira Amado-McCoy, Ph.D.  
President and CEO  
All Innovation and Kairos Solutions

Albuquerque, NM 87102  
505-553-1818

[www.all-innovation.com](http://www.all-innovation.com)  
[www.moiramado.com](http://www.moiramado.com)

**From:** Joanne Fine  
**To:** Hammer, Robin; Beth A. Mohr (CABQ.POB.Mohr@gmail.com); David Z. Ring (dzt3@juno.com); Eric H. Cruz (eric.huizar.cruz@gmail.com); Eva P. Sandoval (Evaps3716@yahoo.com); Jeannette Baca (jvbaca.pob@gmail.com); Jeffrey Scott Wilson (jswilsonnm@live.com); Leonard Waites (leonard.waites@yahoo.com); Moira Amado-McCoy (moiraamado@gmail.com)  
**Cc:** Saavedra, Sharon L.; Roseman, William G.; Slauson, Bill R.; Gonzalez, Arturo E.; Archibeque, Michael E.; Saladin, David R.  
**Subject:** RE: FW: Basic information about Citizen Police Academy for Police Oversight Board Members  
**Date:** Friday, February 20, 2015 12:03:47 PM

---

I applied just now. FYI

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Hammer, Robin"  
Date: 02/20/2015 10:22 AM (GMT-07:00)  
To: "Beth A. Mohr (CABQ.POB.Mohr@gmail.com)" , "David Z. Ring (dzt3@juno.com)" , "Eric H. Cruz (eric.huizar.cruz@gmail.com)" , "Eva P. Sandoval (Evaps3716@yahoo.com)" , "Hammer, Robin" , "Jeannette Baca (jvbaca.pob@gmail.com)" , "Jeffrey Scott Wilson (jswilsonnm@live.com)" , "Joanne Fine (joannefine413@gmail.com)" , "Leonard Waites (leonard.waites@yahoo.com)" , "Moira Amado-McCoy (moiraamado@gmail.com)"  
Cc: "Saavedra, Sharon L." , "Roseman, William G." , "Slauson, Bill R." , "Gonzalez, Arturo E." , "Archibeque, Michael E." , "Saladin, David R."  
Subject: FW: Basic information about Citizen Police Academy for Police Oversight Board Members

Dear Board Members:

Below is an email from Officer Sharon Saavedra regarding the Citizen's Police Academy (CPA), which is scheduled to begin March 3. The City's Police Oversight Ordinance mandates that POB Members complete the Citizen's Police Academy within the first six months after appointment. I waited a few days to forward this information regarding the CPA because a bill was pending before the City Council this week which would have required APD to offer a weekend version of the CPA to POB Members. The bill was amended to permit APD to offer a shortened CPA, but would not require APD to do so. It is my understanding that APD will not be offering a shortened version of the CPA to POB Members at this time.

Therefore, each of you need to apply on-line to Citizen's Police Academy. Here is the <http://www.cabq.gov/police/programs/citizen-police-academy>

Please let me know if you have any questions.

M002201



Thanks,

Robin

**Robin S. Hammer, Esq.**

Acting Executive Director

Civilian Police Oversight Agency

City of Albuquerque

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Albuquerque, NM 87103

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City Cell: (505) 205-6169

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<http://www.cabq.gov/cpoa>

---

**From:** Saavedra, Sharon L.  
**Sent:** Tuesday, February 17, 2015 2:20 PM  
**To:** Hammer, Robin  
**Cc:** Archibeque, Michael E.; Saladin, David R.  
**Subject:** RE: Basic information about Citizen Police Academy  
**Importance:** High

Ms Hammer,

I am glad to announce the official start date for the 47th Citizen's Police Academy, March 3, 2015. We will now be contacting applicants from applications already received and begin the background and seating process. In order to seat the Police Oversight Commission for the CPA, I will need their application. Could you please urge the POC to fill out their applications online at <http://www.cabq.gov/police/programs/citizen-police-academy>. Please ensure they put down the POC as their Neighborhood, community, or civic Organization so that I know they need to be in the first available class. Or have them email me when they do. Could you also please send me a list of names so that I can ensure they get in. It is also important I get these applications as soon as possible due to the high interest from the community for the CPA. I have received a large amount of applications to go through. If you have any questions please feel free to email or call me. Thank you.

M002202

Officer Sharon Saavedra

Citizen Police Academy Coordinator

Albuquerque Police Department

Email: ssaavedra@cabq.gov

Phone: (505) 224-6641

**From:** Maira Amado-McCoy  
**To:** Martinez, Elizabeth (USANM)  
**Subject:** Re: Invitation to Meet Dr. James Ginger, Independent Monitor for the APD Reform Process  
**Date:** Saturday, March 21, 2015 8:27:08 AM

---

Dear Elizabeth,

I was simply not able to find a way to schedule this in at short notice this week. And, I'm very sorry to have missed a visit with Dr. Ginger.

Will you please let him know, or account for it in your planning (whichever is more appropriate), that I'd like to have another opportunity to meet next time he is in town?

Thank you.

