

9 April 2015

Comments RE:

- Meeting between Robin Hammer reports having with James Ginger, to which Board Members were not party, but which has effectively stopped the designated work of the Board this month.
- Robin Hammer's instruction to the Board that they would not review cases this month, as a result of this meeting, and her interpretation of the Monitor's instructions, and the draft of a City Council Resolution she has brought before us, which she also claims is a direct result of that meeting.
- Robin Hammer's claim to the members of the Case Review subcommittee that they would not need to meet this month, because of her claims about this meeting.
- The assumptions that the reporting that we have heard about this meeting makes about both "training" and the very definition and of this Board.

Moirá Amado-McCoy

Board Member

This ordinance, which has affected our agenda tonight ahead of its enactment, seems to claim that the reason this Board will not see any cases, is, at first glance the reflection of a higher purpose: who could argue against "prioritizing training?"

However, knowing first-hand the manifestation of this "prioritizing" makes me see this language as a smokescreen of some sort. Who is trying to buy time against the substantive work of this board?

First, to head off, if I can, any misinterpretations of what I want to say as, "Dr. McCoy is against the POB having training," let me say that we, on this Board, are all agreeable to training. As an academic and a training and development specialist myself, I can scarcely be against training.

And, as a board, we have all been highly optimistic and compliant. We have already participated in more than 40 hours with the Citizen's Police Academy (as a board, that's 320 hours, so far). We have been waiting on calls to send us on our required "ride alongs," but after a month, few, if any of us have been contacted for ability to meet that requirement. All in all, we are being asked to participate in this academy for 6 hours a week for 12 weeks: that's 72 hours, or for all 9 of us, a whopping 648 cumulative hours of "training" with the CPA, on this one board.

And, as I say, for the most part, we're happy to be there.

We are also ready and willing to engage in "sensitivity training," even though nearly half of us, if I'm not mistaken, have at one time or another, either participated in such training, delivered such training ourselves, or as in my case, even to the point

of being responsible for sensitivity and diversity issues at my own institution and being a certified diversity trainer.

What I do want to say right now is that I believe it's important to remember, as we take this on, to recognize that this board is comprised of civilians for a reason – *trained, professionalized, experienced, educated, and vetted civilians for certain* – but civilians, nevertheless. It has never been the intention within any of the documents I have read, or in any conversations that I've had with officials in this process, that we would be expert in the specific field we are overseeing, any more than the board at Proctor and Gamble are all experts in manufacturing cereal or dish soap, or, for that matter, that the board at Microsoft, are all technology experts. That is not the function of any board, in general, and certainly not the function of a *3<sup>rd</sup> party, neutral, civilian oversight board* in particular.

**So, the question before us is not whether we should or shouldn't attend whatever version of "training" that has been designed by whoever it is that designed this particular scope of "training" program, but whether or not we are capable of performing our mandated function *without* it.**

There are several things we should consider as we continue this conversation:

- Is a board of chosen and vetted civilians capable of doing civilian oversight when seated, or must they have specialized training before they are entrusted with the work of civilian oversight? I wouldn't even bring this up, except in light of the fact that last month we were deemed qualified and this month we have been deemed unqualified to proceed in the work.
- We also need to look squarely at the actual elements of this training, with an impartial eye to discovering how and if this "training" will make us any more qualified to do the job, or more qualified *than some other training* would accomplish, if that's the claim: that is, is *this particular* training a *prerequisite* for our ability to do the job we were asked to do?
- Do the officials who met with an intention to decide these questions (outside of the majority of our knowledge) and who have peremptorily stripped us of the work of this board, know, for instance, that by the Police Department's own published admission, the primary "Goal" of the 47<sup>th</sup> Citizen Police Academy is to:  
    "Understand and appreciate the Albuquerque Police Department"?  
    and, to "Hear positive comments about APD"?
- If this is the thrust of the CPA, then it certainly raises the question of where else we should be going to learn how to appreciate and hear good things about the other stakeholders in this process.

In fact, the argument *could* be made about this "training" and the relationship/s we are building with APD by spending countless hours with them—AND the fact that this "training" will constitute a massive preponderance of the hours we actually spend on this volunteer work as a whole. We could make the argument that as a

consciously neutral and purposefully unaffiliated/independent CIVILIAN review board, this exposure is inappropriate or even a conflict of interest, but primarily, perhaps, not in the best interest of the citizen perspective that we were designed to offer.

We have agreed to provide citizen oversight and represent the sovereignty of the people of this community. This board represents the citizens of Albuquerque to the best of our ability.

We are a cross-section of professional skills and backgrounds, community experience, education, and involvement. A rigorous search and vetting process found us, as a group, appropriate to follow-up on these cases involving citizen complaints *from a citizen's perspective*. Looked at in this light, one could make the argument that we are over-qualified from the perspective of creating a body representative of our citizen-peers.

**But, I'm not making either of these arguments today, because I'm going to assume that the processes that choose the 8/9 of us were fair, and reasonable, and rigorous. AND, I'm going to assume that the "training" as it's been designed thus far, and indeed, that we've all agreed to IS useful and enriching. What I will question is that we are incapable of immediately performing our mandated functions *without* it.**

The POB is only one facet of the overview process, but a very specific, neutral, civilian piece of it.

SEE: Police Oversight and Review Bodies Overseeing Albuquerque Police Department, document.

We also do not even see cases before they have already been reviewed by a full agency comprised of professional investigators and directed by council fully immersed in matters relating locally and nationally to police oversight efforts.

If the question is whether or not we can attend to the business the people have brought before us, and the City Council has ordained us for, without having completed the full curricula of the APD's Citizen Police Academy, then I think it is perfectly obvious that we are absolutely capable and qualified for that mandate. So, for me, the larger question is now, if the reasons given—or implied—for keeping us from that work are insubstantial, what are the real reasons?

**From:** Beth Mohr  
**To:** phamason.lw@gmail.com  
**Subject:** Thank-you for your email Re: Tonight's meeting  
**Date:** Tuesday, May 19, 2015 7:30:33 AM

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Thank-you for your email. I am a Police Oversight Board member; this is a volunteer position for which I have limited availability. If your email requires a response from me, I will endeavor to do so within 72 hours. Thank-you for your patience.

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Beth A. Mohr, Acting Chair  
Albuquerque Police Oversight Board

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

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



**From:** Hammer, Robin  
**To:** Hernandez, Jessica M.; "Jim Ginger (pmrinc@mac.com)"; "Fred Mowrer"; "Elizabeth M. Martinez (elizabeth.martinez@usdoj.gov)"; "Sanders, Corey (CRT)"; "ruth.f.keegan@usdoj.gov"; "luis.e.saucedo@usdoj.gov"; Beth Mohr; David Ring; Eric H. Cruz; Hammer, Robin; Jeannette V. Baca; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Scott S. Wilson; Susanne Brown  
**Subject:** IPRA Materials released by CPOA  
**Date:** Monday, May 18, 2015 3:06:00 PM  
**Attachments:** 233-14 DRAFT Martinez Letter.pdf

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Dr. Ginger, Parties to DOJ vs. COA Lawsuit, and POB Members:

It has come to my attention that there are concerns that *Garrity* Materials were released through an Inspection for Public Records Request (IPRA) made to the Civilian Police Oversight Agency (CPOA). As Custodian of Records for the CPOA, I have not provided any *Garrity*-protected materials to anyone outside of the CPOA Administrative Office Staff and the Albuquerque Police Department Internal Affairs Division.

On or about April 2, 2015 and April 7, 2014, the CPOA received two IPRA requests from television station KRQE asking for copies of the initial Citizen Police Complaints (CPC) and corresponding Public Record Finding letters for all the CPC cases on the March 12, 2015 Police Oversight Board Meeting. On subsequent days, I received two more requests from press outlets for the same information.

New Mexico Law has designated that Complaints against Police Officers and the conclusions, regarding such, are public records. I provided a Dropbox link to the requestors containing these two documents for each of the CPC cases on the March 12 POB Meeting. In the Dropbox folder, I had put only the two documents public record documents from the CPC cases heard at the March 12 POB Meeting: the original complaint and the Public Record findings letters. That original Dropbox file still exists, but I did not include it in this email to POB Members, as it contains names of the officers whom are the objects of complaints, which are public records, but not provided to POB Members during the course of their work.

I will send a second email to the Parties and Dr. Ginger including the Dropbox link, which contains the public records released to the press.

I have attached to this email, the specific draft letter contained in the Dropbox which the POB publically reviewed at the March 12 POB Meeting which was the object of press reports. This proposed Public Records letter conforms to the general format which has been used for several years. By releasing these Public Record Letters and the original CPC Complaints, I have released only public records. I have not, and to my knowledge no CPOA staff who have, released any *Garrity*-protected material to the press or any POB Members. I had previously provided POB Members the Public Record letters in draft form for their review prior to the POB Meeting. However, the POB Members did not receive a copy of the original CPC complaints or any *Garrity*-protected material. The POB made their decisions at the March 13, 2015 POB Meeting only upon the information contained in the drafts of proposed the Public Record letters.

Please let me know if you have any questions.

Regards,  
Robin Hammer

**Robin S. Hammer, Esq.**  
Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
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Albuquerque, NM 87103  
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**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

**DRAFT**

March 13, 2015

Tammy Martinez

**Re: CPC #233-14**

Dear Ms. Martinez:

The complaint you filed against Officer S. of the Albuquerque Police Department (APD) was received by our office on December 30, 2014, for an incident which occurred sometime between August 2014 and December 30, 2014. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint. The Administrative Office of the CPOA thoroughly and impartially investigated your complaint. The CPOA made findings of whether the Albuquerque Police Department (APD) Officer involved violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

Because officers are compelled to cooperate in the investigation, the Albuquerque Police Officers' Association's (APOA) Contract with the City of Albuquerque mandates that officers' statements not be made public. Below is a summary of the complaint, the CPOA's investigation and findings.

**I. THE COMPLAINT**

Tammy Martinez complained that between August 2014 and December 30, 2014, APD Officer S. gave Ms. Martinez's ex-husband, Joshua Martinez, personal information about her and her current boyfriend. Ms. Martinez wrote that she had a Domestic Violence Restraining Order against her ex-husband and did not wish him to have her personal information. Ms. Martinez alleged that Officer S. improperly gave Mr. Martinez information, including Ms. Martinez's new home address, the name of Ms. Martinez's current boyfriend, and the name of the boyfriend's Parole Officer. Ms. Martinez said she had taken steps to keep the information private so it was not easily accessible to anyone, including her ex-husband.

## **II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER S.' CONDUCT**

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, interviews with the Complainant, Joshua Martinez, Parole Officer Belinda Gallegos, and Officer S. The CPOA Investigator also investigated the National Crime Information Center (NCIC) database, as well as police and public databases.

(A) The CPOA reviewed Standard Operating Procedure Order 1-37-2(A) regarding Officer S.' conduct, which states:

*Unless specifically authorized by standard operating procedures, personnel will not disseminate information from computers, or reveal to any unauthorized person information contained in a computer data base. Nor shall they use or permit the unauthorized use of any computer data base. All privacy and security precautions apply to computer data.*

Ms. Martinez complained that Officer S. accessed private information about Ms. Martinez and her boyfriend, Robert Lujan, which was not publicly available and only obtainable through law enforcement resources. Ms. Martinez further alleged that Officer S. gave this information to Mr. Martinez, who was living in Texas.

The CPOA Investigator determined that there were no public records pertaining to Ms. Martinez or Mr. Lujan which listed their current home address. After reviewing public and law-enforcement-only databases, the CPOA Investigator determined that neither APD records department nor the Metropolitan Detention Center records/database(s) listed Ms. Martinez's or Mr. Lujan's current address.

The CPOA Investigator determined that the NCIC database was the only database available to Officer S. which had Ms. Martinez's and Mr. Lujan's current home address listed. The NCIC database is licensed to be used for official law enforcement purposes only. During her interview with the CPOA Investigator, Officer S. admitted to accessing the NCIC database in November 2014 to obtain information about Mr. Lujan.

