

**jswilsonPOB@outlook.com**

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**From:** "Scott Wilson" <swilson@dyrenm.org>  
**Date:** Friday, February 20, 2015 3:20 PM  
**To:** "Scott Wilson" <jswilsonpob@outlook.com>  
**Attach:** 2015-2-12, Benton FA1 to FS O-15-38, Abbreviated Civilian Police Academy - INTRO.doc  
**Subject:** FW: FYI on one more possible amendment

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**From:** Melendrez, Chris P. [mailto:cmelendrez@cabq.gov]  
**Sent:** Tuesday, February 17, 2015 10:51 AM  
**To:** eric.huizar.cruz@gmail.com; moiraamado@gmail.com; jvbaca@icloud.com; Scott Wilson  
**Subject:** FYI on one more possible amendment

Attached.

Chris Melendrez, Esq.  
Albuquerque City Council Services  
PO Box 1293  
Albuquerque, NM 87103  
(505) 768-3164 – office  
(505) 321-6291 – mobile

M002233

**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 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.

jswilsonPOB@outlook.com

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**From:** "Scott" <jswilsonnn@live.com>  
**Date:** Monday, February 23, 2015 10:29 AM  
**To:** "Hammer, Robin" <rhammer@cabq.gov>  
**Cc:** <jswilsonpob@outlook.com>  
**Subject:** RE: Reply to All

Robin,

Sorry to be the straggler here, but I finally managed to create an email account for the POB. Please update my contact information at you convenience.

Thanks,

Scott

jswilsonpob@outlook.com

---

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]





**jswilsonPOB@outlook.com**

---

**From:** "Scott Wilson" <swilson@dvrcnm.org>  
**Date:** Monday, February 23, 2015 12:30 PM  
**To:** "Scott Wilson" <jswilsonpob@outlook.com>  
**Attach:** 2015-2-11, FS 0-15-38 - POB Audits; Hearing Procedures; Training; Review of Director - INTRO.docx;  
2015-2-18, Benton FAs to FS O-15-38, Limiting Intent of Audit; Abbreviated Civilian Police Academy;  
Harmonizing RideAlongs - INTRO.doc  
**Subject:** FW: Final Package of Proposed Amendments to the Police Oversight Ordinance.

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**From:** Melendrez, Chris P. [mailto:cmelendrez@cabq.gov]  
**Sent:** Wednesday, February 18, 2015 11:37 AM  
**To:** Scott Wilson  
**Subject:** Final Package of Proposed Amendments to the Police Oversight Ordinance.

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.

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  
PO Box 1293  
Albuquerque, NM 87103  
(505) 768-3164 – office  
(505) 321-6291 – mobile

M002237

# 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

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[-Bracketed/Strikethrough Material-] - Deletion



1 to be covered by *Garrity* will be made available to the POB only by application  
2 in writing, and by majority vote by the POB.”

3 SECTION 2. Subsection (F) of § 9-4-1-5 relating to Orientation and Training  
4 of Police Oversight Board Members is amended as follows:

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

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

10 (a) Be trained by the CPOA staff or CPOA legal  
11 counsel on CPOA and APD rules, policies, and procedures;  
12 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[, including the Fourth  
20 Amendment right to be free from unreasonable searches and seizures,  
21 including unreasonable use of force];

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

23 (d) Annual firearms simulation training;

24 (e) Internal Affairs training;

25 (f) [Use of Force t T]training [provided to APD officers  
26 on use of force], including a review and familiarization with [the all] APD [Use  
27 of Force Policy policies relating to use of force, and including policies related  
28 to APD’s internal review of force incidents];

29 (g) Equity and Cultural Sensitivity training;[and]

30 (h) [Periodic additional training on items (b) through  
31 (f) above, or other periodic training as determined by the Mayor, City Council  
32 or the CPOA. Training on the 2014 DOJ Settlement Agreement with the City of  
33 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 (I) of § 9-4-1-5 relating to Comment at Police  
20 Oversight Board Meetings is amended as follows:

21 "(I) 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

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.

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[-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.

**jswilsonPOB@outlook.com**

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**From:** "Hammer, Robin" <rhammer@cabq.gov>  
**Date:** Tuesday, March 03, 2015 9:03 AM  
**To:** <CABQ.POB.Mohr@gmail.com>; <dzt3@juno.com>; <eric.huizar.cruz@gmail.com>;  
 <Evaps3716@yahoo.com>; "Hammer, Robin" <rhammer@cabq.gov>; <jvbaca.pob@gmail.com>;  
 <joannefine413@gmail.com>; <phamason.lw@gmail.com>; <moiraamado@gmail.com>;  
 <jswilsonpob@outlook.com>  
**Cc:** "Saavedra, Sharon L." <ssaavedra@cabq.gov>; "Archibeque, Michael E." <mearchibeque@cabq.gov>;  
 "Roseman, William G." <wroseman@cabq.gov>; "Gonzalez, Arturo E." <aegonzalez@cabq.gov>; "Cash,  
 Paul" <pcash@cabq.gov>  
**Attach:** Copy of 47th CITIZENS POLICE ACADEMY ROSTER2.xls  
**Subject:** Citizens Police Academy Dates & Ride Along requests

Dear POB Members:

Attached is an Excel Sheet prepared by Officer Sharon Saavdra, 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.

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** (11pm-7am-ish)), and the area of town you desire. I will coordinate scheduling your Ride-a-long with APD.