Maira Amado-McCoy

On Mar 18, 2015, at 12:55 PM, Martinez, Elizabeth (USANM) <Elizabeth.Martinez@usdoj.gov> wrote:

Dear Members of the Police Oversight Board:

I write on behalf of the DOJ Team that has been working on the APD matter to invite you to meet Dr. James Ginger, the Independent Monitor for the APD Reform process. Given your significant role in the reform process, Dr. Ginger would like to meet with you while he is in Albuquerque this week. Dr. Ginger is available on Friday, March 20, 2015, between 10:00 am and 3:00 pm to meet with you in small groups at the U.S. Attorney's Office in downtown Albuquerque. Please let me know if you are able to meet with Dr. Ginger and your preferred time to do so by sending me a reply email. I will follow up with more information including a map to the office.

Thank you so much and please do not hesitate to contact me if you have any questions regarding this invitation.

**Elizabeth M. Martinez | Executive Assistant U.S. Attorney |  
Public Affairs Officer**

U.S. Attorney's Office, District of New Mexico, P.O. Box 607,  
Albuquerque, New Mexico 87103  
Tel: (505) 224-1469 | Cell: (505) 239-4060 | Fax: (505) 346-7205 | E-  
mail: elizabeth.martinez@usdoj.gov

Maira Amado-McCoy, Ph.D.  
President and CEO  
All Innovation and Kairos Solutions

M002204

Albuquerque, NM 87102  
505-553-1818

[www.all-innovation.com](http://www.all-innovation.com)  
[www.moiramado.com](http://www.moiramado.com)

=

**From:** Saavedra, Sharon L.  
**To:** Moira Amado-McCoy  
**Subject:** RE: MAKE-UP CLASS SCHEDULED!!!  
**Date:** Friday, April 10, 2015 9:22:09 AM

---

I tried forwarding a response to the email you provided and it failed. Could you please check it and see if it's right

**From:** Moira Amado-McCoy [moiraamado@gmail.com]

**Sent:** Friday, April 10, 2015 9:16 AM

**To:** Saavedra, Sharon L.

**Cc:** Jeannette V. Baca; Eric H. Cruz; fine.joanne@yahoo.com; Beth Mohr; David Ring; Hammer, Robin

**Subject:** Re: MAKE-UP CLASS SCHEDULED!!!

Thank you, Officer Saavedra.

I will, barring unforeseen circumstances, be able to attend this make-up class, Wednesday 15 April at 6p. I'll look forward to it, and see you there.

Will you also please change my email address in your record to:  
[amadomccoy.pob@gmail.com](mailto:amadomccoy.pob@gmail.com), for future business?

Thanks for all your help.

Best,

Moira

Moira Amado-McCoy

On Apr 10, 2015, at 9:10 AM, Saavedra, Sharon L. <ssaavedra@cabq.gov> wrote:

POB MEMBERS,

Hello all. I have scheduled a make-up class for **APRIL 15TH @6PM**. It **is important you attend to fulfill your obligations and requirements**. This class **subject is Crime Prevention and DOJ Settlement agreement**.

**Thank you.**

**Officer Sharon Saavedra**  
Citizen=Police Academy Coordinator  
Albuquerque Police Department  
Email: [ssaavedra@cabq.gov](mailto:ssaavedra@cabq.gov)  
Phone: 505) 224-6641

M002206

Moira Amado-McCoy, Ph.D.&nbs=;  
President and CEO  
All Innovation and Kairos Solutions

Albuquerque, NM 87102  
505-553-1818

[www.all-innovation.com](http://www.all-innovation.com)  
[www.moiraaamado.com](http://www.moiraaamado.com)



**From:** Eric Cruz  
**To:** Hammer, Robin; Beth A. Mohr (CABQ.POB.Mohr@gmail.com); David Z. Ring (dzt3@juno.com); Eva P. Sandoval (Evaps3716@yahoo.com); Jeannette Baca (jvbaca.pob@gmail.com); Joanne Fine (joannefine413@gmail.com); Leonard Waites (phamason.lw@gmail.com); Moira Amado-McCoy (moiraamado@gmail.com); Scott Wilson (jswilsonpob@outlook.com)  
**Subject:** Re: Materials for March 12, 2015 POB Meeting  
**Date:** Thursday, March 05, 2015 4:45:47 PM

---

Robyn,  
I will need the phone number to dial in.

On Thu, Mar 5, 2015, 4:40 PM Hammer, Ro=in <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)> wrote: =br>

Dear Police Oversight Board Members:

Below is a link to a DropBox containing materials fo= next Thursday's Police Oversight Board Meeting. These inclu=e:

- ◆=A0 1) The proposed Agenda=u>
- ◆=A0 2) The Citizen Police Complai=ts to be reviewed by the POB
- ◆=A0 3) The Officer Involved Shoot=ng of a dog case, I-49-14 and the case police report
- ◆=A0 4) A statistical review of Of=icer Involved Shooting (OIS) cases
- ◆=A0 5) A Chronological listing of=all OIS cases 2009-present
- ◆=A0 6) A list of OIS cases presen=ed POC 12/12 to 8/14 with listing of completed investigation OIS cases rem=ining to be presented to POB,
- ◆=A0 7) and An updated POB Member contac= list.

<https://www.dropbox.c=m/sh/scfqk8llhkzv8ml/AAC7t2mynuEceMiEzcG7XvZ2a?dl=0>

Please let me know if you are unable to access the m=aterials through this link.