During his interviews with the CPOA Investigator, Mr. Martinez gave three different accounts of how he obtained Mr. Lujan's current address. Mr. Martinez originally said he called the Albuquerque Probation and Parole office on November 24, 2014, and a male employee voluntarily gave him Mr. Lujan's address, which the employee allegedly had on hand. The next time Mr. Martinez was asked where he got Mr. Lujan's information, he said he called the Probation and Parole office on November 24, 2014, and a male employee gave it to him off of Mr. Lujan's booking sheet, or NCIC sheet. Mr. Martinez said this same Probation and Parole employee told him that the NCIC sheet was public record. The third time Mr. Martinez was asked where he got Mr. Lujan's address, he said he was pretty sure that a male employee at the Probation and Parole office gave it to him off of an NCIC sheet when he called the office

on November 24, 2014. He added that it was also possible that Officer S. gave him Mr. Lujan's address. Mr. Martinez admitted that Officer S. had given him the information about Mr. Lujan, including Mr. Lujan's address. Mr. Martinez said that Officer S. told him that she had obtained Mr. Lujan's address information from NCIC, and that address matched the information that the Probation and Parole office had given Mr. Martinez.

During her interview with the CPOA Investigator, Parole Officer Gallegos said Mr. Lujan's current address was not in the Probation and Parole system at all and she did not know Mr. Lujan's current address until Mr. Martinez gave it to her. Parole Officer Gallegos said that Mr. Martinez told her he got the information off of Mr. Lujan's booking sheet, which he found on a website. Parole Officer Gallegos explained that booking sheets are not publicly available information from any public website. Parole Officer Gallegos further explained that the Probation and Parole Office does not typically provide the personal information of Probation and Parole clients over the phone.

Contrary to Mr. Martinez's three versions of statements about how he found out the address of his ex-wife's boyfriend, the only source of this information was through NCIC, which Officer S. admitted she had obtained through NCIC, even though she knew it was a prohibited use of NCIC. Mr. Martinez confirmed that Officer S. had given him Mr. Lujan's address.

The CPOA finds the allegation of a violation of this SOP against Officer S. to be **SUSTAINED**, which means the allegation is supported by sufficient evidence.

(B) The CPOA reviewed APD Special Order 13-43 regarding Officer S.' conduct, which states:

*Personnel are reminded that NCIC/NMLETS is to be used for official criminal justice purposes. Utilizing this system for purposes other than official business is a violation of state and federal policy and procedure, and doing so may result in discipline.*

Officer S. admitted that she accessed NCIC specifically to look up Mr. Lujan's information for personal reasons and not for official criminal justice purposes.

The CPOA finds the allegation of a violation of this SOP against Officer S. to be **SUSTAINED**, which means the allegation is supported by sufficient evidence.

(C) The CPOA reviewed Standard Operating Procedure Order 1-4-4(W) regarding Officer S.' conduct, which states:

*Personnel shall truthfully answer all questions specifically directed to them which are related to the scope of employment and operations of the department.*

The CPOA Investigator contacted the New Mexico NCIC Administrative Staff, who reviewed NCIC Access Request Logs. The NCIC Logs indicated that Officer S. was the only person

Letter to Ms. Martinez  
March 13, 2015  
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who had requested information about Mr. Lujan through NCIC records. The Logs showed that Officer S. accessed that information through NCIC on November 24, 2014. This is the same date that Mr. Martinez shared the information with the Probation and Parole Office.

Mr. Martinez was interviewed and asked how he got Mr. Lujan's information, to which he replied, "Officer S. verified that Mr. Lujan is in the database;" the same database that Mr. Martinez alleged the Parole Office used, which was NCIC. Officer S. was asked by CPOA Investigators if she provided Mr. Martinez with Mr. Lujan's information and she said she did not, contrary to Mr. Martinez's statement that Officer S. had confirmed Mr. Lujan's address to Mr. Martinez.

The CPOA finds the allegation of a violation of this SOP against Officer S. to be **SUSTAINED**, which means the allegation is supported by sufficient evidence.

Your complaint and these findings will be placed in Officer S.'s Internal Affairs personnel file.

You have the right to appeal this decision. Section 9-4-1-9(A) of the Police Oversight Ordinance allows any person who has filed a citizen complaint and who is dissatisfied with the findings of the CPOA or the Chief to appeal that decision within 30 days of receipt of the respective letters. Please promptly communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/iro/survey>

Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,  
The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director

cc: Albuquerque Police Department Chief of Police

M003690

**From:** Beth Mohr  
**To:** Hammer, Robin  
**Cc:** Hernandez, Jessica M.; Jim Ginger (pmrinc@mac.com); Fred Mowrer; Elizabeth M. Martinez (elizabeth.martinez@usdoj.gov); Sanders, Corey (CRT); ruth.f.keegan@usdoj.gov; luis.e.saucedo@usdoj.gov; David Ring; Eric H. Cruz; Jeannette V. Baca; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Scott S. Wilson; Susanne Brown  
**Subject:** Re: IPRA Materials released by CPOA  
**Date:** Monday, May 18, 2015 3:56:32 PM  
**Attachments:** POB Disclosure re-Robin Hammers release of Garrity.pdf  
ES O-38 Enacted.pdf  
CPC 14-233.pdf

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Ms. Hammer and All:

I recently sent the enclosed letter to the POB, in order for members to have time to digest and consider what I have learned over the weekend in my conversations with Dr. Ginger.

I am enclosing what I sent to the POB for your consideration as well, which includes the public record letter which Ms. Hammer provided to us prior to our meeting, and which we considered at our meeting.

Please limit your discussion of this to the public meeting if you are a public official.

Respectfully,

Beth A. Mohr, Acting Chair  
Albuquerque Police Oversight Board

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

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

On Mon, May 18, 2015 at 3:05 PM, Hammer, Robin <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)> wrote:

Dr. Ginger, Parties to DOJ vs. COA Lawsuit, and POB Members:

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M003691

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Please let me know if you have any questions.

Regards,

Robin Hammer

**Robin S. Hammer, Esq.**

Acting Executive Director

Civilian Police Oversight Agency

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M003692



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

Letter to Police Oversight Board  
From Beth A. Mohr, Acting Chair

May 18, 2015

Dear Police Oversight Board (POB) Members –

I have a great deal of information to convey to you in a short time; I hope I am adequately able to convey to you the seriousness of the situation that we've been put into, the intricacies of the legal issues involved, and the depth of my disappointment with Robin Hammer's behavior in this whole matter.

Please do not hit "reply all" to this email, nor talk amongst yourselves, in part because we don't want to create a rolling quorum as to this matter, but mostly because this is a serious issue which deserves public discussion in the light of day. I am attempting to give you this background so you won't be left trying to digest all of this information for the first time on live TV.

As you know, we've been told that we shouldn't be hearing Citizen Police Complaints (CPC's) until we have training. Robin Hammer told us, in response to my question, in a live public and televised meeting, that there was nothing in the Settlement Agreement that precluded our hearing cases until after we were trained; that answer was incorrect.

Members of this Board have struggled mightily with the notion that the "training" provided to us at the Citizen Police Academy, the stated purpose of which is for attendees to "hear positive things about the Albuquerque Police Department (APD)", would somehow provide us with additional knowledge to guide our actions in hearing and deciding CPC cases. That seemed absurd. One POB member, Dr. Moira Amado-McCoy, specifically asked Ms. Hammer, during a POB meeting, if there was some other issue that we weren't hearing about that had something to do with why everyone kept telling us we shouldn't hear complaints. Ms. Hammer denied that there was any other issue; that answer was untruthful.

In fact, there was a very serious issue, which nobody saw fit to tell us about directly, and which I only learned about only because the new City Attorney, Jessica Hernandez, called me and stated that the parties to the Settlement Agreement were getting ready to get an emergency restraining order to stop us from hearing complaints at our May 19<sup>th</sup> meeting. After the conversation with her, I knew there was a larger issue, but still didn't understand the entire issue, so I called Dr. James Ginger, the DOJ Monitor, and we have spent a few hours on the phone together sorting this out over the past two days.

First, I need to give you some rather technical legal background. You have no doubt heard the term "Garrity" thrown around. The Garrity case ([http://en.wikipedia.org/wiki/Garrity\\_v.\\_New\\_Jersey](http://en.wikipedia.org/wiki/Garrity_v._New_Jersey)), is a 1967 legal case in which some New Jersey police officers were "fixing tickets" illegally. The officers were ordered to be truthful in an administrative investigation about their actions, and during that investigation they confessed to the crime of fixing tickets. They were then criminally prosecuted using their own statements against them. That case went to the US Supreme Court, who decided that when a police officer is ordered to give up their 5<sup>th</sup> Amendment right against self-incrimination by their employer in an administrative interview, and they confess to a crime, those statements cannot be used against them in a subsequent criminal prosecution.

When the Investigators of the CPOA interviews officers for our cases, they give a Garrity Warning that essentially says "I'm ordering you to tell me the truth as a condition of your continued employment. But because I'm ordering you to tell the truth, or be fired, anything you tell me cannot be used in a

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subsequent criminal prosecution.” The Officers being interviewed rely on the Garrity protection, as well they should.

The Albuquerque Police Officer in CPC 14-233 that we heard (which as you’ll remember was the NCIC case) relied on Garrity protection when that officer admitted to the CPOA investigator that she accessed NCIC for a personal reason, without a lawful law enforcement related reason. That statement was a confession to a misdemeanor crime which is also a Federal offense; therefore that statement was protected by Garrity.

Robin Hammer put the officer’s Garrity protected statement in her public record letter on CPC 14-233, which she presented to us in our public meeting of March 12, 2015. When Ms. Hammer released that officer’s statement, which was protected by Garrity, she violated the Police Oversight Ordinance which created our Board, and which she agreed to follow and enforce as a condition of her employment.

The Police Oversight Ordinance states, in its relevant portion:

*Council Enacted O-15-38 amending The Police Oversight Ordinance §9-4-1-4, Sec 1(3)(b), which states:*

*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.*

There are a myriad of other civil and legal penalties for disclosure of Garrity protected statements, which I won’t go into here, but suffice it to say that the release of the Garrity statement violated our Ordinance, the DOJ Settlement Agreement, and arguably Ms. Hammer’s ethical responsibilities as a New Mexico lawyer.

The practical result of the Garrity release was that the parties to the DOJ Settlement Agreement, the DOJ, the APD, and the Police Union, all got together and universally decried Ms. Hammer’s actions. Unfortunately, none of them explained to the POB or me as Acting Chair, the underlying issues around what happened, including Ms. Hammer.

Indeed, the Parties held a meeting with Mr. Wilson and I at the Department of Justice Offices, which was supposed to be a meet and greet (with coffee and donuts), but we walked into a meeting there sat the APD Command Staff, lawyers for the City, the Parties, and Union folks, among others, wherein they all decided that the POB shouldn’t hear cases until we were trained. Speaking for myself, I was stunned by the tone and content of the meeting; I cannot speak for Mr. Wilson.

In truth, the meeting was held because of Ms. Hammer’s illegal disclosure of Garrity statements. However, Ms. Hammer told us that that meeting at the DOJ was held because the Parties were afraid we were going to hear a shooting case where criminal charges were pending. The issues were very similar,

May 18, 2015

so the Parties never understood that Ms. Hammer had failed disclosed her disclosure of the Garrity protected statement to us.

As a result, nobody ever told the POB about the Garrity issue; the Parties assumed that Ms. Hammer would have told us, and further assumed that the Board members would understand the implications of the release of a Garrity statement. In retrospect, I'm sure they all thought Mr. Wilson and I were idiots, because we kept asking why in the world they were asking us to stop hearing cases until we were trained.

The parties decided that the way to keep this from happening again was to preclude the POB from hearing cases until we had our legal training, and our rules were in place. It appears that Ms. Hammer told the parties to the DOJ Settlement Agreement that we, the volunteer members of the POB, were somehow to blame for this breach of confidentiality and apparent violation of the law. In reality, Ms. Hammer failed to tell us about these meetings between her and the Parties of the Settlement Agreement at all; since we directly supervise her, she was obligated to inform us of these meetings and the content of the meetings for a variety of reasons.