Once you have completed any Ride-a-long, please email me a second time, so we make 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

**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>





**jswilsonPOB@outlook.com**

---

**From:** "Saavedra, Sharon L." <ssaavedra@cabq.gov>  
**Date:** Tuesday, March 03, 2015 10:31 AM  
**To:** <moiraamado@gmail.com>; "Archibeque, Helen M." <harchibeque@cabq.gov>;  
 <karenviviana32@gmail.com>; <jvbaca.pob@gmail.com>; <constance\_bnl@yahoo.com>;  
 <dave.bergeron@abarrtech.com>; <alichachavez@ymail.com>; <sandichun@comcast.net>;  
 <grant@claycomb.org>; <maxcowton@Q.com>; <eric.huizar.cruz@gmail.com>; "Diaz, Rene"  
 <rdiaz@cabq.gov>; <ddrake3647@msn.com>; <fine.joanne@yahoo.com>; <bforde40@hotmail.com>;  
 <ejacksonnm@gmail.com>; <1markkeeling@gmail.com>; <edwina.kiro@yahoo.com>;  
 <julielaub82@gmail.com>; <snl300780@gmail.com>; <Bengpl150@comcast.net>;  
 <McCaffreyne1469@gmail.com>; <md87109@gmail.com>; <CABQ.POB.Mohr@gmail.com>;  
 <miguel\_angel201196@yahoo.com>; <Srnelson@live.com>; <gfpad@hotmail.com>;  
 <rascon.fernando9@gmail.com>; <creckawa@gmail.com>; <jen@mail2beach.com>;  
 <stilevi7@yahoo.com>; <sanchezey726@gmail.com>; <eve.sandoval@yahoo.com>;  
 <talktodean@aol.com>; <ksmith12@unm.edu>; <KRISTAM@UNM.EDU>; <oscarsolis@sonm.org>;  
 <revr87@gmail.com>; <leonard.waites@yahoo.com>; <ksw@keleher-law.com>;  
 <jswilsonpob@outlook.com>; <dzt3@juno.com>  
**Subject:** CITIZEN POLICE ACADEMY OPENING NIGHT TONIGHT

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 Police Academy building located at 5412 2nd St NW. I am excited to finally get this started. See you all tonight!!!

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



**jswilsonPOB@outlook.com**

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**From:** "Hammer, Robin" <rhammer@cabq.gov>  
**Date:** Tuesday, March 03, 2015 12:19 PM  
**To:** "Scott Wilson" <jswilsonpob@outlook.com>  
**Subject:** RE: Updated POB Contact Listing and Revised POB Meeting Dates

Scott,

It is I who is losing my mind. I send out the correction with the next round of documents.

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:** Scott Wilson [mailto:jswilsonpob@outlook.com]  
**Sent:** Tuesday, March 03, 2015 11:30 AM  
**To:** Hammer, Robin  
**Subject:** RE: Updated POB Contact Listing and Revised POB Meeting Dates

Good morning Robin,

Unless I'm losing my mind, the attached contact list does not reflect my new email address.  
Scott

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**From:** [rhammer@cabq.gov](mailto:rhammer@cabq.gov)  
**To:** [ndavila@cabq.gov](mailto:ndavila@cabq.gov); [afunes@cabq.gov](mailto:afunes@cabq.gov); [aegonzalez@cabq.gov](mailto:aegonzalez@cabq.gov); [mmedrano@cabq.gov](mailto:mmedrano@cabq.gov); [snorris@cabq.gov](mailto:snorris@cabq.gov); [jdubois@cabq.gov](mailto:jdubois@cabq.gov); [pcash@cabq.gov](mailto:pcash@cabq.gov); [mcontreras@cabq.gov](mailto:mcontreras@cabq.gov); [christopherdavidson@cabq.gov](mailto:christopherdavidson@cabq.gov); [rhammer@cabq.gov](mailto:rhammer@cabq.gov); [dmcdermott@cabq.gov](mailto:dmcdermott@cabq.gov); [honeil@cabq.gov](mailto:honeil@cabq.gov); [pskotchdopole@cabq.gov](mailto:pskotchdopole@cabq.gov); [CABQ.POB.Mohr@gmail.com](mailto:CABQ.POB.Mohr@gmail.com); [dzt3@juno.com](mailto:dzt3@juno.com); [eric.huizar.cruz@gmail.com](mailto:eric.huizar.cruz@gmail.com); [Evaps3716@yahoo.com](mailto:Evaps3716@yahoo.com); [jvaca.pob@gmail.com](mailto:jvaca.pob@gmail.com); [joannefine413@gmail.com](mailto:joannefine413@gmail.com); [phamason.lw@gmail.com](mailto:phamason.lw@gmail.com); [moiraamado@gmail.com](mailto:moiraamado@gmail.com); [jswilsonpob@outlook.com](mailto:jswilsonpob@outlook.com)  
**Subject:** Updated POB Contact Listing and Revised POB Meeting Dates  
**Date:** Tue, 3 Mar 2015 17:35:26 +0000

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>

**jswilsonPOB@outlook.com**

---

**From:** "Scott Wilson" <swilson@dvrnm.org>  
**Date:** Thursday, March 05, 2015 12:23 PM  
**To:** "Scott Wilson" <jswilsonpob@outlook.com>; <jswilsonnm@live.com>  
**Subject:** Test

Of the emergency broadcast system

J. Scott Wilson  
Director, Victim Assistance Unit  
Domestic Violence Resource Center  
625 Silver Ave SW- 2nd Floor  
Albuquerque, NM 87102  
505-248-3158 Office  
505-248-3196 Fax



BE THE ONE





**jswilsonPOB@outlook.com**

---

**From:** "Saavedra, Sharon L." <ssaavedra@cabq.gov>  
**Date:** Thursday, March 05, 2015 1:21 PM  
**To:** <moiraamado@gmail.com>; "Archibeque, Helen M." <harchibeque@cabq.gov>;  
 <karenviviana32@gmail.com>; <jvbaca.pob@gmail.com>; <constance\_bnl@yahoo.com>;  
 <dave.bergeron@abarrtech.com>; <sandichun@comcast.net>; <grant@claycomb.org>;  
 <maxcowton@Q.com>; <eric.huizar.cruz@gmail.com>; <ddrake3647@msn.com>;  
 <fine.joanne@yahoo.com>; <bforde40@hotmail.com>; <ejacksonnm@gmail.com>;  
 <lmarkkeeling@gmail.com>; <edwina.kiro@yahoo.com>; <julielaub82@gmail.com>;  
 <snl300780@gmail.com>; <Bengpl150@comcast.net>; <McCaffreyne1469@gmail.com>;  
 <md87109@gmail.com>; <CABQ.POB.Mohr@gmail.com>; <miguel\_angel201196@yahoo.com>;  
 <Snelson@live.com>; "Kathleen O'Malley" <kathleenomalley42@gmail.com>; <gfpad@hotmail.com>;  
 <rascon.fernando9@gmail.com>; <jen@mail2beach.com>; <dzt3@juno.com>; <stilevi7@yahoo.com>;  
 <sanchezy726@gmail.com>; <eve.sandoval@yahoo.com>; <talktodean@aol.com>;  
 <ksmith12@unm.edu>; <KRISTAM@UNM.EDU>; <oscaris@sonm.org>; <revr87@gmail.com>;  
 <leonard.waites@yahoo.com>; <ksw@keleher-law.com>; <jswilsonpob@outlook.com>  
**Subject:** CPA TONIGHT @6PM

Hello All,

I was asked by one of the CPA members to get this out to everyone. Find the hero in you and donate blood this Friday, March 6th from 9am-12pm. See the Attachment for more details.