I will be placing a few more materials in the DropBo= in the next day or so. The currently included materials constitute all th= cases which POB Members will be required to make a ruling next week.◆=A0 Additional materials provided will be to supplement your discussion of the role of the CPOA and POB and discussi=n of revised Rules.

Regarding proposed Rules changes for POB Meetings it=m on the Agenda, I previously provided you a copy of the POC's Rules in the binders handed out at our training. My staff and I are drafting proposed revisions to the Rules to conform to the Amended Ordinance and the Settlement Agreement. The POB Chair=may wish to name a sub-committee of POB Members to review and make recommendations to the full Board at the April Meeting regarding the revision of Meeting Rules. Or in the alternative, everyone could receive a copy of the proposed changes in the near future and just vote on the revisions at the April meeting, after having more time to individually review the staff's proposed changes. By placing an Item on the Agenda regarding Rules, it is my intention for the full Board to discuss its wishes regarding Rules revisions, and not to be prepared to vote on the staff's first draft=of Rules revisions submitted prior to the meeting.

If any POB Member will be unable to attend next Thursday's meeting and desires to appear by telephone, please let me know by tomorrow, Friday, August 6, so we can make arrangements with the staff at City Hall.

Please let me know if you have any questions.=u>

All the best,

Robin

Robin S. Hammer, =sq.

Acting Executive Director

Civilian Police Oversight Agency

City of Albuquerque

P.O. Box 1293

Albuquerque, NM 87103

(505) 924-3774

Fax: (505) 924-3775

<http://www.cabq.gov/cpoa>

-

**From:** Moira Amado-McCoy  
**To:** Hammer, Robin  
**Subject:** Re: printout of report?  
**Date:** Saturday, March 21, 2015 8:01:00 AM

---

That would be terrific, Robin, thank you.

Next week would work =ust fine. Okay to just drop by when I have a minute and/or am between =hings, or do I need to make an appointment?

Moira

On =ar 20, 2015, at 9:14 AM, Hammer, Robin <rhammer@cabq.gov>  
=rote:

Moira,

I'm sorry that I didn't =et a chance to talk to you last evening. I did not receive your =equest for a print out of all documents from last week's meeting until =fter I had left the office for the day. If you wish, we could =ave these ready for your pick up later today or you could stop the =ffice sometime next week. Let me know what works for you.

Thanks,  
Robin

Robin S. Hammer, Esq.  
Acting Executive Director =br class="">Civilian Police Oversight Agency  
City of =lbuquerque  
P.O. Box 1293  
Albuquerque, NM =7103  
(505) 924-3770  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

-----Original Message-----

From: Moira =mado-McCoy [mailto:moiraamado@gmail.com]  
Sent: Thursday, =arch 19, 2015 12:19 PM  
To: Hammer, Robin  
Subject: printout of report?

Dear =obin --

I wonder if someone in your office =ould print out a copy of the 2010-2014 Office Involved Shooting Report =file name: OIS Report-Draft 3-4-15(3)), and perhaps you could bring it =ith you tonight?

Thanks for all your =elp.

Moira

M002210

Moirá Amado-McCoy, Ph.D.  
President and CEO  
All Innovation and Kairos =olutions

Albuquerque, NM 87102  
505-553-1818

[www.all-innovation.com](http://www.all-innovation.com)  
[www.moiraaamado.com](http://www.moiraaamado.com)

=

**From:** Hammer, Robin  
**To:** "JOANNE FINE"  
**Cc:** Leonard Waites; Beth Mohr; "Jeffrey Scott Wilson, (jswilsonnm@live.com)"; Moira Amado-McCoy; Eric H. Cruz; Jeannette V. Baca; David Ring; Moya, Julian N  
**Subject:** RE: Replacing Eve Sandoval  
**Date:** Friday, April 03, 2015 1:43:10 PM

---

Joanne,

City Council is responsible for replacing Eve Sandoval. The process is more complex than just putting forward the first alternate. Council will need to confer to determine whom they wish to submit for a full Council vote. I have included Julian Moya, President Garduno's Policy Analyst and Council's representative to the POB, in this email. Perhaps Julian has a better idea of the time line.

I have not heard of any news regarding Council's plans regarding this issue. If I learn any information regarding this issue, I will pass it along.

Thanks,  
Robin

**Robin S. Hammer, Esq.**

Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
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Albuquerque, NM 87103  
(505) 924-3770  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

---

**From:** JOANNE FINE [mailto:fine.joanne@yahoo.com]  
**Sent:** Friday, April 03, 2015 11:21 AM  
**To:** Hammer, Robin  
**Cc:** Leonard Waites; Beth Mohr; Jeffrey Scott Wilson, (jswilsonnm@live.com); Moira Amado-McCoy; Eric H. Cruz; Jeannette V. Baca; David Ring  
**Subject:** Replacing Eve Sandoval

What is the status of finding a new POB member to replace Eve Sandoval? I assumed the alternate list would be used to quickly fill the void. What is the status on this, please? Who is working this for the Council and where are they at time line wise? Please advise.