The Parties reasonably assumed that Ms. Hammer had truthfully disclosed the real problem to us, and they therefore assumed that we were purposefully violating the Settlement Agreement by putting CPCs on our Agenda simply because we felt like it.

Indeed, based on the information available at the time, Dr. Ginger was prepared as of last Friday, to issue a finding that we, the POB, violated Garrity, and were intentionally continuing to violate the Settlement Agreement by setting our Agenda for May 19th. Therefore the Parties were going to court this morning, Monday, May 18, 2015, to stop us from hearing further cases where more Garrity statements might be revealed.

It was against this backdrop, about which we were hapless dupes as a result of Ms. Hammer's "divide and conquer strategy", that Ms. Hernandez called me on Saturday, demanding that we remove the CPC Review from our Agenda. After a long discussion, in which I argued with her that I had yet to hear a single legal reason precluding us from continuing with our Agenda, I invited her to come to the meeting and explain it to us herself, but I made no promises that we would comply.

Late Saturday evening, May 16, 2015, I placed a call to Dr. James Ginger, whose contact information I received from the DOJ at my request, to discuss this issue with him, to try to gain some clarity. When he answered the phone, Dr. Ginger had just gotten off a plane – he just returned from his flight to Albuquerque to meet with Robin Hammer to order to her change our Agenda. Dr. Ginger was unable to speak with me when I called Saturday evening, but stated that he very much wanted to chat with me, so we set an appointment for a teleconference the following day, Sunday, May 17<sup>th</sup>, at 1:00 pm New Mexico time.

On May 19, 2015, Dr. Ginger and I spoke at length. It was then that I first learned that Ms. Hammer had disclosed protected Garrity information, in apparent violation of the POB Ordinance and a misdemeanor; an act which led to the Parties' subsequent actions. I suspect, and others have agreed,

May 18, 2015

that but for Ms. Hammer's improper Garrity disclosure, the Parties would not have been overly concerned that we were hearing CPCs, even though this was and is a technical violation of the Settlement Agreement.

The Settlement Agreement does indeed state that we are to receive our legal and civil rights training before hearing cases, and it separately states that we are to make and approve our rules prior to hearing cases. I suspect that the Parties reasoned that if we had completed all our civil rights training and became experts in Garrity and civil rights generally, we might have recognized Ms. Hammer's illegal actions and stopped the letter before it was released. The problem with that argument is that Ms. Hammer is the lawyer and responsible for her own disclosures whether written public records letter or any other time; her job is to know and advise us on the law concerning Police Oversight, not the other way around. Ms. Hammer presented that letter to us in a public meeting, making it a public document. Even if the letter was arguably in draft form, the CPC 14-233 letter was from Ms. Hammer, with her signature block at the bottom, consisting of her words in its entirety.

As I said, the plan prior to my conversation with Dr. Ginger was for him to make an official Letter of Finding in his court appointed role as Monitor, that the POB violated the Settlement Agreement by releasing the Garrity information. That would have had civil and legal ramifications for each of us individually, and for the Board as a whole. Dr. Ginger and I figured out what happened, in terms of this never being communicated to the POB. Based on our conversation, Dr. Ginger developed a new plan for the Parties response to May 19<sup>th</sup> meeting, with the agreement of the Parties.

I can assure you that this gap in communication will never happen again, because Dr. Ginger and I have a direct line of communication now, on behalf of the POB; that communication will continue with Mr. Waites and any subsequent POB Chair. We have a meeting scheduled the next time Dr. Ginger is in town, we're going to work together to get the appropriate training lined up for the Board. Our new Independent Counsel will write our rules for us, as soon as we select and confirm that person, which is on the Agenda for the May 19<sup>th</sup> meeting.

Based on our conversation, Dr. Ginger has temporarily withdrawn his Letter of Finding, and the Parties are all waiting to see what we'll do at our meeting. If the POB actually hears the CPCs, or if we pass them on a consent agenda, as currently is listed in the Agenda, then Dr. Ginger will file the Letter of Finding with the Federal Judge immediately after the POB Meeting. That letter will state that Ms. Hammer violated Garrity, and we the Board had since been notified about the issues, prior to our meeting, and nevertheless decided to hear cases in violation of the Settlement Agreement.

The Settlement Agreement does clearly state that we are to have all of our legal training, which I will describe later in this letter, and we are also required to have our rules in place, prior to the POB hearing cases. As I said, the Parties might not have been too concerned about the technical violations, but for Ms. Hammer's improper disclosure of Garrity protected statements. Now that the issue is on the table, though, we need to set aside the hearing of CPCs in order to comply with the Settlement Agreement.

We are the Board which purportedly will hold the APD accountable for their actions, but right under our nose, our Acting Executive Director has violated our ordinance, and been untruthful in withholding that

May 18, 2015

information from us. If the public is to have any reasonable confidence in the POB, if APD Officers are to respect our recommendations and findings, I believe that we must act decisively to deal with this situation.

At the public meeting, I will propose that the action we should take at this meeting is to disclose everything that has happened so far to the public, in our meeting. We should then defer the review of CPCs until Dr. Ginger decides that we have met our obligations; Dr. Ginger will not unreasonably withhold our ability to function in hearing CPCs.

Despite what we've been told, the training we need isn't the Citizen Academy; it's legal training so that we become expert non-lawyers in the area of constitutional law, including search and seizure, use of force and lawful arrests. We need to be able to read a CPC case and have a valid legal judgement about whether or not the officer violated the law in each type of case. Most complaints do not rise to the level of complexity of needing us that training, but we should and will have it.

At the public meeting, I will be asking you to defer our hearing of CPCs until we have complied with the Settlement Agreement. I will propose that we schedule one or more special meetings to get that training done in short order; all of these items are already reflected on our Agenda.

We are slated to select an Independent Counsel to contract with for this meeting. Once that person is approved by the POB, they can start the work of writing our rules. That work should be able to be completed in very short order. Once the training and rules are done, we will be back on track and able to hear complaints.

I will be asking you to consider that Ms. Hammer should not be allowed to remain in place as our Interim Acting Executive Director, given her inappropriate actions in this matter. Once we have disclosed the problem and discussed it in a public form, I will ask that we at least have a motion to suspend Ms. Hammer, or notify her that we will terminate her contract. Dr. Ginger agrees that we must take action. We have been notified of the problem, now that we know and understand the issue with Ms. Hammer's actions, we are now obligated to take some action.

I would ask you to consider that if we want to clear the air, clean the slate and show the public and the APD that we are serious about reform, we need to remove Ms. Hammer and immediately act to replace her. Once that disclosure occurs, we can consider and discuss, upon your motion and second, asking Council to appoint an Interim Director while we continue our search for a permanent candidate. We could throw out some names at the meeting to recommend for Interim Director, or we can ask Council to appoint someone themselves, or both. Council staff has assured me that they will remove the Council action item ordering us to comply with the Consent Agreement and replace it with an immediate action item to appoint an Interim Director, if we take the first steps, as I've described above.

Now, a side issue – about the life of the complaint, which is CPC 14-233. As we know from the data that Mr. Cash put together at our instruction, the typical complaint takes 171 days to be investigated by the CPOA office investigators, on average, and Ms. Hammer takes another 72 days, to draft her letter, for a total average investigation time from receipt of complaint to completion of Ms. Hammer's letter of 243

May 18, 2015

days. The deadline, as you know, is 90 days. This Board has spent much time and effort in getting that information out of Ms. Hammer and from the CPOA Staff, as well as questioning what is happening at the CPOA office, why the office is so dysfunctional, and why they are literally years behind in their work.

Fascinatingly though, complaint CPC 14-233 had a very different path from the average CPC. This complaint was investigated in 58 days, and Ms. Hammer wrote her letter in a mere 7 days, for a total of 65 days, compared to the average of 245 days. Ms. Hammer didn't even wait the full 30 days for APD to review the case, but shoved this case to the front of the line for us to hear at our very first meeting.

I won't speculate as to Ms. Hammer's motives. When the various subcommittees asked why this case was placed on our first agenda, Ms. Hammer stated that if we didn't hear the case immediately that it wouldn't be heard within the 120 days allowed; that seems implausible given the actual timeline. This is the case in which Ms. Hammer released the officer's Garrity protected statements in her own letter. The differential path of this case, and her subsequent actions, perhaps speak to her intent as to this complaint and her intent with respect to our effectiveness as a Board.

My plan at the upcoming meeting, with your permission, is to reveal these issues publically. I ask for your support in taking that step. Dr. Ginger will be on the phone with us during the meeting, and Ms. Hernandez will be there in person, they can answer any legal questions which you may have, as well as to contribute to the discussion about our next actions, should you wish their input.

I know this is a lot of information get your heads around in a very short time. We have been so thoroughly misled by Ms. Hammer's actions and statements that it has taken me a couple of days to fully comprehend it myself.

We have all donated an immense amount of time already, in preparation, meetings and training. Ms. Hammer's actions have resulted in countless hours being spent by various Board members on subcommittee and other work which was sometimes needless, and seemingly designed to take us away from our actual mission. I know that Board members are frustrated at the situation that we've been put into; I ask you to consider that this entire situation is of Ms. Hammer's creation, whether intentionally or unintentionally.

Please be assured, that all of the work that we have put into the Board, the CPCs and the oversight of the CPOA office will not be wasted. We will hear the CPCs very soon; we will assist the CPOA office in their development to an agency that functions on a high level, with an appropriate ethical permanent Director.

All of this discussion needs to be held in the public meeting. I think that one or two Board members feel that we should hear the CPCs in tomorrow's meeting, regardless of the legal consequences that I describe here. I respect those views. However, I am asking everyone to carefully consider your actions and how it affects all of us, including our ability to continue to function as a Board, and the public's trust in our actions.

Letter to Police Oversight Board  
From Beth A. Mohr, Acting Chair

May 18, 2015

Please do not "reply all" or email each other about this matter, or talk amongst yourselves, in part because we don't want to create a rolling quorum as to this matter, but mostly because this is a serious issue which deserves public discussion in the light of day. I am attempting to give you this background so you won't be left trying to digest all of this complex information for the first time on live TV, please just consider this thoughtfully until we can meet and discuss this in our meeting on May 19, 2015.

I have been privileged to get to know each of you. I know that each member of this Board is an ethical and law abiding person, and I know that we all care about the efforts towards positive reforms for the Albuquerque Police Department, our work on Police Oversight, and our larger community.

Thank-you for your consideration,

Beth A. Mohr, Acting Chair  
Albuquerque Police Oversight Board

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

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



# CITY of ALBUQUERQUE

## TWENTY-FIRST COUNCIL

COUNCIL BILL NO. F/S O-15-38

ENACTMENT NO. 0.2015.006

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 in exceptional circumstances, for the  
12 purpose of promoting an enhanced measure of quality assurance in the most  
13 challenging cases the POB may, by a vote of two-thirds (2/3) of the members  
14 of the POB, perform an audit, or direct that an audit be performed, on any  
15 individual Citizen Police Complaint Investigation completed by the  
16 Administrative Office. For purposes of its audit function, the POB shall have  
17 full access to investigation files and may subpoena such documents and  
18 witnesses as relevant to its audit function. In its review of the investigation  
19 file, the POB may review *Garrity* material or confidential material only in a  
20 closed session as permitted under the New Mexico Open Meetings Act. The  
21 POB shall maintain the confidentiality of any *Garrity* material or records that  
22 are made confidential by law and is subject to the same penalties as the  
23 custodian of those records for violating confidentiality requirements. In  
24 addition to any other penalty, any POB member or other person who violates  
25 the confidentiality provisions of this section shall be removed from the POB,  
26 and shall be subject to prosecution for a misdemeanor subject to the penalty

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1 provisions set forth in § 1-1-99. Access to information that could be construed  
2 to be covered by *Garrity* will be made available to the POB only by application  
3 in writing, and by majority vote by the POB."