Day two of the CPA is tonight at 6pm. I will see you all tonight.

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

**jswilsonPOB@outlook.com**

---

**From:** "Hammer, Robin" <rhammer@cabq.gov>  
**Date:** Thursday, March 05, 2015 4:40 PM  
**To:** <CABQ.POB.Mohr@gmail.com>; <dzt3@juno.com>; <eric.huizar.cruz@gmail.com>;  
 <Evaps3716@yahoo.com>; "Hammer, Robin" <rhammer@cabq.gov>; <jvbaca.pob@gmail.com>;  
 <joannefine413@gmail.com>; <phamason.lw@gmail.com>; <moiraamado@gmail.com>;  
 <jswilsonpob@outlook.com>  
**Subject:** Materials for March 12, 2015 POB Meeting

Dear Police Oversight Board Members:

Below is a link to a DropBox containing materials for next Thursday's Police Oversight Board Meeting. These include:

- 1) The proposed Agenda
- 2) The Citizen Police Complaints to be reviewed by the POB
- 3) The Officer Involved Shooting of a dog case, I-49-14 and the case police report
- 4) A statistical review of Officer Involved Shooting (OIS) cases
- 5) A Chronological listing of all OIS cases 2009-present
- 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,
- 7) and An updated POB Member contact list.

<https://www.dropbox.com/sh/scfgk8llhkzv8ml/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, 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>



**jswilsonPOB@outlook.com**

---

**From:** "Maira Amado-McCoy" <moiraamado@gmail.com>  
**Date:** Thursday, March 12, 2015 9:11 AM  
**To:** "Maira Amado-McCoy" <moiraamado@gmail.com>  
**Cc:** "Hammer, Robin" <rhammer@cabq.gov>; "Davila, Natalee Z" <ndavila@cabq.gov>; "Funes, Ana R." <afunes@cabq.gov>; "Gonzalez, Arturo E." <aegonzalez@cabq.gov>; "Medrano, Michael V." <mmedrano@cabq.gov>; "Norris, Scott" <snorris@cabq.gov>; "DuBois, John E." <jdubois@cabq.gov>; "Cash, Paul" <pcash@cabq.gov>; "Contreras, Michelle" <mcontreras@cabq.gov>; "Davidson, Christopher" <christopherdavidson@cabq.gov>; "McDermott, Diane L." <dmcdermott@cabq.gov>; "O'Neil, Erin" <eoneil@cabq.gov>; "Skotchdopole, Paul A." <pskotchdopole@cabq.gov>; <CABQ.POB.Mohr@gmail.com>; <dzt3@juno.com>; <eric.huizar.cruz@gmail.com>; <Evaps3716@yahoo.com>; <jvbaca.pob@gmail.com>; <joannefine413@gmail.com>; <phamason.lw@gmail.com>; <jswilsonpob@outlook.com>; "Bullock, Nicholas" <nbullock@cabq.gov>  
**Subject:** Re: 2014 Annual and Semi Annual Reports; Police Oversight Ordinance and Draft Rules

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 things 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,

Maira

On Mar 12, 2015, at 7:37 AM, Maira Amado-McCoy <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 bodies 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 mine 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.

Moir

On Mar 11, 2015, at 4:54 PM, Moira Amado-McCoy  
<[moiraamado@gmail.com](mailto: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, City 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 doing 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 Amado-McCoy

On Mar 11, 2015, at 2:13 PM, Hammer, Robin  
<[rhammer@cabq.gov](mailto: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/AABnFJoliWwOBMJToRXaIwKXa?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.**

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<Police Oversight and Review Bodies.docx><POC Ordinance  
Enacted - Word.docx><Strikethrough.POC Rules and Regulations  
2015.rtf>

Moirá Amado-McCoy, Ph.D.

M002259

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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[www.moiraaamado.com](http://www.moiraaamado.com)





**jswilsonPOB@outlook.com**

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**From:** "Hammer, Robin" <rhammer@cabq.gov>  
**Date:** Thursday, March 12, 2015 12:28 PM  
**To:** "Davila, Natalee Z" <ndavila@cabq.gov>; "Funes, Ana R." <afunes@cabq.gov>; "Gonzalez, Arturo E." <aegonzalez@cabq.gov>; "Medrano, Michael V." <mmedrano@cabq.gov>; "Norris, Scott" <snorris@cabq.gov>; "DuBois, John E." <jdubois@cabq.gov>; "Cash, Paul" <pcash@cabq.gov>; "Contreras, Michelle" <mcontreras@cabq.gov>; "Davidson, Christopher" <christopherdavidson@cabq.gov>; "Hammer, Robin" <rhammer@cabq.gov>; "McDermott, Diane L." <dmcdermott@cabq.gov>; "O'Neil, Erin" <eoneil@cabq.gov>; "Skotchdopole, Paul A." <pskotchdopole@cabq.gov>; <CABQ.POB.Mohr@gmail.com>; <dzt3@juno.com>; <eric.huizar.cruz@gmail.com>; <Evaps3716@yahoo.com>; <jvbaca.pob@gmail.com>; <joannefine413@gmail.com>; <phamason.lw@gmail.com>; <moiraamado@gmail.com>; <jswilsonpob@outlook.com>  
**Subject:** dinner/snack break

Dear Board Members:

Please plan to bring a snack lunch/snack for dinner break, in case the Chair chooses to take a short dinner/snack break. Unlike City Council, we do not currently have the budget to provide a hot meal to the POB Members.