Thank you,  
Joanne

Sent from my Verizon Wireless 4G LTE smartphone

M002212

**From:** Gonzales, Jessica L.  
**To:** Zaman, Jon K.  
**Cc:** Mancini, Sara; Melendrez, Chris P.; Moya, Julian N.; "ralphnmilulac@gmail.com"; "Edmund Perea"  
**Subject:** Recommendation's for the Police Oversight Board  
**Date:** Wednesday, January 21, 2015 5:48:43 PM  
**Attachments:** OC-15-14.pdf  
**Importance:** High

---

Good Evening,< p>

After careful consideration the selection committee has made a recommendation to the Albuquerque City Council for nine applicants to serve on the inaugural Police Oversight Board. You will find the legislation (OC-15=14) attached to this email. The recommended board members are:<=span>

Maira Amado-McCoy &=bsp; &=nbsp;=>  
Jeannette Baca &=nbsp;=> &=bsp;=>  
Eric H. Cruz  
Joanne Fine  
Beth Mohr

Rev. Dr. David Z. Ring III< o:p>

Eva P. Sandoval  
Leonard Waites  
Jeffrey Scott Wilson< >

To the extent that the council=considers any substitutions or changes to the composition of the POB as re=commended, City Council staff recommends that the Council select from among the following nine first-alternates. They ar= listed below:

Fabrizio Bertoletti = &n=sp; =  
David Blacher = &n=sp; =  
Susanne B. Brown &n=sp; = &n=sp;=>  
Carlotta A. Garcia =nbsp; &nb=p; =nbsp;=>  
Dr. William J. Kass =  
William L. King  
Dr. Lisa M. Orick-Martinez< o:p>  
John J. Vigil< p>  
David J. Webster

The City Council will have the=ultimate authority to approve and/or change the selection committee's recommendations and can select any candidate from the 120+ applicatio=s that we received.

Thank you so much for the time=and effort you put into these applications and for your patience during th=s process. We had an overwhelming response of highly qualified

scheduled to be heard before the full City =ouncil on February 2, 2015. The meeting will begin at 5pm in the City Coun=il Chambers in the basement of City Hall. We will do our



best to keep you abreast of any changes that should occur with this schedule.

Thank you.

Respectfully, < p>

Jessica L. Gonzales

Policy Analyst- District 4< o:p>

City Council Vice-President, Brad Winter

505.768.3101

[jessicagonzales@cabq.gov](mailto:jessicagonzales@cabq.gov)<=a>

[www.cabq.gov/council/councilors/district-4](http://www.cabq.gov/council/councilors/district-4)

Twitter: @BradWinter<=:p>

<><>

OC-15-14

**CITY OF ALBUQUERQUE  
CITY COUNCIL**

**INTEROFFICE MEMORANDUM**

**TO: City Councilors**  
**FROM: Rey Garduño, President**  
**Brad Winter, Vice-President**  
**SUBJECT: Staff Recommendations for the Police Oversight Board**  
**DATE: January 21, 2015**

Pursuant to the provisions of §9-4-1-5 of the Police Oversight Ordinance, City Council staff recommends the following nine individuals for membership on the first Police Oversight Board:

**Maira Amado-McCoy**, President and CEO of All Innovation & Kairos Solutions

**Jeannette Baca**, Retired Counselor and Professor of Counseling

**Eric H. Cruz**, Acquisition Program Manager at Kirtland Air Force Base

**Joanne Fine**, former Project Director, Family Advocacy Center

**Beth Mohr**, Forensic Accountant & Investigator, Managing Partner at McHard  
Accounting Consulting

**Rev. Dr. David Z. Ring III**, Retired Pastor, United Methodist Church

**Eva P. Sandoval**, former corporate Human Resources Director

**Leonard Waites**, member, NAACP, previously served on the Police Oversight  
Task Force

**Jeffrey Scott Wilson**, Director of the Victims Assistance Unit, Domestic Violence  
Resource Center

These nine candidates are recommended to the Council after a rigorous application and review process by a seven member review team which included two members of the public/Police Oversight Task Force. (The applications and resumes, if provided, for these nine individuals may be found in Attachment A.)

Each of these candidates has passed a background check by the City's Human Resources Department and, in the assessment of the review team, possesses the skills and qualifications required by the Police Oversight Ordinance to be a member of the Police Oversight Board. Collectively, these nine members reflect the ethnic, gender and geographic diversity of the City: five of the nine applicants are minorities (four Hispanic, one African American); five of the nine applicants are women; and, within the confines of the pool of applicants available to the review team, geographically balanced (please see the map of applicant addresses in Attachment B.)

To the extent that the Council considers any substitutions or changes to the composition of the POB as recommended, City Council staff recommends that the Council select from among the following nine first-alternates:

Fabrizio Bertoletti	William L. King
David Blacher	Dr. Lisa M. Orick-Martinez
Susanne B. Brown	John J. Vigil
Carlotta A. Garcia	David J. Webster
Dr. William J. Kass	

These potential alternates also ranked highly in the review process, and when appointed with the right composition of other members, would tend to represent the diversity required by the ordinance. Please see the map of applicant addresses for both the recommended nine and the potential alternates as Attachment C. The applications and resumes, if provided, for these nine individuals may be found in Attachment D.

A full alphabetical listing of the staff recommendations and the recommended alternates may be found in Attachment E.