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

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

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

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

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

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

19 (a) Completion of the APD Civilian Police Academy –  
20 for purposes of this training requirement, APD may offer an abbreviated, two-  
21 day weekend Civilian Policy Academy available only to POB members;

22 (b) Civil Rights training, including the Fourth  
23 Amendment right to be free from unreasonable searches and seizures,  
24 including unreasonable use of force;

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

26 (d) Annual firearms simulation training;

27 (e) Internal Affairs training;

28 (f) Training provided to APD officers on use of force,  
29 including a review and familiarization with all APD policies relating to use of  
30 force, and including policies related to APD's internal review of force  
31 incidents;

32 (g) Equity and Cultural Sensitivity training;

33 (h) Training on the 2014 DOJ Settlement Agreement

1 with the City of Albuquerque (or any subsequent agreements), and Findings  
2 Letter of April 10, 2014 (or any subsequent findings letters);

3 (i) Training on this Police Oversight Ordinance;

4 (j) Training on state and local laws regarding public  
5 meetings and the conduct of public officials; and

6 (k) A briefing that identifies and explains the  
7 curriculum of all training received or to be received by APD officers, including  
8 any outside training not provided by the City.

9 (3) Required On-Going Training. POB members shall be  
10 provided with eight hours of annual training on any changes in law, policy, or  
11 training in the areas outlined under subsection 2 above, as well as  
12 developments in the implementation of the 2014 DOJ Settlement Agreement  
13 (or any subsequent agreements) until such time as the terms of the agreement  
14 are satisfied. POB members shall also participate in at least two police ride-  
15 alongs for every six-months of service on the POB.

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

20 SECTION 3. Subsection (i) of § 9-4-1-5 relating to Comment at Police  
21 Oversight Board Meetings is amended as follows:

22 "(i) Meetings. The POB shall conduct regularly scheduled public  
23 meetings in compliance with the New Mexico Open Meetings Act, with a  
24 prepared agenda that is distributed in advance to the Mayor, City Council,  
25 Police Chief, and City Attorney. Each POB meeting will begin with public  
26 comments. Only the regularly scheduled monthly meetings and special  
27 meetings held pursuant to submission of petitions will be televised live on the  
28 appropriate government access channel. All other meetings of the POB shall  
29 be videotaped and aired on the appropriate government access channel;  
30 however, there is no requirement for providing live television coverage.

31 1. Public Comment. The POB shall allow general public  
32 comment at each of its meetings, and the POB shall also allow comment on  
33 each of its agenda items other than Citizen Police Complaints. The

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

4 SECTION 4. Section 9-4-1-7 relating to Qualifications and Selection of the  
5 CPOA Executive Director is amended as follows:

6 "§ 9-4-1-7 CPOA DIRECTOR QUALIFICATIONS, SELECTION, RETENTION  
7 AND EVALUATION

8 (A) Qualifications for the position of Director shall minimally  
9 include the requirement of a law degree and experience in criminal  
10 investigations.

11 (B) The Director will be a full-time contractual city employee to be  
12 selected, removed, or reviewed as follows:

13 (1) The POB, through CPOA staff, shall accept applications  
14 from candidates. The POB shall review the applications and interview  
15 candidates, and submit to the City Council a ranked list of the three  
16 candidates that it finds to be the best qualified to be the Director and the City  
17 Council shall appoint the Director from the three by majority vote. The POB's  
18 recommendation to Council shall be based on the candidates' integrity,  
19 capability for strong management and abilities in investigations, law,  
20 management analysis, public administration, criminal justice administration or  
21 other closely related fields.

22 (2) In lieu of recommending three candidates to the  
23 Council, the POB may recommend to the Council the reconfirmation of the  
24 incumbent Director. Should the Council decline to reconfirm the incumbent  
25 Director, the Council President shall notify the POB that it needs to provide  
26 the Council with three alternate candidates pursuant to the provisions of  
27 Subsection (B)(1). Should the Director not be reconfirmed, the current  
28 Director may continue to serve in the same capacity until a new Director is  
29 selected and approved by the City Council. If for any reason there is a period  
30 of time during which there is no Director, the City Council may appoint a  
31 temporary Director of its choosing by a majority vote. A temporary Director  
32 shall serve in that capacity only for a period not to exceed six months.

33 (3) The term of the Director shall be for three (3) years.

1 Once confirmed, the Director may be removed only upon: 1) a  
2 recommendation of removal to the City Council by the affirmative vote of two-  
3 thirds (2/3) of the members of the POB; and 2) acceptance of the POB's  
4 recommendation by a simple majority vote of the City Council.

5 (C) The POB shall annually review the performance of the Director  
6 taking into consideration the obligations and duties prescribed by this  
7 Ordinance and the performance of the Administrative Office."

8 SECTION 5. SEVERABILITY CLAUSE. If any section, paragraph, sentence,  
9 clause, word or phrase of this ordinance is for any reason held to be invalid or  
10 unenforceable by any court of competent jurisdiction, such decision shall not  
11 affect the validity of the remaining provisions of this ordinance. The Council  
12 hereby declares that it would have passed this ordinance and each section,  
13 paragraph, sentence, clause, word or phrase thereof irrespective of any  
14 provision being declared unconstitutional or otherwise invalid.

15 SECTION 6. COMPILATION. The ordinance amendment prescribed by  
16 SECTIONS 1, 2, 3 and 4 shall amend, be incorporated in and made part of the  
17 Revised Ordinances of Albuquerque, New Mexico, 1994.

18 SECTION 7. EFFECTIVE DATE. This ordinance shall take effect five days  
19 after publication by title and general summary.

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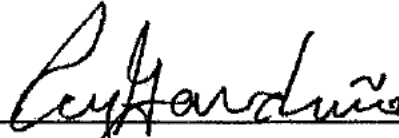
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1 PASSED AND ADOPTED THIS 18th DAY OF February, 2015  
2 BY A VOTE OF: 6 FOR 2 AGAINST.

3  
4 Against: Harris, Jones

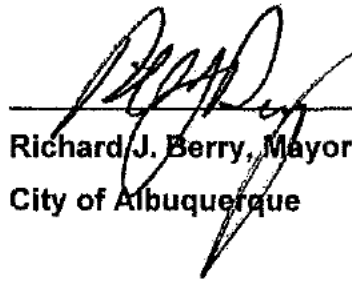
5 Excused: Lewis

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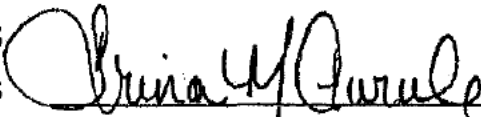
9 Rey Garduno, President  
10 City Council  
11

12  
13 APPROVED THIS 4th DAY OF March, 2015

14  
15  
16 Bill No. F/S O-15-38

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19  
20 Richard J. Berry, Mayor  
21 City of Albuquerque  
22

23  
24 ATTEST:

25   
26

27 Trina M. Gurule, Acting City Clerk  
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**CIVILIAN POLICE OVERSIGHT AGENCY**

<i>Dr. Molra Amado-McCoy</i>	<i>Dr. Jeannette Baca</i>	<i>Eric H. Cruz</i>
<i>Joanne Fine</i>	<i>Beth Mohr</i>	<i>Rev. Dr. David Z. Ring III</i>
<i>Eva P. Sandoval</i>	<i>Leonard Waites</i>	<i>Jeffery Scott Wilson</i>

Robin S. Hammer, Acting Executive Director

March 13, 2015  
Via Certified Mail

Tammy Martinez  
4701 Irving Boulevard, Apartment #1001  
Albuquerque, NM 87114

**Re: CPC #233-14**

Dear Ms. Martinez:

The complaint you filed against Officer S. of the Albuquerque Police Department (APD) was received by our office on December 30, 2014, for an incident which occurred sometime between August 2014 and December 30, 2014. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint. The Administrative Office of the CPOA thoroughly and impartially investigated your complaint. The CPOA made findings of whether the Albuquerque Police Department (APD) Officer involved violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

Because officers are compelled to cooperate in the investigation, the Albuquerque Police Officers' Association's (APOA) Contract with the City of Albuquerque mandates that officers' statements not be made public. Below is a summary of the complaint, the CPOA's investigation and findings.

**I. THE COMPLAINT**

Tammy Martinez complained that between August 2014 and December 30, 2014, APD Officer S. gave Ms. Martinez's ex-husband, Joshua Martinez, personal information about her and her current boyfriend. Ms. Martinez wrote that she had a Domestic Violence Restraining Order against her ex-husband and did not wish him to have her personal information. Ms. Martinez alleged that Officer S. improperly gave Mr. Martinez information, including Ms. Martinez's new home address, the name of Ms. Martinez's current boyfriend, and the name of the boyfriend's Parole Officer. Ms. Martinez said she had taken steps to keep the information private so it was not easily accessible to anyone, including her ex-husband.

**II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD  
OPERATING PROCEDURES REGARDING OFFICER S.' CONDUCT**

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, interviews with the Complainant, Joshua Martinez, Parole Officer Belinda Gallegos, and Officer S. The CPOA Investigator also investigated the National Crime Information Center (NCIC) database, as well as police and public databases.

(A) The CPOA reviewed Standard Operating Procedure Order 1-37-2(A) regarding Officer S.' conduct, which states:

*Unless specifically authorized by standard operating procedures, personnel will not disseminate information from computers, or reveal to any unauthorized person information contained in a computer data base. Nor shall they use or permit the unauthorized use of any computer data base. All privacy and security precautions apply to computer data.*

Ms. Martinez complained that Officer S. accessed private information about Ms. Martinez and her boyfriend, Robert Lujan, which was not publicly available and only obtainable through law enforcement resources. Ms. Martinez further alleged that Officer S. gave this information to Mr. Martinez, who was living in Texas.

The CPOA Investigator determined that there were no public records pertaining to Ms. Martinez or Mr. Lujan which listed their current home address. After reviewing public and law-enforcement-only databases, the CPOA Investigator determined that neither APD records department nor the Metropolitan Detention Center records/database(s) listed Ms. Martinez's or Mr. Lujan's current address.

The CPOA Investigator determined that the NCIC database was the only database available to Officer S. which had Ms. Martinez's and Mr. Lujan's current home address listed. The NCIC database is licensed to be used for official law enforcement purposes only. During her interview with the CPOA Investigator, Officer S. admitted to accessing the NCIC database in November 2014 to obtain information about Mr. Lujan.

During his interviews with the CPOA Investigator, Mr. Martinez gave three different accounts of how he obtained Mr. Lujan's current address. Mr. Martinez originally said he called the Albuquerque Probation and Parole office on November 24, 2014, and a male employee voluntarily gave him Mr. Lujan's address, which the employee allegedly had on hand. The next time Mr. Martinez was asked where he got Mr. Lujan's information, he said he called the Probation and Parole office on November 24, 2014, and a male employee gave it to him off of Mr. Lujan's booking sheet, or NCIC sheet. Mr. Martinez said this same Probation and Parole employee told him that the NCIC sheet was public record. The third time Mr. Martinez was asked where he got Mr. Lujan's address, he said he was pretty sure that a male employee at the Probation and Parole office gave it to him off of an NCIC sheet when he called the office



on November 24, 2014. He added that it was also possible that Officer S. gave him Mr. Lujan's address. Mr. Martinez admitted that Officer S. had given him the information about Mr. Lujan, including Mr. Lujan's address. Mr. Martinez said that Officer S. told him that she had obtained Mr. Lujan's address information from NCIC, and that address matched the information that the Probation and Parole office had given Mr. Martinez.

During her interview with the CPOA Investigator, Parole Officer Gallegos said Mr. Lujan's current address was not in the Probation and Parole system at all and she did not know Mr. Lujan's current address until Mr. Martinez gave it to her. Parole Officer Gallegos said that Mr. Martinez told her he got the information off of Mr. Lujan's booking sheet, which he found on a website. Parole Officer Gallegos explained that booking sheets are not publicly available information from any public website. Parole Officer Gallegos further explained that the Probation and Parole Office does not typically provide the personal information of Probation and Parole clients over the phone.