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  
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 (505) 924-3770  
 Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

**jswilsonPOB@outlook.com**

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**From:** "Hammer, Robin" <rhammer@cabq.gov>  
**Date:** Thursday, March 12, 2015 1:34 PM  
**To:** <CABQ.POB.Mohr@gmail.com>; <dzt3@juno.com>; <eric.huizar.cruz@gmail.com>;  
<Evaps3716@yahoo.com>; "Hammer, Robin" <rhammer@cabq.gov>; <jvbaca.pob@gmail.com>;  
<joannefine413@gmail.com>; <phamason.lw@gmail.com>; <moiraamado@gmail.com>;  
<jswilsonpob@outlook.com>  
**Cc:** "Bullock, Nicholas" <nbullock@cabq.gov>; "Yermal, Vincent A." <vyermal@cabq.gov>  
**Subject:** Representative from Human Resources

Dear POB Members:

I spoke with the Vince Yermal, Senior Human Resources Labor Advisor. Mr. Yermal lead the national search which resulted in my hire in 2012. Mr. Yermal and the Human Resources Director are both unavailable to attend this afternoon's POB meeting. Mr. Yermal would be available for the April 9 POB meeting.

Please let me know if you have any questions.

Thanks,  
Robin

**Robin S. Hammer, Esq.**

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Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

**jswilsonPOB@outlook.com**

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**From:** "Hammer, Robin" <rhammer@cabq.gov>  
**Date:** Wednesday, March 18, 2015 12:46 PM  
**To:** "POB" <pob@cabq.gov>  
**Subject:** email test

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 Members at one email address. The City agreed to set up such a forwarding system for Police Oversight email as part of the settlement of ACLU v. Police Oversight Commission, Richard Shine, et al.

Please be mindful that if you respond via email to any member of the public, you will be using the email address you have provided to receive POB email. If you have not set up a dedicated POB email address, then you will be disseminating your primary email to the public.

Please let me know if you have any questions.

Thanks,  
Robin

**Robin S. Hammer, Esq.**

Acting Executive Director  
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P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3774  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

**jswilsonPOB@outlook.com**

---

**From:** "Scott Wilson" <swilson@divcnm.org>  
**Date:** Thursday, March 19, 2015 12:04 PM  
**To:** "Scott Wilson" <jswilsonpob@outlook.com>  
**Attach:** 2015-2-11, FS 0-15-38 - POB Audits; Hearing Procedures; Training; Review of Director - INTRO.docx  
**Subject:** FW: 2015-2-11, FS 0-15-38 - POB Audits; Hearing Procedures; Training; Review of Director - INTRO

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**From:** Melendrez, Chris P. [mailto:cmelendrez@cabq.gov]  
**Sent:** Wednesday, February 11, 2015 2:44 PM  
**To:** Scott Wilson  
**Subject:** 2015-2-11, FS 0-15-38 - POB Audits; Hearing Procedures; Training; Review of Director - INTRO

Mr. Wilson – Councilor Benton asked that I share this with members of the POB. It's a proposed floor substitute for the O-15 legislation (amendments to the police oversight ordinance) scheduled for consideration by Council on Wednesday February 18th.

The bill as originally introduced proposes to:

- Include in the ordinance language from the settlement agreement relating to training of POB members – this amendment would essentially make the requirements look the same in both places with one exception: the DOJ agreement prescribes 2 ride-alongs every six months, this amendment would require only 1 per year (obviously the settlement agreement would control during its implementation).
- Grant persons 10 minutes to address the POB during the POB's consideration of their citizen police complaint. The original ordinance allowed general comment by anyone on anyone's CPC. This would eliminate the general comment in favor of giving the floor to the actual complainant for a set time.
- Require an annual review of the Director by the POB on an annual basis.
- A couple of other minor language clean ups in the sections amended.

This floor sub proposes to:

- Reduce the amount of time proposed for persons to be able to address the POB on their CPC from 10 minutes to 5 minutes (see bullet 2 above).
- Allow the POB to audit any given investigation file by super-majority vote. The original legislation permitted only a random audit of 10% of use of force investigations by majority vote. This amendment would allow the POB to pick a specific investigation to audit, but only if 2/3 of members agree to do so. All the strictures and limitations relating to Garrity material and confidentiality would still apply as originally proposed.

Please do not hesitate to contact me or Councilor Benton with questions.

Thanks,

Chris Melendrez, Esq.  
Albuquerque City Council Services  
PO Box 1293  
Albuquerque, NM 87103  
(505) 768-3164 – office  
(505) 321-6291 – mobile

M002265



**CITY of ALBUQUERQUE**  
**TWENTY FIRST COUNCIL**

**COUNCIL BILL NO. F/S 0-15-38**

**ENACTMENT NO.**

**SPONSORED BY: Isaac Benton**

## ORDINANCE

**AMENDING CHAPTER 9, ARTICLE 4, PART 1 ROA 1994, THE POLICE  
OVERSIGHT ORDINANCE**

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

**SECTION 1. Subsection (3)(b) of § 9-4-1-4 relating to the POB's audit function for civilian police complaints is amended as follows:**

“(b) POB Audits; Access to Files. 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 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. 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. 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. 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. Access to information that could be construed

1 to be covered by *Garrity* will be made available to the POB only by application  
2 in writing, and by majority vote by the POB.”

3 SECTION 2. Subsection (F) of § 9-4-1-5 relating to Orientation and Training  
4 of Police Oversight Board Members is amended as follows:

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

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

10 (a) Be trained by the CPOA staff or CPOA legal  
11 counsel on CPOA and APD rules, policies, and procedures;  
12 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[, including the Fourth  
20 Amendment right to be free from unreasonable searches and seizures,  
21 including unreasonable use of force];

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

23 (d) Annual firearms simulation training;

24 (e) Internal Affairs training;

25 (f) [Use of Force t T]raining [provided to APD officers  
26 on use of force], including a review and familiarization with [the all] APD [Use  
27 of Force Policy policies relating to use of force, and including policies related  
28 to APD’s internal review of force incidents];

29 (g) Equity and Cultural Sensitivity training;[and]

30 (h) [Periodic additional training on items (b) through  
31 (f) above, or other periodic training as determined by the Mayor, City Council  
32 or the CPOA. Training on the 2014 DOJ Settlement Agreement with the City of  
33 Albuquerque (or any subsequent agreements), and Findings Letter of April 10,



1 2014 (or any subsequent findings letters);

2 (l) Training on this Police Oversight Ordinance;