## **BACKGROUND:**

In September of 2014, the City Council passed F/S(3) O-14-13 which abolished the previously existing Police Oversight Commission and replaced it with a new Police Oversight Board (POB). The new POB is to consist of nine at-large members who

*"broadly represent the diversity and demographics of the City by way of, including but not limited to, cultural, gender and geographic diversity; and who are representative of the stakeholders of the police oversight process, and who reside within the City of Albuquerque." 9-4-1-5(A) ROA 1994.*

Members serve three-year terms; however, the terms of the initial members are to be staggered so that no more than five members are eligible for appointment or replacement in any one year.

Per the Police Oversight Ordinance, Board members must also meet the following requirements:

- (1) He or she must not have been employed by law enforcement for one year prior to appointment; and
- (2) He or she must successfully pass a background check; and
- (3) He or she must have a personal history lacking any pattern of unsubstantiated complaints against APD; and
- (4) He or she must have a demonstrated ability to engage in mature, impartial decision making; and
- (5) He or she must have a commitment to transparency and impartial decision making; and
- (6) He or she must be a resident of the City of Albuquerque.

Council staff was charged with establishing a

*"well-publicized, fair and equitable application process for appointment to the POB. The City Council, through its staff, shall accept applications from prospective POB members. Staff shall formulate recommendations for appointments based on evaluation of the qualification criteria ...and submit*

*recommendations for appointment(s) to the City Council for its approval." 9-4-1-5(C) ROA 1994.*

## **PROCESS**

In October 2014, Council staff created an online application for members of the public to submit their applications to the City Council for membership on the POB. The application questions were based on the qualifications listed above, and a copy of the online application is attached here as Attachment F. Members of the public could apply online, download the application and drop it off or fax it in, or come to the City Council Office to pick up a hard copy of the application to fill out by hand.

The online application went live at 8:00 am on October 15, 2014 and remained open until 5 pm on November 30, 2014. The application process was advertised on the City's web site (main page and Council page), through a press conference announcing the opening of the application period, through electronic and print news coverage, in the City's Neighborhood Newsletter, through postings at Senior and Community Centers, through fliers, in emails and mailings from Council policy analysts, through the City's Twitter account, and at homeowner's association, neighborhood association and coalition meetings.

All told, the application was available online and on paper for 45 days. During that time period, Council staff received a total of 143 applications, of which 122 were eventually reviewed by the application review team. The remaining 21 applicants did not turn in their background check waiver form, lived outside of the City limits, or chose to withdraw their application prior to review.

During this same time, and on the recommendation of the City Council during a study session, Council staff reached out to the Police Oversight Task Force (POTF) and asked them to recommend two individuals to join Council staff in reviewing POB applications. The POTF recommended that Mr. Edmund Perea and Mr. Ralph Arellanes serve as part of the application review team. As a result, the application review team consisted of the following individuals:

Jon Zaman, Director, Council Services  
Chris Melendrez, Senior Policy Analyst, Council Services  
Sara Mancini, Special Projects Analyst, Council Services  
Jessica Gonzales, Policy Analyst, District 4, Council Services  
Julian Moya, Policy Analyst, District 6, Council Services  
Mr. Edmund Perea, Designee of the POTF  
Mr. Ralph Arellanes, Designee of the POTF

The application review team met 6 times during the period from December 1, 2014 to January 9, 2015. Each review team member individually scored each of the 122 completed applications based on their responses to application questions, and then participated in group discussions of scores and applicant qualifications. Background checks were completed for each of the candidates as well.

The individual review team member's scores were averaged for each applicant, and the review team then selected the top scoring one-third (40) of the applicants for additional review. After significant group discussion of these top 40 candidates, a group of nine ethnically, gender and geographically representative candidates was developed and became the team's recommended members for the POB. An additional nine applicants were recommended as potential alternates for the Council to select from. Members of the review team called professional references for the recommended nine member board and the nine potential alternates. Of course, it is the Council's prerogative to select from any of the 122 applicants who applied regardless of the staff's recommendations. A list of the top 40 applicants is attached here as Attachment G, and a complete list of the 122 applicants is attached here as Attachment H.

As a result of a rigorous application and review process by the seven member review team, the following nine candidates are recommended to the Council:



## **STAFF RECOMMENDATIONS**

**Maira Amado-McCoy** – Ms. Maira Amado-McCoy is currently President and CEO of All Innovation & Kairos Solutions. Ms. Amado-McCoy has experience as a teacher, facilitator, and liaison. Her interest in serving on the Police Oversight Board stems from being a native New Mexican and having a keen interest in ethical and productive communication for community improvement. Some areas that Ms. Amado-McCoy would like to work in on the POB are ensuring transparency in organizational structures and finding avenues for bringing true diversity, multicultural perspective, and buy-in for a multi-stakeholder communication process.

**Jeanette Baca** – Ms. Jeanette Baca is a retired counselor and professor of counseling. Ms. Baca wants to serve her community and be a part of the solution. She is a former board member of the New Mexico Counseling Association (NMCA) and has served on the American Counseling Association (ACA) Ethics Revision Task Force. She is interested in working on improving the process and standards for hiring officers in addition to implementing structural and systemic improvements outlined in the DOJ Report and Settlement Agreement.

**Eric H. Cruz** – Mr. Eric Cruz is currently the Acquisition Program Manager at Kirtland Air Force Base. Mr. Cruz's unique set of knowledge, skills, and abilities can be an asset to the POB. They include: program management experience of setting and executing goals, working in a government setting, working with a team to achieve common goals, working in groups with dissenting opinions, education and training in leadership and communication skills. He is a resident of an area of Albuquerque that has high police activity.