Contrary to Mr. Martinez's three versions of statements about how he found out the address of his ex-wife's boyfriend, the only source of this information was through NCIC, which Officer S. admitted she had obtained through NCIC, even though she knew it was a prohibited use of NCIC. Mr. Martinez confirmed that Officer S. had given him Mr. Lujan's address.

The CPOA finds the allegation of a violation of this SOP against Officer S. to be **SUSTAINED**, which means the allegation is supported by sufficient evidence.

(B) The CPOA reviewed APD Special Order 13-43 regarding Officer S.' conduct, which states:

*Personnel are reminded that NCIC/NMLETS is to be used for official criminal justice purposes. Utilizing this system for purposes other than official business is a violation of state and federal policy and procedure, and doing so may result in discipline.*

Officer S. admitted that she accessed NCIC specifically to look up Mr. Lujan's information for personal reasons and not for official criminal justice purposes.

The CPOA finds the allegation of a violation of this SOP against Officer S. to be **SUSTAINED**, which means the allegation is supported by sufficient evidence.

(C) The CPOA reviewed Standard Operating Procedure Order 1-4-4(W) regarding Officer S.' conduct, which states:

*Personnel shall truthfully answer all questions specifically directed to them which are related to the scope of employment and operations of the department.*

The CPOA Investigator contacted the New Mexico NCIC Administrative Staff, who reviewed NCIC Access Request Logs. The NCIC Logs indicated that Officer S. was the only person

Letter to Ms. Martinez  
March 13, 2015  
Page 4

who had requested information about Mr. Lujan through NCIC records. The Logs showed that Officer S. accessed that information through NCIC on November 24, 2014. This is the same date that Mr. Martinez shared the information with the Probation and Parole Office.

Mr. Martinez was interviewed and asked how he got Mr. Lujan's information, to which he replied, "Officer S. verified that Mr. Lujan is in the database;" the same database that Mr. Martinez alleged the Parole Office used, which was NCIC. Officer S. was asked by CPOA Investigators if she provided Mr. Martinez with Mr. Lujan's information and she said she did not, contrary to Mr. Martinez's statement that Officer S. had confirmed Mr. Lujan's address to Mr. Martinez.

The CPOA finds the allegation of a violation of this SOP against Officer S. to be **SUSTAINED**, which means the allegation is supported by sufficient evidence.

Your complaint and these findings will be placed in Officer S.'s Internal Affairs personnel file.

You have the right to appeal this decision. Section 9-4-1-9(A) of the Police Oversight Ordinance allows any person who has filed a citizen complaint and who is dissatisfied with the findings of the CPOA or the Chief to appeal that decision within 30 days of receipt of the respective letters. Please promptly communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/iro/survey>.

Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,  
The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director

cc: Albuquerque Police Department Chief of Police

M003710

**From:** Allyson Gonzalez on behalf of Fred Mowrer  
**To:** Hammer, Robin  
**Cc:** Hernandez, Jessica M.; "Jim Ginger (pmrinc@mac.com)"; Fred Mowrer; "Elizabeth M. Martinez (elizabeth.martinez@usdoj.gov)"; "Sanders, Corey (CRT)"; "ruth.f.keegan@usdoj.gov"; "luis.e.saucedo@usdoj.gov"; Beth Mohr; David Ring; Eric H. Cruz; Jeannette V. Baca; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Scott S. Wilson; Susanne Brown  
**Subject:** RE: IPRA Materials released by CPOA  
**Date:** Monday, May 18, 2015 4:20:58 PM

---

Dear Ms. Hammer:

The problem is not Garrity release to the IRO. It is the release of this information to the entire board as per the ordinance. This is not only a violation of the CBA, but an invitation to a disaster.

Respectfully yours,

Frederick M. Mowrer  
FMM/akg

**Frederick M. Mowrer**  
Sanchez, Mowrer & Desiderio, P.C.  
115 8th Street SW  
P.O. Box 1966  
Albuquerque, NM 87103  
Telephone: (505) 247-4321  
Facsimile: (505) 247-4441

Statement of Confidentiality: The preceding email message contains information that is confidential, which is protected by the attorney/client, work product, & other applicable privileges, and is nonpublic information. If you are not the intended recipient of this email message, you are respectfully notified that any review or dissemination of the communication is strictly prohibited & unlawful. If you have received this transmission in error, please alert the sender by reply email or telephone, and please delete this message and its attachments, if any. Thank you.

---

**From:** Hammer, Robin [mailto:rrhammer@cabq.gov]  
**Sent:** Monday, May 18, 2015 3:06 PM  
**To:** Hernandez, Jessica M.; "Jim Ginger (pmrinc@mac.com)"; Fred Mowrer; "Elizabeth M. Martinez (elizabeth.martinez@usdoj.gov)"; "Sanders, Corey (CRT)"; "ruth.f.keegan@usdoj.gov"; "luis.e.saucedo@usdoj.gov"; Beth Mohr; David Ring; Eric H. Cruz; Hammer, Robin; Jeannette V. Baca; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Scott S. Wilson; Susanne Brown  
**Subject:** IPRA Materials released by CPOA

Dr. Ginger, Parties to DOJ vs. COA Lawsuit, and POB Members:

It has come to my attention that there are concerns that *Garrity* Materials were released through an Inspection for Public Records Request (IPRA) made to the Civilian Police Oversight Agency (CPOA). As Custodian of Records for the CPOA, I have not provided any *Garrity*-protected materials to anyone outside of the CPOA Administrative Office Staff and the Albuquerque Police Department Internal Affairs Division.

M003711

On or about April 2, 2015 and April 7, 2014, the CPOA received two IPRA requests from television station KRQE asking for copies of the initial Citizen Police Complaints (CPC) and corresponding Public Record Finding letters for all the CPC cases on the March 12, 2015 Police Oversight Board Meeting. On subsequent days, I received two more requests from press outlets for the same information.

New Mexico Law has designated that Complaints against Police Officers and the conclusions, regarding such, are public records. I provided a Dropbox link to the requestors containing these two documents for each of the CPC cases on the March 12 POB Meeting. In the Dropbox folder, I had put only the two documents public record documents from the CPC cases heard at the March 12 POB Meeting: the original complaint and the Public Record findings letters. That original Dropbox file still exists, but I did not include it in this email to POB Members, as it contains names of the officers whom are the objects of complaints, which are public records, but not provided to POB Members during the course of their work.

I will send a second email to the Parties and Dr. Ginger including the Dropbox link, which contains the public records released to the press.

I have attached to this email, the specific draft letter contained in the Dropbox which the POB publically reviewed at the March 12 POB Meeting which was the object of press reports. This proposed Public Records letter conforms to the general format which has been used for several years. By releasing these Public Record Letters and the original CPC Complaints, I have released only public records. I have not, and to my knowledge no CPOA staff who have, released any *Garrity*-protected material to the press or any POB Members. I had previously provided POB Members the Public Record letters in draft form for their review prior to the POB Meeting. However, the POB Members did not receive a copy of the original CPC complaints or any *Garrity*-protected material. The POB made their decisions at the March 13, 2015 POB Meeting only upon the information contained in the drafts of proposed the Public Record letters.

Please let me know if you have any questions.

Regards,  
Robin Hammer

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

**From:** Hammer, Robin  
**To:** Beth Mohr  
**Cc:** Hernandez, Jessica M.; "Jim Ginger (pmrinc@mac.com)"; "Fred Mowrer"; "Elizabeth M. Martinez (elizabeth.martinez@usdoj.gov)"; "Sanders, Corey (CRT)"; "ruth.f.keegan@usdoj.gov"; "luis.e.saucedo@usdoj.gov"; David Ring; Eric H. Cruz; Jeannette V. Baca; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Scott S. Wilson; Susanne Brown  
**Subject:** RE: IPRA Materials released by CPOA  
**Date:** Tuesday, May 19, 2015 8:39:48 AM

---

Ms. Mohr:

I have reviewed your seven page letter of May 18, 2015 addressed to the Police Oversight Board ("POB") that was received in my office near the close of business on May 18. Obviously you have been at work on this for some time but have chosen to provide me with less than a full working day to draft a response. Even the most minimal procedural due process would require more time than this before the POB could take such drastic actions as you propose. I hereby formally request that I have thirty uninterrupted minutes at the meeting set for today to respond to your letter with additional time as needed to respond to accusations and issues arising at the meeting.

Regards,  
Robin Hammer

*"Courage is the price that life exacts for granting peace, the soul that knows it not, knows no release from little things."*- Amelia Earhart

<http://www.ameliaearhart.com/about/quotes.html>

**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 Mohr [mailto:cabq.pob.mohr@gmail.com]  
**Sent:** Monday, May 18, 2015 3:56 PM  
**To:** Hammer, Robin  
**Cc:** Hernandez, Jessica M.; Jim Ginger (pmrinc@mac.com); Fred Mowrer; Elizabeth M. Martinez (elizabeth.martinez@usdoj.gov); Sanders, Corey (CRT); ruth.f.keegan@usdoj.gov; luis.e.saucedo@usdoj.gov; David Ring; Eric H. Cruz; Jeannette V. Baca; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Scott S. Wilson; Susanne Brown  
**Subject:** Re: IPRA Materials released by CPOA

Ms. Hammer and All:

I recently sent the enclosed letter to the POB, in order for members to have time to digest and consider what I have learned over the weekend in my conversations with Dr. Ginger.

I am enclosing what I sent to the POB for your consideration as well, which includes the public record letter which Ms. Hammer provided to us prior to our meeting, and which we considered at our meeting.

Please limit your discussion of this to the public meeting if you are a public official.

Respectfully,

Beth A. Mohr, Acting Chair  
Albuquerque Police Oversight Board

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

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

On Mon, May 18, 2015 at 3:05 PM, Hammer, Robin <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)> wrote:  
Dr. Ginger, Parties to DOJ vs. COA Lawsuit, and POB Members:

It has come to my attention that there are concerns that *Garrity* Materials were released through an Inspection for Public Records Request (IPRA) made to the Civilian Police Oversight Agency (CPOA). As Custodian of Records for the CPOA, I have not provided any *Garrity*-protected materials to anyone outside of the CPOA Administrative Office Staff and the Albuquerque Police Department Internal Affairs Division.

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I will send a second email to the Parties and Dr. Ginger including the Dropbox link, which contains the public records released to the press.

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had previously provided POB Members the Public Record letters in draft form for their review prior to the POB Meeting. However, the POB Members did not receive a copy of the original CPC complaints or any *Garrity*-protected material. The POB made their decisions at the March 13, 2015 POB Meeting only upon the information contained in the drafts of proposed the Public Record letters.

Please let me know if you have any questions.

Regards,  
Robin Hammer

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

**From:** Beth Mohr  
**To:** Hammer, Robin  
**Cc:** Hernandez, Jessica M.; Jim Ginger (pmrinc@mac.com); Fred Mowrer; Elizabeth M. Martinez (elizabeth.martinez@usdoj.gov); Sanders, Corey (CRT); ruth.f.keegan@usdoj.gov; luis.e.saucedo@usdoj.gov; David Ring; Eric H. Cruz; Jeannette V. Baca; Joanne Fine; Leonard Waites; Molira Amado-McCoy; Scott S. Wilson; Susanne Brown  
**Subject:** Re: IPRA Materials released by CPOA  
**Date:** Tuesday, May 19, 2015 11:28:20 AM

---

Ms. Hammer,

Thank-you for your response. As I stated in that letter, I only learned of the DOJ's concerns regarding the release of Garrity information in your public record letter concerning CPC 14-233 this past Sunday afternoon, May 17th; the DOJ Monitor instructed me that the POB must take action in this meeting as to their concerns.

I wrote that letter to the POB in it's entirety on May 18th and immediately sent it out to them and included Dr. Ginger with his consent; I then sent it to you within 15 minutes of having sent it to the POB. My intention was to call you and discuss this matter as soon as my letter was sent, but your letter arrived almost simultaneously, indicating to me that Ms. Hernandez had already spoken to you. I spoke with Ms. Hernandez immediately thereafter, and she confirmed her discussion with you. Therefore I did not call you yesterday; I am happy to discuss this with you today.