3 (i) 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

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

**jswilsonPOB@outlook.com**

---

**From:** "Hammer, Robin" <rhammer@cabq.gov>  
**Date:** Thursday, March 19, 2015 1:26 PM  
**To:** "Beth Mohr" <cabq.pob.mohr@gmail.com>; "David Ring" <dzt3@juno.com>; "Eric H. Cruz" <eric.huizar.cruz@gmail.com>; "Eva P. Sandoval" <evaps3716@yahoo.com>; "Hammer, Robin" <rhammer@cabq.gov>; "Jeannette V. Baca" <jvbaca.pob@gmail.com>; <joannefine413@gmail.com>; "Leonard Waites" <phamason.lw@gmail.com>; "Maira Amado-McCoy" <mairaamado@gmail.com>; "Scott S. Wilson" <jswilsonpob@outlook.com>  
**Cc:** "Bullock, Nicholas" <nbullock@cabq.gov>  
**Attach:** CP-110.xlsx; CPOA Budget Forms.xlsx  
**Subject:** CPOA Budget docs

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  
FY16 PROPOSED BUDGET**

Date: 7/16/2015 Time: +

Page - 1 -

|                      | POS. | PERSONNEL | EXPENSES | CAPITAL | TRANSFERS | TOTAL |
|----------------------|------|-----------|----------|---------|-----------|-------|
| FY15 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          |
| FY15 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> |
|---------------------------|----------|----------------|---------------|----------|----------|----------------|

**EXECUTIVE DECISIONS**

|                      |          |          |          |          |          |          |
|----------------------|----------|----------|----------|----------|----------|----------|
| <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>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>TOTAL FY16 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>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>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>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>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> |
|---------------------------------|----------|----------------|----------------|----------|----------|----------------|

M002272



**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>   |

M002273

**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         |

M002275

Department Name Civilian 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<br>Number | Department<br>ID<br>Number | Functional Purpose | Vendor            | FY/14<br>Actual | FY/15<br>Original<br>Appropriation | FY/15<br>Estimated<br>Actual | FY/16<br>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 FY/16 OBJECTIVES

| Objective Statement | Current Status | Proposed Status | Department | Manager | Responsible |
|---------------------|----------------|-----------------|------------|---------|-------------|
|                     |                | PROPOSED        |            |         |             |
|                     |                | PROPOSED        |            |         |             |
|                     |                | PROPOSED        |            |         |             |
|                     |                | PROPOSED        |            |         |             |
|                     |                | PROPOSED        |            |         |             |
|                     |                | PROPOSED        |            |         |             |

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

[illegible]



**jswilsonPOB@outlook.com**

---

**From:** "Moirá Amado-McCoy" <moiraamado@gmail.com>  
**Date:** Saturday, March 21, 2015 8:54 AM  
**To:** "Hammer, Robin" <rhammer@cabq.gov>  
**Cc:** "Leonard Waites" <phamason.lw@gmail.com>; "Scott S. Wilson" <jswilsonpob@outlook.com>; "Bullock, Nicholas" <nbullock@cabq.gov>  
**Subject:** Re: Police Complaint SubCommittee

Dear Robin,

Thanks for keeping us on track.

I can meet on Tuesday, 24, almost any time, but the earlier the better.

I can meet on Friday, 3rd.

Thanks again.

Moirá

I CANNOT meet on Wednesday, 25th.

On Mar 19, 2015, at 2:40 PM, Hammer, Robin <rhammer@cabq.gov> wrote:

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 POB 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

M002281

(505) 924-3774  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

<Copy of Hearing Room Schedule.xlsx>

Moirá Amado-McCoy, Ph.D.  
President and CEO  
All Innovation and Kairos Solutions

Albuquerque, NM 87102  
505-553-1818

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[www.moiraaamado.com](http://www.moiraaamado.com)

**jswilsonPOB@outlook.com**

---

**From:** "Hammer, Robin" <rhammer@cabq.gov>  
**Date:** Tuesday, March 24, 2015 3:54 PM  
**To:** "Scott S. Wilson" <jswilsonpob@outlook.com>  
**Subject:** FW: DOJ/COA/APOA Directives to CPOA and POB

Scott,

I inadvertently omitted you from this email.

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>

---

**From:** Hammer, Robin  
**Sent:** Tuesday, March 24, 2015 3:17 PM  
**To:** Jacobi, Jenica L; Eden, Gorden; Huntsman, Robert Y.; 'Jerry A Walz (jerryawalz@walzandassociates.com)'; 'Killebrew, Paul (CRT) (Paul.Killebrew@usdoj.gov)'; 'Sanders, Corey (CRT)'; 'Fred Mowrer'; 'Scott Greenwood' (law@scottgreenwood.com); 'Elizabeth M. Martinez (elizabeth.martinez@usdoj.gov)'; Willoughby, Shaun T.; Lopez, Stephanie K.; 'luis.e.saucedo@usdoj.gov'  
**Cc:** 'Leonard Waites (phamason.lw@gmail.com)'; 'Beth A. Mohr (CABQ.POB.Mohr@gmail.com)';  
**Subject:** DOJ/COA/APOA Directives to CPOA and POB

Dear Colleagues:

I am writing to confirm the outcome of the meeting held on Friday, March 20, 2015 at the Albuquerque U.S. Attorney's Office between the parties in the matter United States of America v. City of Albuquerque, 1:14-cv-01205-RB-SMV, consisting of the City of Albuquerque, the Department of Justice (DOJ), and the intervener, Albuquerque Police Officers' Association (APOA), the Federal Independent Monitor, Dr. James Ginger, the two Vice-Co-Chairs of the Police Oversight Board (CPOA), and myself, the Acting Executive Director of the Civilian Police Oversight Agency (CPOA). It was my understanding that all parties of lawsuit agreed that the CPOA should be precluded from reviewing Officer-Involved Shooting cases until the members of the Police Oversight Board (POB) have completed their training required in the Settlement Agreement and the City's Police Oversight Ordinance. It was discussed that the POB Training is currently scheduled to be completed mid-June 2015. It was my understanding that Dr. Ginger, also agreed that the CPOA should cease reviewing Officer-Involved Shooting cases until the POB Members have completed their mandated training.