**Joanne Fine** – Ms. Joanne Fine has served as a member of the APD Public Safety Partnership for several years which worked on creating partnerships between the community and APD. Ms. Fine also served as Project Director for developing and opening the Family Advocacy Center which is a partnership between APD and United

Way that serves victims of interpersonal violence. Her experience in developing the Family Advocacy Center provided her with the opportunity to work with human service providers, the courts, the DA's office, underserved communities, and law enforcement, which can be an asset to the POB.

**Beth Mohr** – Ms. Beth Mohr is currently a Forensic Accountant and Investigator, Managing Partner at McHard Accounting Consulting. Ms. Mohr is a retired San Diego Police Officer; she's a former Investigator for the Independent Review Office in Albuquerque; and she's a concerned community member. She has a clear understanding of complex data sets, crime data, citizen complaint data and use of force data, and how each of these contribute to a lack of trust between the community and the police. Ms. Mohr Master's Thesis at UNM's School of Public Administration focused on achieving lasting outcomes in the implementation of civilian oversight.

**Rev. Dr. David Z. Ring III** – Dr. David Z. Ring III is a retired Pastor from United Methodist Church and a retired Electrical Engineer from Sandia National Labs. Dr. Ring III is a former Police Chaplin in Odessa, TX and Los Alamos, NM and upon returning to Albuquerque, he wanted to be involved in serving the City and APD. Dr. Ring III believes the POB presents a unique opportunity to serve his community in a new and challenging way.

**Eva P. Sandoval** – Ms. Eva Sandoval is a former corporate Human Resources Director and a former Organizational Effectiveness and Human Resources Consultant. Ms. Sandoval's interest comes from her experience working in Human Resources. She has the skills to investigate complaints and disciplinary matters, mediate and resolve sensitive situations, establish, review, and improve policies and procedures, make impartial decisions, and conduct long term, strategic planning.

**Leonard Waites** – Mr. Leonard Waites is a lifelong resident of Albuquerque which drives his interest in serving on the POB. Mr. Waites wants to ensure the safety of the City and assist in making the POB a fair and impartial system for the citizens of

Albuquerque and the Albuquerque Police Department. Mr. Waites is a member of the NAACP and previously served on the Police Oversight Task Force. His areas of interest include mending the relationship between the community and police department and building a relationship between the Board and Chief of Police, as it will be important to correcting and implementing policies and procedures.

**Jeffery Scott Wilson** – Mr. Jeffery Scott Wilson is currently the Director of the Victims Assistance Unit at the Domestic Violence Resource Center. Mr. Wilson is a former APD officer that worked for the department from August 1981 to July 1992. Mr. Wilson's interest in serving on the POB stems from his previous experience as a police officer and his work in the public sector in Albuquerque. Specific improvements that Mr. Wilson would like to work on while on the POB include: improving the citizen complaint process, focusing on incidents where lack of training was found to be a core issue, helping to create new training policies, and increasing APD accountability to the public.

### **ALTERNATES**

**Fabrizio Bertoletti** – Mr. Fabrizio Bertoletti is a retired administrator from the City of Albuquerque. Mr. Bertoletti has extensive experience in city government and has served numerous roles. Mr. Bertoletti's interest in serving comes from the recognition that this is a critical time for the police department and community and he believes his experience and skills can help make a strong, fair, balanced, and independent contribution to the new civilian police oversight agency. Mr. Bertoletti also served as a member on the Police Oversight Task Force.

**David Blacher** – Mr. David Blacher is currently a real estate broker. Mr. Blacher's interest in serving on the POB stems from his experience working as a trained citizen volunteer with the Pasadena, CA Police Department. According to Mr. Blacher, the Pasadena Police Department was struggling with the same kind of problems that APD is currently experiencing when he became involved. He was involved with both internal promotions boards and disciplinary boards, which provided him with the knowledge and

skills needed for appropriate hiring, inspiring, and firing in the context of a crucial public safety agency.

**Susanne B. Brown** – Ms. Susanne Brown is a retired physician. Ms. Brown has worked with numerous community organizations including: Healthcare for the Homeless, APS Board of Education, Enlace, Albuquerque Community Foundation, the Indian Health Service, Voices for Children, Juvenile Justice Advisory Committee. She currently volunteers with the BioPark as a docent for the Botanic Garden. Ms. Brown's experience in the community and experience working for the State Legislature as a legislative analyst can be an asset to the POB.

**Carlotta A. Garcia** – Ms. Carlotta A. Garcia is currently the Director of the Department of Health's Office of Health Equity. Ms. Garcia's interest in serving on the POB comes from her experience working with at risk and culturally and linguistically distinct communities and from her position as Director of Health Equity, where she stays abreast of many social determinants that impact our community, including law enforcement. Improvements that Ms. Garcia would like to work on include ensuring the POB's work is informed and driven by data to the greatest extent possible.

**Dr. William J. Kass** – Dr. William Kass is a retired physical scientist. Dr. Kass's interest in serving on the POB stems from following recent events with APD. He would like to offer his skills and experience to the community by serving on the POB. An area that Dr. Kass is particularly interested in improving is the public's influence in changing and creating public policy governing APD. Dr. Kass believes that the community, through the new POB, should have a real voice in setting APD priorities.