My preference would be for everyone to have time to deal with this issue; it would have been preferable if the Board would have been notified of this issue several months ago, when the DOJ and Monitor state that they first brought it to your attention. If you had come to me with that information back then, the Board would not have been put in this position now.

That being said, I can assure you, as I told you in person during our meeting of April 28th regarding other personnel matters, that it is my intention to be fair with you.

I have no idea what the Board will do at this meeting; it is difficult to predict the actions of those over whom I have no control. The Board has studiously followed my direction to not respond to my email in any way. I can tell you that if the Board decides to take some action regarding your employment at today's meeting, you will have adequate time to respond in an appropriate way.

If the POB approves it, I will reorder the agenda so that the entire Board has a chance to speak with the City Attorney in executive session regarding any personnel matters; this would occur prior to consideration of taking any personnel action.

I take my responsibility as Acting Chair very seriously, Ms. Hammer, as I have previously stated to you. I will urge the Board to respond appropriately to the DOJ and the Monitor, and I will urge them to act appropriately with respect to you.

Thank-you,

Beth A. Mohr, Acting Chair  
Albuquerque Police Oversight Board

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

M003716



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

On Tue, May 19, 2015 at 8:39 AM, Hammer, Robin <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)> wrote:

Ms. Mohr:

I have reviewed your seven page letter of May 18, 2015 addressed to the Police Oversight Board ("POB") that was received in my office near the close of business on May 18. Obviously you have been at work on this for some time but have chosen to provide me with less than a full working day to draft a response. Even the most minimal procedural due process would require more time than this before the POB could take such drastic actions as you propose. I hereby formally request that I have thirty uninterrupted minutes at the meeting set for today to respond to your letter with additional time as needed to respond to accusations and issues arising at the meeting.

Regards,

Robin Hammer

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<http://www.ameliaearhart.com/about/quotes.html>

**Robin S. Hammer, Esq.**

Acting Executive Director

Civilian Police Oversight Agency

City of Albuquerque

P.O. Box 1293

Albuquerque, NM 87103

M003717

(505) 924-3770

Fax: (505) 924-3775

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

**From:** Beth Mohr [mailto:[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)]

**Sent:** Monday, May 18, 2015 3:56 PM

**To:** Hammer, Robin

**Cc:** Hernandez, Jessica M.; Jim Ginger ([pmrinc@mac.com](mailto:pmrinc@mac.com)); Fred Mowrer; Elizabeth M. Martinez ([elizabeth.martinez@usdoj.gov](mailto:elizabeth.martinez@usdoj.gov)); Sanders, Corey (CRT); [ruth.f.keegan@usdoj.gov](mailto:ruth.f.keegan@usdoj.gov); [luis.e.saucedo@usdoj.gov](mailto:luis.e.saucedo@usdoj.gov); David Ring; Eric H. Cruz; Jeannette V. Baca; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Scott S. Wilson; Susanne Brown

**Subject:** Re: IPRA Materials released by CPOA

Ms. Hammer and All:

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Respectfully,

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Albuquerque Police Oversight Board

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

On Mon, May 18, 2015 at 3:05 PM, Hammer, Robin <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)> wrote:

Dr. Ginger, Parties to DOJ vs. COA Lawsuit, and POB Members:

M003718

It has come to my attention that there are concerns that **Garrity** Materials were released through an Inspection for Public Records Request (IPRA) made to the Civilian Police Oversight Agency (CPOA). As Custodian of Records for the CPOA, I have not provided any **Garrity**-protected materials to anyone outside of the CPOA Administrative Office Staff and the Albuquerque Police Department Internal Affairs Division.

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Please let me know if you have any questions.

Regards,

M003719

Robin Hammer

**Robin S. Hammer, Esq.**

Acting Executive Director

Civilian Police Oversight Agency

City of Albuquerque

P.O. Box 1293

Albuquerque, NM 87103

(505) 924-3774

Fax: (505) 924-3775

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

**From:** [Leonard Waites](#)  
**To:** [Beth Mohr](#); [Molra Amado-McCoy](#); [Hammer, Robin](#); [Cash, Paul](#); [jvhaca.pob@gmail.com](#); [Leonard Waites](#); [eric.hulzar.cruz@gmail.com](#); [Scott S. Wilson](#); [dzt3@juno.com](#)  
**Subject:** Tonight's meeting  
**Date:** Tuesday, May 19, 2015 7:30:25 AM

---

Beth, Robin,  
I have decided to not attend our meeting tonight by phone. Since we only have one phone line available I think it would benefit the board more if Dr. McCoy has access to it. Paul I trust that you will make this happen?

--

Leonard Waites Chairman  
Police Oversight Board

**From:** Beth A. Mohr  
**To:** Leonard Waites  
**Cc:** Maira Amado-McCoy; Robin S. Hammer, Esq.; Cash, Paul; jvbaca.pob@gmail.com; eric.hulzar.cruz@gmail.com; Scott S. Wilson; dzt3@juno.com  
**Subject:** Re: Tonight's meeting  
**Date:** Tuesday, May 19, 2015 8:50:15 AM

---

Everyone will be able to attend this will work even if we have to have people on cell phones holding them up to the microphone

Beth A. Mohr  
Acting Chair  
Albuquerque Police Oversight Board

***Never interrupt someone doing what you said couldn't be done. ~Amelia Earhart***

***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> wrote:

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Leonard Waites Chairman  
Police Oversight Board

**From:** Jeannette Baca  
**To:** Beth A. Mohr  
**Cc:** Leonard Waites; Moira Amado-McCoy; Robin S. Hammer, Esq.; Cash, Paul; eric.hulzar.cruz@gmail.com; Scott S. Wilson; David Ring  
**Subject:** Re: Tonight's meeting  
**Date:** Tuesday, May 19, 2015 11:19:44 AM

---

Are we to assume dinner will be provided tonight?  
JB

On Tue, May 19, 2015 at 8:49 AM, Beth A. Mohr <[cabq.poh.mohr@gmail.com](mailto:cabq.poh.mohr@gmail.com)> wrote:

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Beth A. Mohr  
Acting Chair  
Albuquerque Police Oversight Board

***Never interrupt someone doing what you said couldn't be done. ~Amelia Earhart***

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Leonard Waites Chairman  
Police Oversight Board

**From:** [Hammer, Robin](#)  
**To:** [Jeannette V. Baca](#)  
**Cc:** [Beth Mohr](#); [Leonard Waites](#); [Moirra Arnado-McCoy](#); [Cash, Paul](#); [eric.hulzar.cruz@gmail.com](#); [Scott S. Wilson](#); [David Ring](#)  
**Subject:** Re: Tonight's meeting  
**Date:** Tuesday, May 19, 2015 11:34:50 AM

---

Sandwiches will be provided.

Thanks,  
Robin

On May 19, 2015, at 11:19 AM, Jeannette Baca <[jvbaca.pob@gmail.com](mailto:jvbaca.pob@gmail.com)> wrote:

Are we to assume dinner will be provided tonight?  
JB

On Tue, May 19, 2015 at 8:49 AM, Beth A. Mohr  
<[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)> wrote:  
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Beth A. Mohr  
Acting Chair  
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only have one phone line available I think it would benefit the board  
more if Dr. McCoy has access to it. Paul I trust that you will you make  
this happen?

--

Leonard Waites Chairman  
Police Oversight Board



**From:** Beth A. Mohr  
**To:** Robin S. Hammer, Esq.; pob  
**Subject:** Brochures and posters?  
**Date:** Wednesday, May 13, 2015 2:50:44 PM

---

Ms Hammer, Included with the CPC download are posters and brochures. Should I be adding an agenda item for this, or what us this for?

Beth A. Mohr  
Acting Chair  
Albuquerque Police Oversight Board

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

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**From:** Beth Mohr  
**To:** pob; Jessica Hernandez; Mark T. Baker; Hammer, Robin  
**Subject:** Contract with attorney  
**Date:** Tuesday, May 19, 2015 2:19:53 PM  
**Attachments:** Contract Outside Counsel Contract- 05-19-2015.doc

---

All: Here is the contract I will recommend that you all approve with Mr. Baker, once you've heard him speak and we have public discussion about the contract. I will propose, in the meeting, that we approve his contract effective immediately, with the understanding that City Attorney Jessica Hernandez, may change some minor wording in the contract in order to comply with City rules. I will read and sign the final version once it is complete, and any changes have been adequately explained to me. Sorry for the late notice, I'll bring copies to the meeting. Thanks, -B

Beth A. Mohr, Acting Chair  
Albuquerque Police Oversight Board

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

**THIS AGREEMENT** is made and entered into this 19th day of May, 2015, by and between the Civilian Police Oversight Agency ("CPOA") & Police Oversight Board (POB) of the City of Albuquerque, New Mexico, a municipal corporation ("City"), and Mark T. Baker and the law firm of Peifer, Hanson & Mullins, PA, ("Contractor").

**RECITALS**

**WHEREAS**, the CPOA & POB requires legal services to include research and reports on behalf of and in service to the Civilian Police Oversight Agency, which means, for the purposes of this contract, the Police Oversight Board (POB), the Board Chairperson, and the CPOA Administrative Office (hereinafter referred to jointly as the "CPOA"); and

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

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

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

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

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

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

C. Contractor shall represent the CPOA in the courts.

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

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

F. Provide training on legal matters to the CPOA, as directed by the Board chairperson.

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

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

2. **Time of Performance.** Services of the Contractor shall commence May 19, 2015, immediately after confirmation by the POB, and shall be undertaken and completed in such sequence as to assure their expeditious completion in light of the purposes of this Agreement; provided, however, that in any event, all of the Services required hereunder shall be completed June 30, 2015, unless extended by the POB.

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

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

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

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

applicable gross receipts taxes will be computed and added as a separate item to the billing.

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

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

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

**5. Personnel.**

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

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

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

**6. Indemnity.** The Contractor agrees to defend, indemnify and hold harmless the

CPOA and the City and its officials, agents and employees from and against any and all claims, actions, suits or proceedings of any kind brought against said parties because of any injury or damage received or sustained by any person, persons or property arising out of or resulting from the Services performed by the Contractor under this Agreement or by reason of any asserted act or omission, neglect or misconduct of the Contractor or Contractor's agents or employees or any subcontractor or its agents or employees. The indemnity required hereunder shall not be limited by reason of the specification of any particular insurance coverage in this Agreement.

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

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

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

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

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

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

9. **ADA Compliance.** In performing the Services required hereunder, the Contractor agrees to meet all the requirements of the Americans With Disabilities Act of 1990, and all applicable rules and regulations (the 'ADA'), which are imposed directly on the

Contractor or which would be imposed on the City as a public entity. The Contractor agrees to be responsible for knowing all applicable requirements of the ADA and to defend, indemnify and hold harmless the City, its officials, agents and employees from and against any and all claims, actions, suits or proceedings of any kind brought against said parties as a result of any acts or omissions of the Contractor or its agents in violation of the ADA.

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

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

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

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

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

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

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

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

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

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

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

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

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

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



to the execution hereof or contemporaneous herewith.

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

**24. Interest of Contractor.**

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

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

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

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

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

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

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

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

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

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

Name of Contract Attorney  
Address of Contract Attorney  
Albuquerque, NM

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

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

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

THIS SPACE INTENTIONALLY LEFT BLANK

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

**CITY OF ALBUQUERQUE**

Approved By:

\_\_\_\_\_  
Beth A. Mohr  
Acting Chair  
Police Oversight Board

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

**CONTRACTOR:**

By: \_\_\_\_\_  
Mark T. Baker, JD

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

For, Peifer, Hanson & Mullins, PA.