The parties to the lawsuit also agreed that the Police Oversight Board should discontinue its review of individual

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Citizen Police Complaint (CPC) cases until such time as the flow of CPC case review can be altered to meet the goals and objectives of DOJ, APD, APOA, the community, and the CPOA. The parties discussed that perhaps a legislative amendment to the City's Police Oversight Ordinance would be needed to obtain the best practices for administrative review of CPC cases. The parties also stipulated that the Administrative Office of the CPOA would continue to receive, investigate, and draft findings in CPC cases. The Administrative Office would continue to forward its completed cases to the Chief of Police for his review and to impose any appropriate discipline within the prescribed time limits, pending the parties' review of the process. It was discussed that there would need to be an amendment to the City's Police Oversight Ordinance if the parties wished to permit the Administrative Office to send out Finding Letters to complainants without POB review during this interim period. It was also my understanding that Dr. Ginger agreed that POB should cease their review of individual CPC cases until the process can be formally fine-tuned.

The two Vice-Co-Chairs, Beth Mohr and Scott Wilson, along with myself, were present at this meeting. The POB Chair, Leonard Waites, was unavailable to attend. None of us can implement these changes in practices on our own accord. While the POB Chair sets the POB Meeting Agenda, POB members must approve the Agenda, and may overrule the Chair. Therefore, in order to accomplish DOJ, the City, and APOA's directives to cease CPOA review of Officer-Involved Shootings until POB training is completed and POB review of individual CPC's until the process is modified, a majority of the POB members must consent at an open meeting. Or in the alternative, there needs to be some action from the parties and/or the Dr. Ginger and/or the Court formally directing the CPOA and POB to cease reviewing the cases as outlined above. It was discussed that perhaps Dr. Ginger or someone from his team could address the POB at their next meeting to discuss the Settlement Agreement and the requirements of the POB and CPOA's practices and procedures under the Settlement Agreement, as well.

I am writing to request that the parties determine how to accomplish their stipulated directives to the CPOA and POB and then follow-through with the agreed upon action. The next POB meeting will be held in approximately two weeks on Thursday, April 9 in City Council Chambers at 5 pm. The POB Chair will send the proposed Agenda to the POB Members next Thursday, April 2, and will post it for the public on Monday, April 6. I am requesting that all three parties respond by Monday, March 30, 2015 with the agreed upon actions which the parties plan to take to accomplish these changes to the CPOA and POB practices and procedures.

Please also contact me if you have any questions or concerns.

All the best,  
Robin Hammer

**Robin S. Hammer, Esq.**

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**jswilsonPOB@outlook.com**

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**From:** "Hammer, Robin" <rhammer@cabq.gov>  
**Date:** Wednesday, March 25, 2015 10:02 AM  
**To:** "Beth Mohr" <cabq.pob.mohr@gmail.com>; "David Ring" <dzt3@juno.com>; "Eric H. Cruz" <eric.huizar.cruz@gmail.com>; "Eva P. Sandoval" <evaps3716@yahoo.com>; "Hammer, Robin" <rhammer@cabq.gov>; "Jeannette V. Baca" <jvbaca.pob@gmail.com>; "Joanne Fine" <joannefine413@gmail.com>; "Leonard Waites" <phamason.lw@gmail.com>; "Moirá Amado-McCoy" <moiraamado@gmail.com>; "Scott S. Wilson" <jswilsonpob@outlook.com>  
**Subject:** FW: Per capita mental health spending

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

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**From:** "Hammer, Robin" <rhammer@cabq.gov>  
**Date:** Wednesday, March 25, 2015 11:23 AM  
**To:** "Cash, Paul" <pcash@cabq.gov>; "Contreras, Michelle" <mcontreras@cabq.gov>; "Davidson, Christopher" <christopherdavidson@cabq.gov>; "Hammer, Robin" <rhammer@cabq.gov>; "McDermott, Diane L." <dmcdermott@cabq.gov>; "O'Neil, Erin" <eoneil@cabq.gov>; "Skotchdopole, Paul A." <pskotchdopole@cabq.gov>; "Beth Mohr" <cabq.pob.mohr@gmail.com>; "David Ring" <dzt3@juno.com>; "Eric H. Cruz" <eric.huizar.cruz@gmail.com>; "Eva P. Sandoval" <evaps3716@yahoo.com>; "Jeannette V. Baca" <jvbaca.pob@gmail.com>; "Joanne Fine" <joannefine413@gmail.com>; "Leonard Waites" <phamason.lw@gmail.com>; "Moirra Amado-McCoy" <moirraamado@gmail.com>; "Scott S. Wilson" <jswilsonpob@outlook.com>  
**Cc:** "Bullock, Nicholas" <nbullock@cabq.gov>  
**Subject:** Community Outreach Sub-Committee Meeting

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.

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**From:** "Hammer, Robin" <rhammer@cabq.gov>  
**Date:** Wednesday, March 25, 2015 11:29 AM  
**To:** "Bullock, Nicholas" <nbullock@cabq.gov>; "Cash, Paul" <pcash@cabq.gov>; "Contreras, Michelle" <mcontreras@cabq.gov>; "Davidson, Christopher" <christopherdavidson@cabq.gov>; "Hammer, Robin" <rhammer@cabq.gov>; "McDermott, Diane L." <dmcdermott@cabq.gov>; "O'Neil, Erin" <eoneil@cabq.gov>; "Skotchdopole, Paul A." <pskotchdopole@cabq.gov>; "Beth Mohr" <cabq.pob.mohr@gmail.com>; "David Ring" <dzt3@juno.com>; "Eric H. Cruz" <eric.huizar.cruz@gmail.com>; "Eva P. Sandoval" <evaps3716@yahoo.com>; "Jeannette V. Baca" <jvbaca.pob@gmail.com>; "Joanne Fine" <joannefine413@gmail.com>; "Leonard Waites" <phamason.lw@gmail.com>; "Maira Amado-McCoy" <moiraamado@gmail.com>; "Scott S. Wilson" <jswilsonpob@outlook.com>  
**Subject:** Personnel Sub-Committee