**William L. King** – Mr. William L. King is a retired safety engineer from Sandia National Labs. Mr. King is a Block Captain for the Neighborhood Organized Against Crime Program, a board member of the North Wyoming Neighborhood Association, and a member of the Albuquerque Community Emergency Response Team (CERT). Mr. King's interest in serving stems from his near lifelong residency in Albuquerque, his

sense of civic duty to help his community, and because he has unique skills and experience that will assist in facilitating solutions.

**Dr. Lisa M. Orick-Martinez** – Dr. Lisa M. Orick-Martinez is currently a professor of Communication Studies at CNM and a member of the Albuquerque Community Emergency Response Team (CERT). Dr. Orick-Martinez's interest stems from her education, training, and familiarity with chain of command, small group communication. As a social scientist she understands the importance of reaching an informed decision. Dr. Orick-Martinez is particularly interested in improving communication between APD and the Albuquerque community.

**John J. Vigil** – Mr. John Vigil is a retired Purchasing Officer from the City of Albuquerque and is an active member of the Rancho Encantado Homeowners Association, the Ladera Heights Neighborhood Association (LHNA), and the Westside Coalition of Neighborhood Associations (WSCONA). Mr. Vigil's interest in serving on the POB stems from his previous public service and from viewing the POB as an opportunity to move Albuquerque forward. Mr. Vigil has experience working in group settings and developing public policy, which he hopes to bring to the POB.

**David J. Webster** – Mr. David Webster is currently the Co-Clinical Director at St. Martin's Hospitality Center. While Mr. Webster has lived in Albuquerque for only a year and a half, he has experience in working alongside police departments in three states throughout his career. He has been involved in creating and staffing programs for those with mental health/drug use disorders who are involved with the criminal justice system.

**From:** JOANNE FINE  
**To:** Robin Hammer  
**Cc:** Leonard Waites; Beth A. Mohr. (CABO.POB.Mohr@gmail.com); Jeffrey Scott Wilson. (jswilsonnm@live.com); Molra Amado-McCoy. (molraamado@gmail.com); Eric H. Cruz. (eric.huizar.cruz@gmail.com); Jeannette Baca. (jvbaca.pob@gmail.com); David Z. Ring. (dzt3@juno.com)  
**Subject:** Replacing Eve Sandoval  
**Date:** Friday, April 03, 2015 11:23:06 AM

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What is the status of finding a new POB member to replace Eve Sandoval? I assumed the alternate list would be used to quickly fill the void. What is the status on this, please? Who is working this for the Council and where are they at time line wise? Please advise.

Thank you,  
Joanne

Sent from my Verizon Wireless 4G LTE smartphone

M002225



**From:** Hammer, Robin  
**To:** Beth A. Mohr (CABQ.POB.Mohr@gmail.com); David Z. Ring (dzt3@juno.com); Eric H. Cruz (eric.hulzar.cruz@gmail.com); Eva P. Sandoval (Evaps3716@yahoo.com); Hammer, Robin; Jeannette Baca (jvbaca.pob@gmail.com); Joanne Fine (joannefine413@gmail.com); Leonard Waites (phamason.lw@gmail.com); Moira Amado-McCoy (moiraamado@gmail.com); Scott Wilson (jswilsonpob@outlook.com)  
**Cc:** Bullock, Nicholas; Yermal, Vincent A.  
**Subject:** Representative from Human Resources  
**Date:** Thursday, March 12, 2015 1:34:50 PM

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Dear POB Members:

I spoke with the Vince Yermal, Senior Human Resource= Labor Advisor. Mr. Yermal lead the national search which resulted i= my hire in 2012. Mr. Yermal and the Human Resources Director are bo=h unavailable to attend this afternoon's POB meeting. Mr. Yermal would be available for the April 9 POB meeting. =o:p>

Please let me know if you have any questions.

Thanks,  
Robin

Robin S. Hammer, =sq.  
Acting Executive Director  
Civilian Police Oversight Agency=/o:p>  
City of Albuquerque=/p>  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3770  
Fax: (505) 924-3775=/p>  
[=ttp://www.cabq.gov/cpoa](http://www.cabq.gov/cpoa)

**From:** Hammer, Robin  
**To:** Davila, Natalie Z; Funes, Ana R.; Gonzalez, Arturo E.; Medrano, Michael V.; Norris, Scott; DuBois, John E.; Cash, Paul; Contreras, Michelle; Davidson, Christopher; Hammer, Robin; McDermott, Diane L.; O'Neil, Erin; Skotchdopole, Paul A.; Beth A. Mohr (CABQ.POB.Mohr@gmail.com); David Z. Ring (dzt3@juno.com); Eric H. Cruz (eric.huizar.cruz@gmail.com); Eva P. Sandoval (Evaps3716@yahoo.com); Jeannette Baca (jvbaca.pob@gmail.com); Joanne Fine (joannefine413@gmail.com); Leonard Waites (phamason.lw@gmail.com); Moira Amado-McCoy (moiraamado@gmail.com); Scott Wilson (jswilsonpob@outlook.com)  
**Subject:** Updated POB Contact Listing and Revised POB Meeting Dates  
**Date:** Tuesday, March 03, 2015 10:35:37 AM  
**Attachments:** POB Contact Info 3-3-15.doc  
Published POB Meeting Dates 2015.pdf

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Dear POB Members:

Attached is an updated POB Member Contact sheet which contains new POB-specific email addresses for Leonard Waites and Scott Wilson. Also attached is a revised POB Meeting Schedule, which changed the date of the October 2015 meeting to the third Thursday of the Month, October 15, to accommodate attendance at the National Civilian Oversight of Law Enforcement (NACOLE) conference. The Meeting Schedule is also published on our website: [www.cabq.gov/cpoa](http://www.cabq.gov/cpoa)

Please let me know if you have any questions.