**CITY OF ALBUQUERQUE**

Approved By:

\_\_\_\_\_  
Jessica Hernandez, JD  
Albuquerque City Attorney

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

**From:** Hammer, Robin  
**To:** Beth Mohr; Leonard Waites  
**Subject:** Agenda for next week's POB Meeting  
**Date:** Monday, May 11, 2015 11:35:33 AM

---

Leonard and Beth,

Please let me know how you wish to proceed in drafting the Agenda for the May 19, 2015 POB 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  
**To:** Leonard Waites  
**Subject:** Fwd: AGenda for next week's POB Meeting  
**Date:** Monday, May 11, 2015 11:48:09 AM

---

I'm going to do the whole thing so that she can't try to play us off each other like last time, okay with you? -B

Beth A. Mohr  
Acting Chair  
Albuquerque Police Oversight Board

***Never interrupt someone doing what you said couldn't be done. ~Amelia Earhart***

***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.***

----- Original Message -----

Subject: AGenda for next week's POB Meeting  
From: "Hammer, Robin" <rhammer@cabq.gov>  
To: Beth Mohr <cabq.pob.mohr@gmail.com>, Leonard Waites  
<phamason.lw@gmail.com>  
CC:

Leonard and Beth,

Please let me know how you wish to proceed in drafting the Agenda for the May 19, 2015 POB Meeting.

Thanks,

Robin

**Robin S. Hammer, Esq.**

Acting Executive Director

Civilian Police Oversight Agency

City of Albuquerque

P.O. Box 1293

M003737

Albuquerque, NM 87103

(505) 924-3770

Fax: (505) 924-3775

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

**From:** Beth A. Mohr  
**To:** Robin S. Hammer, Esq.  
**Cc:** Leonard Waites  
**Subject:** Re: AGenda for next week's POB Meeting  
**Date:** Monday, May 11, 2015 11:49:58 AM

---

Ms. Hammer, Mr. Waites had made me acting chair. Therefore the agenda is entirely my responsibility. Please deal solely with me on it, as I had previously instructed you. -B

Beth A. Mohr  
Acting Chair  
Albuquerque Police Oversight Board

***Never interrupt someone doing what you said couldn't be done. ~Amelia Earhart***

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

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

Leonard and Beth,

Please let me know how you wish to proceed in drafting the Agenda for the May 19, 2015 POB 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

M003739

Fax: (505) 924-3775

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



**From:** [Leonard Waites](#)  
**To:** [Beth Mohr](#)  
**Subject:** Re: AGenda for next week's POB Meeting  
**Date:** Monday, May 11, 2015 2:52:11 PM

---

Thanks Beth

On May 11, 2015 11:49 AM, "Beth A. Mohr" <[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)> wrote:  
Ms. Hammer, Mr. Waites had made me acting chair. Therefore the agenda is entirely my responsibility. Please deal solely with me on it, as I had previously instructed you. -B

Beth A. Mohr  
Acting Chair  
Albuquerque Police Oversight Board

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"Hammer, Robin" <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)> wrote:

Leonard and Beth,

Please let me know how you wish to proceed in drafting the Agenda for the May 19, 2015 POB Meeting.

Thanks,

Robin

**Robin S. Hammer, Esq.**

Acting Executive Director

Civilian Police Oversight Agency

City of Albuquerque

P.O. Box 1293

M003741

Albuquerque, NM 87103

(505) 924-3770

Fax: (505) 924-3775

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

**From:** [Beth A. Mohr](#)  
**To:** [Leonard Waites](#)  
**Subject:** Re: Agenda for next week's POB Meeting  
**Date:** Monday, May 11, 2015 2:57:12 PM

---

I'm happy to give you as much or as little input as you wish on it. I just don't want a repeat of last time where Robin made the agenda and blamed it on both you and I to different people. Thanks, -B

Beth A. Mohr  
Acting Chair  
Albuquerque Police Oversight Board

***Never interrupt someone doing what you said couldn't be done. ~Amelia Earhart***

***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:

Thanks Beth

On May 11, 2015 11:49 AM, "Beth A. Mohr" <[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)> wrote:  
Ms. Hammer, Mr. Waites had made me acting chair. Therefore the agenda is entirely my responsibility. Please deal solely with me on it, as I had previously instructed you. -B

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

**From:** Maira Amado-McCoy  
**To:** Scott Wilson; Leonard Waites  
**Subject:** May 7  
**Date:** Tuesday, April 28, 2015 6:54:58 AM

---

Hi, Scott and Leonard. I was at the Personnel meeting yesterday, and the "table and flow chart" discussion provided a platform for the work we should be embarking upon in Case Review. I spoke briefly to Robin, affirming that May 7 would work for me, and that I'd check with the two of you.

Let me know, and I'll confirm formally. I'll also write up something of a notes-toward-an-agenda later this afternoon, and share it with you tonight, if that works for you. I've spent a good deal of time working on what we should cover in this first meeting, so with your permission, I'll draft something for us to at least start with.

Thanks.

Maira

**From:** Leonard Waites  
**To:** Maira Amado-McCoy  
**Subject:** Re: May 7  
**Date:** Tuesday, April 28, 2015 6:58:26 AM

---

Thanks Maira. Hopefully I will see yo

On Apr 28, 2015 6:54 AM, "Maira Amado-McCoy" <[amadomccoy.pob@gmail.com](mailto:amadomccoy.pob@gmail.com)> wrote:

>

> Hi, Scott and Leonard. I was at the Personnel meeting yesterday, and the "table and flow chart" discussion provided a platform for the work we should be embarking upon in Case Review. I spoke briefly to Robin, affirming that May 7 would work for me, and that I'd check with the two of you.

>

> Let me know, and I'll confirm formally. I'll also write up something of a notes-toward-an-agenda later this afternoon, and share it with you tonight, if that works for you. I've spent a good deal of time working on what we should cover in this first meeting, so with your permission, I'll draft something for us to at least start with.

>

> Thanks.

>

> Maira

U

**From:** Scott Wilson  
**To:** Maira Amado-McCoy; Leonard Waites  
**Subject:** RE: May 7  
**Date:** Tuesday, April 28, 2015 9:35:49 AM

---

I'm on board with this Moira. Thanks  
See you tonight  
Scott

---

Date: Tue, 28 Apr 2015 06:54:57 -0600  
Subject: May 7  
From: amadomccoy.pob@gmail.com  
To: jswilsonpob@outlook.com; phamason.lw@gmail.com

Hi, Scott and Leonard. I was at the Personnel meeting yesterday, and the "table and flow chart" discussion provided a platform for the work we should be embarking upon in Case Review. I spoke briefly to Robin, affirming that May 7 would work for me, and that I'd check with the two of you.

Let me know, and I'll confirm formally. I'll also write up something of a notes-toward-an-agenda later this afternoon, and share it with you tonight, if that works for you. I've spent a good deal of time working on what we should cover in this first meeting, so with your permission, I'll draft something for us to at least start with.

Thanks.

Maira

**From:** Hammer, Robin  
**To:** POB  
**Cc:** Yntema IV, Hessel E.  
**Subject:** FW: Process for gathering emails re IPRA  
**Date:** Tuesday, April 28, 2015 8:39:46 AM

---

POB Members:

Joanne suggested sharing this advice listed below she received from Hess Yntema regarding sharing POB-related emails. If one uses their POB email exclusively for POB business, then providing legal staff with their user name and password permits staff to review the emails. It is my understanding that Dave Ring produced his email through this method.

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:** Joanne Fine [mailto:joannefine413@gmail.com]  
**Sent:** Tuesday, April 28, 2015 8:32 AM  
**To:** Hammer, Robin  
**Cc:** Beth Mohr  
**Subject:** Process for gathering emails re IPRA

This worked for me. Perhaps, you could share it with the entire POB membership and keep it for future reference.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Yntema IV, Hessel E."  
Date: 04/23/2015 1:21 PM (GMT-07:00)  
To: Joanne Fine  
Subject: RE: Emails for POB

I would try this method:

<http://www.pcworld.com/article/2068494/google-finally-lets-you-download-your-gmail-and-calendar-data-heres-how.html>

M003748



If that doesn't work, I would suggest creating a dummy email and emailing it all of the emails that are responsive to the IPRA request. Then just send me the address and password for the dummy account.

**From:** Joanne Fine [mailto:joannefine413@gmail.com]  
**Sent:** Thursday, April 23, 2015 12:36 PM  
**To:** Yntema IV, Hessel E.  
**Subject:** Re: Emails for POB

I cannot figure out how to get the emails off of my Google Account to get them to the new flash drive I bought. I have archived them all within Google, but I cannot click and drag them to the drive. Any suggestions?

On Wed, Apr 22, 2015 at 4:52 PM, Joanne Fine <joannefine413@gmail.com> wrote:

I will do my level best. I just returned from out of town.

On Apr 22, 2015 4:43 PM, "Yntema IV, Hessel E." <hyntema@cabq.gov> wrote:  
Tomorrow or Friday. Is that possible?

**From:** Joanne Fine [mailto:joannefine413@gmail.com]  
**Sent:** Wednesday, April 22, 2015 4:43 PM  
**To:** Yntema IV, Hessel E.  
**Subject:** RE: Emails for POB

When do you need it by?

On Apr 22, 2015 4:24 PM, "Yntema IV, Hessel E." <hyntema@cabq.gov> wrote:  
You can drop it off on the 4<sup>th</sup> floor of City Hall at the City Attorney's office .

**From:** Joanne Fine [mailto:joannefine413@gmail.com]  
**Sent:** Wednesday, April 22, 2015 4:24 PM  
**To:** Yntema IV, Hessel E.  
**Subject:** RE: Emails for POB

Tell me where your office is. I will bring it there.

On Apr 22, 2015 4:16 PM, "Yntema IV, Hessel E." <hyntema@cabq.gov> wrote:  
If you could put all of the emails on a flash drive, that would be the best way to do it.

Do you need a drive? Is there a good time to pick it up from you?

Thanks,

Hess

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**From:** Joanne Fine [mailto:joannefine413@gmail.com]  
**Sent:** Wednesday, April 22, 2015 3:10 PM

M003749

**To:** Yntema IV, Hessel E.  
**Subject:** Emails for POB

Is there a simple way to send you every email I have received relating to my role on the POB? It is my understanding I am to do this but I am not sure exactly how you prefer I do so. Flash drive? Paper print outs? Forward them one at a time? Your guidance would be welcomed.

Sent from my Verizon Wireless 4G LTE smartphone

--

Joanne Fine  
Police Oversight Board Member

**From:** Joanne Fine  
**To:** Hammer, Robin; POB  
**Cc:** Yntema IV, Hessel E.; Beth A. Mohr, (CABQ.POB.Mohr@gmail.com)  
**Subject:** RE: FW: Process for gathering emails re IPRA  
**Date:** Tuesday, April 28, 2015 9:14:06 AM

---

It might have been helpful if you had shared that knowledge earlier, when we asked for help.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

**From:** "Hammer, Robin"  
**Date:** 04/28/2015 8:39 AM (GMT-07:00)  
**To:** POB  
**Cc:** "Yntema IV, Hessel E."  
**Subject:** FW: Process for gathering emails re IPRA

POB Members:

Joanne suggested sharing this advice listed below she received from Hess Yntema regarding sharing POB-related emails. If one uses their POB email exclusively for POB business, then providing legal staff with their user name and password permits staff to review the emails. It is my understanding that Dave Ring produced his email through this method.

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

M003751

Fax: (505) 924-3775

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

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**From:** Joanne Fine [mailto:joannefine413@gmail.com]  
**Sent:** Tuesday, April 28, 2015 8:32 AM  
**To:** Hammer, Robin  
**Cc:** Beth Mohr  
**Subject:** Process for gathering emails re IPRA

This worked for me. Perhaps, you could share it with the entire POB membership and keep it for future reference.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Yntema IV, Hessel E."  
Date: 04/23/2015 1:21 PM (GMT-07:00)  
To: Joanne Fine  
Subject: RE: Emails for POB

I would try this method:

<http://www.pcworld.com/article/2068494/google-finally-lets-you-download-your-gmail-and-calendar-data-heres-how.html>

If that doesn't work, I would suggest creating a dummy email and emailing it all of the emails that are responsive to the IPRA request. Then just send me the address and password for the dummy account.