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.**

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**From:** "Saavedra, Sharon L." <ssaavedra@cabq.gov>  
**Date:** Thursday, March 26, 2015 2:15 PM  
**To:** "Moirá Amado-McCoy" <moiraamado@gmail.com>; "Archibeque, Helen M." <harchibeque@cabq.gov>;  
 "Jeannette V. Baca" <jvbaca.pob@gmail.com>; <constance\_bnl@yahoo.com>;  
 <dave.bergeron@abarrtech.com>; <sandichun@comcast.net>; <grant@claycomb.org>;  
 <maxcowton@Q.com>; "Eric H. Cruz" <eric.huizar.cruz@gmail.com>; <ddrake3647@msn.com>;  
 <fine.joanne@yahoo.com>; <bforde40@hotmail.com>; <ejacksonnm@gmail.com>;  
 <lmarkkeeling@gmail.com>; <edwina.kiro@yahoo.com>; <julielaub82@gmail.com>;  
 <snl300780@gmail.com>; <Bengpl150@comcast.net>; <md87109@gmail.com>; "Beth Mohr"  
 <cabq.pob.mohr@gmail.com>; <miguel\_angel201196@yahoo.com>; <Smelson@live.com>;  
 <gfpad@hotmail.com>; <rascon.fernando9@gmail.com>; <creckawa@gmail.com>;  
 <jen@mail2beach.com>; "David Ring" <dzt3@juno.com>; <stilevi7@yahoo.com>;  
 <sanchezey726@gmail.com>; <talktodean@aol.com>; <ksmith12@unm.edu>; <oscarsolis@sonm.org>;  
 <revr87@gmail.com>; <ksw@keleher-law.com>; "Scott S. Wilson" <jswilsonpob@outlook.com>  
**Subject:** TONIGHTS CPA IN DIFFERENT CLASSROOM

GOOD AFTERNOON ALL,

Just wanted to let everyone know that tonight's CPA will be in Classroom C. Its down the hall and to the left of the class we're normally in. Thank you.

See you tonight!!

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



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**From:** "Hammer, Robin" <rhammer@cabq.gov>  
**Date:** Thursday, March 26, 2015 4:35 PM  
**To:** "Bullock, Nicholas" <nbullock@cabq.gov>; "Cash, Paul" <pcash@cabq.gov>; "Contreras, Michelle" <mcontreras@cabq.gov>; "Davidson, Christopher" <christopherdavidson@cabq.gov>; "Hammer, Robin" <rhammer@cabq.gov>; "McDermott, Diane L." <dmcdermott@cabq.gov>; "O'Neill, Erin" <eoneil@cabq.gov>; "Skotchdopole, Paul A." <pskotchdopole@cabq.gov>; "Beth Mohr" <cabq.pob.mohr@gmail.com>; "David Ring" <daz3@juno.com>; "Eric H. Cruz" <eric.huizar.cruz@gmail.com>; "Eva P. Sandoval" <evaps3716@yahoo.com>; "Jeannette V. Baca" <jvbaca.pob@gmail.com>; "Joanne Fine" <joannefine413@gmail.com>; "Leonard Waites" <phamason.lw@gmail.com>; "Moirra Amado-McCoy" <moirraamado@gmail.com>; "Scott S. Wilson" <jswilsonpob@outlook.com>  
**Attach:** 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  
**Subject:** Proposed POB Rules and Compiled copy of Police Oversight Ordinance

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.**

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**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:

**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

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, 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

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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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[-Bracketed/Strikethrough Material-] - Deletion



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

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

7       § 9-4-1-12 SPECIAL MEETINGS.

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

15       § 9-4-1-13 CONFIDENTIALITY.

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

28       § 9-4-1-14 MANDATORY COOPERATION AGREEMENT.

29           The City Council believes that full participation and cooperation of all  
30 parties involved is essential to the success of the new police oversight  
31 process, and that APD hereby agrees and understands that its full cooperation  
32 is necessary, hereby agrees to mandate that its officers provide honest and  
33 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.

**jswilsonPOB@outlook.com**

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**From:** "Hammer, Robin" <rhammer@cabq.gov>  
**Date:** Monday, March 30, 2015 6:06 PM  
**To:** "Beth Mohr" <cabq.pob.mohr@gmail.com>; "David Ring" <dzt3@juno.com>; "Eric H. Cruz" <eric.huizar.cruz@gmail.com>; "Hammer, Robin" <rhammer@cabq.gov>; "Jeannette V. Baca" <jvbaca.pob@gmail.com>; "Joanne Fine" <joannefine413@gmail.com>; "Leonard Waites" <phamason.lw@gmail.com>; "Moirra Amado-McCoy" <moirraamado@gmail.com>; "Scott S. Wilson" <jswilsonpob@outlook.com>  
**Subject:** Meeting with DOJ, the City, the Police Union, and Federal Monitor; and City Council Staff's response

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 law suit 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 CPOA's practices and procedures within the confines of the law.

Please let me know if you have any questions or concerns.

M002328

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>



**jswilsonPOB@outlook.com**

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**From:** "Hammer, Robin" <rhammer@cabq.gov>  
**Date:** Wednesday, April 01, 2015 1:29 PM  
**To:** "Beth Mohr" <cabq.pob.mohr@gmail.com>; "David Ring" <dzt3@juno.com>; "Eric H. Cruz" <eric.huizar.cruz@gmail.com>; "Eva P. Sandoval" <evaps3716@yahoo.com>; "Hammer, Robin" <rhammer@cabq.gov>; "Jeannette V. Baca" <jvbaca.pob@gmail.com>; "Joanne Fine" <joannefine413@gmail.com>; "Leonard Waites" <phamason.lw@gmail.com>; "Maira Amado-McCoy" <moiraamado@gmail.com>; "Scott S. Wilson" <jswilsonpob@outlook.com>  
**Attach:** FY16\_COWGeneralDeptQuestions.docx  
**Subject:** FW: FY/16 General Budget Questions

Dear POB Members:

Attached are questions posed by City Council to all City Departments. I will prepare a 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 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>

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**From:** Yara, Stephanie  
**Sent:** Wednesday, April 01, 2015 12:31 PM  
**To:** Perry, Robert J.; Berry, Richard J.; Riordan, Michael J.; Montano, Gilbert A.; Zaman, Jon K.; Ambs, Peter L.; Armijo-Brasher, Jorja; Bruin, Barbara; Casados, Trina M.; Chaplin, Doug H.; Downey, David W.; Eden, Gorden; Gallegos, Wilfred A.; Hinde, James D.; Hoffman, Lou D.; Jacobi, Jenica L.; Leonard, Mary L.; Lubar, Suzanne G.; Montano, Gilbert A.; Oppedahl, Gary L.; Padilla-Jackson, Olivia; Rivera, Betty; Rizzieri, Bruce; Scott, Mary L.; Soladay, John W.; Taylor, Barbara L.; Yermal, Vincent A.; Benton, Isaac; Garduno, Rey; Gibson, Diane G.; Harris, Don; Jones, Trudy; Lewis, Dan P.; Pena, Klarissa J.; Sanchez, Ken; Winter, Brad D.; Hammer, Robin; Yoshimura, Debra; Pacheco, Peter J.  
**Cc:** Menicucci, Tom G.; Taylor, Nicole A.; Webb, Andrew; Aranda, Jayne A.; Blair, Jacques B.; Correa, Mark; Cutler-Padilla, Linda; Dickson, Diolinda 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 budget 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, DMD, 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.