Thanks,  
Robin

Robin S. Hammer, Esq.  
Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3774  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

M002227

**Civilian Police Oversight Agency  
POLICE OVERSIGHT BOARD  
February 2015**

**Civilian Police Oversight Agency Administrative Staff: (505) 924-3770**

**Robin S. Hammer, Esq., Acting Executive Director and Lead Investigator**  
rhammer@cabq.gov  
(505) 924-3774  
City Cell: (505) 205-6169

**Michelle Contreras, Senior Administrative Assistant**  
mcontreras@cabq.gov  
(505) 924-3771

**Paul Skotchdopole, Assistant Lead Investigator**  
**Diane McDermott, Investigator**  
**Christopher Davidson, Investigator**  
**Erin O'Neil, Investigator**

**Paul Cash, Analyst**

Physical Address:  
Plaza del Sol Building  
600 2nd Street NW, Suite 813  
Albuquerque, NM 87102

Mailing Address:  
CPOA  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103



## **CIVILIAN POLICE OVERSIGHT AGENCY**

*Dr. Moira Amado-McCoy*   *Dr. Jeannette Baca*   *Eric H. Cruz*  
*Joanne Fine*   *Beth Mohr*   *Rev. Dr. David Z. Ring III*  
*Eva P. Sandoval*   *Leonard Waites*   *Jeffery Scott Wilson*  
Robin S. Hammer, Acting Executive Director

## **POLICE OVERSIGHT BOARD**

### **Meeting Schedule**

**March – December 2015**

**All Meetings are held in the  
Vincent E. Griego Chambers –  
One Civic Plaza NW - 5<sup>th</sup> & Marquette NW, Lower Level  
Albuquerque, NM 87102**

**Meetings Begin at 4:00 pm unless noted otherwise**

**Thursday, March 12, 2015  
4:00 pm to 7:00 pm**

**Thursday, August 13, 2015  
4:00 pm to 7:00 pm**

**Thursday, April 9, 2015 (note time change)  
5:00 pm to 8:00 pm**

**Thursday, September 10, 2015  
4:00 pm to 7:00 pm**

**Tuesday, May 19, 2015 (note day change)  
4:00 pm to 7:00 pm**

**Thursday, October 15, 2015  
4:00 pm to 7:00 pm**

**Thursday, June 11, 2015  
4:00 pm to 7:00 pm**

**Thursday, November 12, 2015  
4:00 pm to 7:00 pm**

**Thursday, July 9, 2015  
4:00 pm to 7:00 pm**

**Thursday, December 10, 2015  
4:00 pm to 7:00 pm**

**Meetings may extend beyond 7:00pm**

**From:** Saavedra, Sharon L.  
**To:** Maira Amado-McCoy  
**Subject:** waiver  
**Date:** Thursday, April 16, 2015 2:26:08 PM  
**Attachments:** walver.pdf  
ATT00001.txt

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## **ADULT – OVER 18**

### **ALBUQUERQUE POLICE DEPARTMENT BACKGROUND INVESTIGATION WAIVER AND LIABILITY RELEASE FORM**

In consideration of the Agency, Albuquerque Police Department, processing my application for employment, I, \_\_\_\_\_, hereby irrevocably consent to the following:

1. I understand that a thorough and complete background investigation will be conducted to determine my fitness and desirability as a candidate for employment.
2. I understand that a background investigation is conducted by gathering and recording information about my past conduct and associations from any and all sources that the Agency, in its sole discretion, may deem appropriate, including: criminal or other Governmental files and records, past and present employers, and any other source of information available.
3. I hereby release from liability and agree to hold harmless; under any and all possible causes of legal action, including negligence, the City of Albuquerque, Bernalillo County, the Albuquerque Police Department Identification Unit, the Agency and any of its officers, agents or employees for any negligent or wrongful statements, acts, omissions made or recorded in the course of my background investigation.
4. I hereby release from liability and agree to hold harmless under any possible cause of legal action, including negligence, any person or entity which furnishes information or opinions to the Agency as a part of my background investigation.
5. I authorize any person or entity contacted by the Agency during the course of my background investigation to furnish any information or opinions such person or entity may have regarding myself, my conduct or associations, regardless of any statutory or other privilege I may have.
6. I understand the need for confidentiality of sources and information in my background investigation, and I expressly agree that I will never attempt to obtain access to any part of the background investigation designated as confidential by the Agency.

This release applies to any cause of action of any nature that might accrue to myself.

_____	_____			
Signature of Applicant	Date of Birth	Social Security No.		
_____	_____	_____	_____	_____
Street Address	City/Town	State	Zip	Date

Rev. 03/2009

M002231