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**

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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 Montaña, Chief of Staff/Deputy Chief Administrative Officer  
All Department Directors  
Gerald Romero, Budget Officer



**jswilsonPOB@outlook.com**

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**From:** "Hammer, Robin" <rhammer@cabq.gov>  
**Date:** Thursday, April 02, 2015 10:23 AM  
**To:** "Scott S. Wilson" <jswilsonpob@outlook.com>  
**Attach:** POB Contact Info 3-5-15.doc  
**Subject:** RE: Email

Scott,

I looked at the Contact sheet I distributed. Your email was listed correctly. It may have been a typo on Beth's part for her individual address book.

Here is the link to the Drop Box link from which the last Contact Sheet was sent.

Please let me know if you have any other 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) 924-3770  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

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**From:** Scott Wilson [mailto:jswilsonpob@outlook.com]  
**Sent:** Thursday, April 02, 2015 10:07 AM  
**To:** Hammer, Robin  
**Subject:** Email

Robin, can you please send an email to the board members and check your list. Somewhere my address is wrong and I'm missing emails... Beth has forwarded the ones that have failed.

The error appears to be leaving off the "k" at the end of "outlook" in the address

Thanks, Scott

**Civilian Police Oversight Agency  
POLICE OVERSIGHT BOARD  
March 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

**jswilsonPOB@outlook.com**

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**From:** "Beth A. Mohr" <cabq.pob.mohr@gmail.com>  
**Date:** Thursday, April 02, 2015 11:32 AM  
**To:** "Robin S. Hammer, Esq." <rhammer@cabq.gov>  
**Cc:** "Leonard Waites" <phamason.lw@gmail.com>; "Scott S. Wilson" <jswilsonpob@outlook.com>  
**Subject:** Re: Second Draft of Agenda

Okay, thanks. The sooner the better with respect to the contract in particular. Thanks, -B

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

*Sent with haste from my "smart" phone.*

*Notice: This email may be subject to disclosure as public record. Please be thoughtful when forwarding or replying to this email.*

"Hammer, Robin" <rhammer@cabq.gov> wrote:

Leonard, Beth and Scott,

The City's non-email computer system is down. Once it gets back up, I will resume preparing the materials to distribute for next week's meeting.

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:** Beth A. Mohr [mailto:[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)]  
**Sent:** Thursday, April 02, 2015 9:19 AM  
**To:** Leonard Waites; Hammer, Robin  
**Cc:** [jswilsonpob@outloo.com](mailto:jswilsonpob@outloo.com)  
**Subject:** Re: Second Draft of Agenda

Robin - Leonard and I spoke about the agenda. Could you please send everyone the copy of the contract for outside counsel that we'll be discussing? Thanks, -B

Beth A. Mohr

Co-Vice Chair

Albuquerque Police Oversight Board

*Sent with haste from my "smart" phone.*

*Notice: This email may be subject to disclosure as public record. Please be thoughtful when forwarding or replying to this email.*

Leonard Waites <[phamason.lw@gmail.com](mailto:phamason.lw@gmail.com)> wrote:

Beth, Scott, attached is the tentative POB agenda for April's meeting. This was sent to me from Ms Hammer. Please take a look and get back to me today if you have any changes. Beth if it is ok with you I would like for you to run the meeting, I will be there via telephone.

----- Forwarded message -----

**From:** Hammer, Robin <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)>  
**Date:** Tue, Mar 31, 2015 at 11:30 AM  
**Subject:** Second Draft of Agenda  
**To:** Leonard Waites <[phamason.lw@gmail.com](mailto:phamason.lw@gmail.com)>



**Robin S. Hammer, Esq.**

Acting Executive Director

Civilian Police Oversight Agency

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Albuquerque, NM 87103

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Fax: (505) 924-3775

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

**jswilsonPOB@outlook.com**

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**From:** "Hammer, Robin" <rhammer@cabq.gov>  
**Date:** Thursday, April 02, 2015 1:39 PM  
**To:** "Beth Mohr" <cabq.pob.mohr@gmail.com>; "David Ring" <dzt3@juno.com>; "Eric H. Cruz" <eric.huizar.cruz@gmail.com>; "Eva P. Sandoval" <evaps3716@yahoo.com>; "Hammer, Robin" <rhammer@cabq.gov>; "Jeannette V. Baca" <jvbaca.pob@gmail.com>; "Joanne Fine" <joannefine413@gmail.com>; "Leonard Waites" <phamason.lw@gmail.com>; "Moira Amado-McCoy" <moiraamado@gmail.com>; "Scott S. Wilson" <jswilsonpob@outlook.com>  
**Cc:** "Bullock, Nicholas" <nbullock@cabq.gov>; "Davila, Natalee Z" <ndavila@cabq.gov>; "Funes, Ana R." <afunes@cabq.gov>; "Gonzalez, Arturo E." <aegonzalez@cabq.gov>; "Medrano, Michael V." <mmedrano@cabq.gov>; "Cash, Paul" <pcash@cabq.gov>; "Contreras, Michelle" <mcontreras@cabq.gov>; "Davidson, Christopher" <christopherdavidson@cabq.gov>; "McDermott, Diane L." <dmcdermott@cabq.gov>; "O'Neil, Erin" <eoneil@cabq.gov>; "Skotchdopole, Paul A." <pskotchdopole@cabq.gov>  
**Attach:** 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  
**Subject:** Draft POB Agenda, Meeting Materials and Letter from CAO Perry

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  
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 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

Discipline imposed in February 2015

2 verbal reprimands

2 letters of reprimands

1 8-hour suspension

1 16-hour suspension

1 24-hour suspension

1 160-hour suspension

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)

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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

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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)

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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)

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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.

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(C)

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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)

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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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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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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)

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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.