M003752

**From:** Joanne Fine [mailto:[joannefine413@gmail.com](mailto:joannefine413@gmail.com)]  
**Sent:** Thursday, April 23, 2015 12:36 PM  
**To:** Yntema IV, Hessel E.  
**Subject:** Re: Emails for POB

I cannot figure out how to get the emails off of my Google Account to get them to the new flash drive I bought. I have archived them all within Google, but I cannot click and drag them to the drive. Any suggestions?

On Wed, Apr 22, 2015 at 4:52 PM, Joanne Fine <[joannefine413@gmail.com](mailto:joannefine413@gmail.com)> wrote:

I will do my level best. I just returned from out of town.

On Apr 22, 2015 4:43 PM, "Yntema IV, Hessel E." <[hyntema@cabq.gov](mailto:hyntema@cabq.gov)> wrote:

Tomorrow or Friday. Is that possible?

**From:** Joanne Fine [mailto:[joannefine413@gmail.com](mailto:joannefine413@gmail.com)]  
**Sent:** Wednesday, April 22, 2015 4:43 PM  
**To:** Yntema IV, Hessel E.  
**Subject:** RE: Emails for POB

When do you need it by?

On Apr 22, 2015 4:24 PM, "Yntema IV, Hessel E." <[hyntema@cabq.gov](mailto:hyntema@cabq.gov)> wrote:

You can drop it off on the 4<sup>th</sup> floor of City Hall at the City Attorney's office .

**From:** Joanne Fine [mailto:[joannefine413@gmail.com](mailto:joannefine413@gmail.com)]  
**Sent:** Wednesday, April 22, 2015 4:24 PM  
**To:** Yntema IV, Hessel E.  
**Subject:** RE: Emails for POB

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On Apr 22, 2015 4:16 PM, "Yntema IV, Hessel E." <[hyntema@cabq.gov](mailto:hyntema@cabq.gov)> wrote:

If you could put all of the emails on a flash drive, that would be the best way to do it.

Do you need a drive? Is there a good time to pick it up from you?

Thanks,

**From:** Hammer, Robin  
**To:** Joanne Fine; POB  
**Cc:** Yntema IV, Hessel E.; Beth Mohr  
**Subject:** RE: FW: Process for gathering emails re IPRA  
**Date:** Tuesday, April 28, 2015 9:17:18 AM

---

Joanne,

I apologize if no one else shared the method that Dave Ring complied to the IPRA request with you. No one asked me for any advice for how to comply.

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

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**From:** Joanne Fine [mailto:joannefine413@gmail.com]  
**Sent:** Tuesday, April 28, 2015 9:13 AM  
**To:** Hammer, Robin; POB  
**Cc:** Yntema IV, Hessel E.; Beth Mohr  
**Subject:** RE: FW: Process for gathering emails re IPRA

It might have been helpful if you had shared that knowledge earlier, when we asked for help.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

**From:** "Hammer, Robin"  
**Date:** 04/28/2015 8:39 AM (GMT-07:00)  
**To:** POB  
**Cc:** "Yntema IV, Hessel E."  
**Subject:** FW: Process for gathering emails re IPRA

POB Members:

Joanne suggested sharing this advice listed below she received from Hess Yntema regarding sharing POB-related emails. If one uses their POB email exclusively for POB business, then providing legal staff with their user name and password permits staff to review the emails. It is my understanding that Dave Ring produced his email through this method.

M003755

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  
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**From:** Joanne Fine [<mailto:joannefine413@gmail.com>]  
**Sent:** Tuesday, April 28, 2015 8:32 AM  
**To:** Hammer, Robin  
**Cc:** Beth Mohr  
**Subject:** Process for gathering emails re IPRA

This worked for me. Perhaps, you could share it with the entire POB membership and keep it for future reference.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Yntema IV, Hessel E."  
Date: 04/23/2015 1:21 PM (GMT-07:00)  
To: Joanne Fine  
Subject: RE: Emails for POB

I would try this method:

<http://www.pcworld.com/article/2068494/google-finally-lets-you-download-your-gmail-and-calendar-data-heres-how.html>

If that doesn't work, I would suggest creating a dummy email and emailing it all of the emails that are responsive to the IPRA request. Then just send me the address and password for the dummy account.

**From:** Joanne Fine [<mailto:joannefine413@gmail.com>]  
**Sent:** Thursday, April 23, 2015 12:36 PM  
**To:** Yntema IV, Hessel E.  
**Subject:** Re: Emails for POB

I cannot figure out how to get the emails off of my Google Account to get them to the new flash drive I bought. I have archived them all within Google, but I cannot click and drag



them to the drive. Any suggestions?

On Wed, Apr 22, 2015 at 4:52 PM, Joanne Fine <[joannefine413@gmail.com](mailto:joannefine413@gmail.com)> wrote:

I will do my level best. I just returned from out of town.

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Tomorrow or Friday. Is that possible?

**From:** Joanne Fine [mailto:[joannefine413@gmail.com](mailto:joannefine413@gmail.com)]  
**Sent:** Wednesday, April 22, 2015 4:43 PM  
**To:** Yntema IV, Hessel E.  
**Subject:** RE: Emails for POB

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You can drop it off on the 4<sup>th</sup> floor of City Hall at the City Attorney's office .

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**Sent:** Wednesday, April 22, 2015 4:24 PM  
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If you could put all of the emails on a flash drive, that would be the best way to do it.

Do you need a drive? Is there a good time to pick it up from you?

Thanks,

**From:** Beth Mohr  
**To:** Hammer, Robin  
**Cc:** POB; Yntema IV, Hessel E.; nbullock@cabq.gov  
**Subject:** Re: FW: Process for gathering emails re IPRA  
**Date:** Tuesday, April 28, 2015 9:25:22 AM

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All: This is indeed an easy way to share your email with City Staff, however, there are a couple of things to consider before doing this, and it has to do with protecting yourself from identity theft. I am saying this as a fraud investigator, not so much as your fellow Board member.

Some of you out there use the same password for everything in your lives; you know who you are. You should never have just one password for everything, of course. If you give that password out via your POB email, that password itself is now IPRA-able, and someone would know your usual password for everything. As Board members, our home address, phone, employment and much of our other personal information is in the public domain, with that information, someone could easily steal your identity and do things like open credit cards in your name. If someone has your email address and password, it becomes much easier for them to accomplish this goal. Many of you have person Gmail accounts which are linked (by Google) to your POB account. For example, someone could say they lost the password to your personal email account, and Google would send the password to the POB account. You see my point here.

My suggestion is that before you give your password to City Staff, you should change your email password to something you never use, and then give it to City Staff. Once they've gathered everything they need from it, change your password back. If you have emailed your password already, please verify with City Staff that it's okay to delete that email, and then delete that email, as it is most decidedly not POB business.

Just a word to the wise. -B

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

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

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On Tue, Apr 28, 2015 at 8:39 AM, Hammer, Robin <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)> wrote:

POB Members:

Joanne suggested sharing this advice listed below she received from Hess Yntema regarding sharing POB-related emails. If one uses their POB email exclusively for POB business, then providing legal staff with their user name and password permits staff to review the emails. It is my understanding that Dave Ring produced his email through this method.

M003758

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:** Joanne Fine [mailto:[joannefine413@gmail.com](mailto:joannefine413@gmail.com)]

**Sent:** Tuesday, April 28, 2015 8:32 AM

**To:** Hammer, Robin

**Cc:** Beth Mohr

**Subject:** Process for gathering emails re IPRA

This worked for me. Perhaps, you could share it with the entire POB membership and keep it for future reference.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Yntema IV, Hessel E."

M003759

Date:04/23/2015 1:21 PM (GMT-07:00)

To: Joanne Fine

Subject: RE: Emails for POB

I would try this method:

<http://www.pcworld.com/article/2068494/google-finally-lets-you-download-your-gmail-and-calendar-data-heres-how.html>

If that doesn't work, I would suggest creating a dummy email and emailing it all of the emails that are responsive to the IPRA request. Then just send me the address and password for the dummy account.

**From:** Joanne Fine [mailto:joannefine413@gmail.com]

**Sent:** Thursday, April 23, 2015 12:36 PM

**To:** Yntema IV, Hessel E.

**Subject:** Re: Emails for POB

I cannot figure out how to get the emails off of my Google Account to get them to the new flash drive I bought. I have archived them all within Google, but I cannot click and drag them to the drive. Any suggestions?

On Wed, Apr 22, 2015 at 4:52 PM, Joanne Fine <joannefine413@gmail.com> wrote:

I will do my level best. I just returned from out of town.

On Apr 22, 2015 4:43 PM, "Yntema IV, Hessel E." <hyntema@cabq.gov> wrote:

Tomorrow or Friday. Is that possible?

**From:** Joanne Fine [mailto:joannefine413@gmail.com]

**Sent:** Wednesday, April 22, 2015 4:43 PM

**To:** Yntema IV, Hessel E.

**Subject:** RE: Emails for POB

When do you need it by?

On Apr 22, 2015 4:24 PM, "Yntema IV, Hessel E." <[hyntema@cabq.gov](mailto:hyntema@cabq.gov)> wrote:

You can drop it off on the 4<sup>th</sup> floor of City Hall at the City Attorney's office .

**From:** Joanne Fine [mailto:[joannefine413@gmail.com](mailto:joannefine413@gmail.com)]

**Sent:** Wednesday, April 22, 2015 4:24 PM

**To:** Yntema IV, Hessel E.

**Subject:** RE: Emails for POB

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On Apr 22, 2015 4:16 PM, "Yntema IV, Hessel E." <[hyntema@cabq.gov](mailto:hyntema@cabq.gov)> wrote:

If you could put all of the emails on a flash drive, that would be the best way to do it.

Do you need a drive? Is there a good time to pick it up from you?

Thanks,

Hess

---

**From:** Joanne Fine [mailto:[joannefine413@gmail.com](mailto:joannefine413@gmail.com)]

**Sent:** Wednesday, April 22, 2015 3:10 PM

**To:** Yntema IV, Hessel E.

**Subject:** Emails for POB

Is there a simple way to send you every email I have received relating to my role on the POB? It is my understanding I am to do this but I am not sure exactly how you prefer I do so. Flash drive? Paper print outs? Forward them one at a time? Your guidance would be welcomed.

Sent from my Verizon Wireless 4G LTE smartphone

M003761

--

Joanne Fine

Police Oversight Board Member

**From:** Joanne Fine  
**To:** Beth Mohr; Hammer, Robin  
**Cc:** POB; Yntema IV, Hessel E.; nbullock@cabq.gov  
**Subject:** Re: FW: Process for gathering emails re IPRA  
**Date:** Tuesday, April 28, 2015 10:24:09 AM

---

Thank you Beth. Great advice.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

**From:** Beth Mohr  
**Date:** 04/28/2015 9:24 AM (GMT-07:00)  
**To:** "Hammer, Robin"  
**Cc:** POB, "Yntema IV, Hessel E.", nbullock@cabq.gov  
**Subject:** Re: FW: Process for gathering emails re IPRA

All: This is indeed an easy way to share your email with City Staff, however, there are a couple of things to consider before doing this, and it has to do with protecting yourself from identity theft. I am saying this as a fraud investigator, not so much as your fellow Board member.

Some of you out there use the same password for everything in your lives; you know who you are. You should never have just one password for everything, of course. If you give that password out via your POB email, that password itself is now IPRA-able, and someone would know your usual password for everything. As Board members, our home address, phone, employment and much of our other personal information is in the public domain, with that information, someone could easily steal your identity and do things like open credit cards in your name. If someone has your email address and password, it becomes much easier for them to accomplish this goal. Many of you have person Gmail accounts which are linked (by Google) to your POB account. For example, someone could say they lost the password to your personal email account, and Google would send the password to the POB account. You see my point here.

My suggestion is that before you give your password to City Staff, you should change your email password to something you never use, and then give it to City Staff. Once they've gathered everything they need from it, change your password back. If you have emailed your password already, please verify with City Staff that it's okay to delete that email, and then delete that email, as it is most decidedly not POB business.

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

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M003763

On Tue, Apr 28, 2015 at 8:39 AM, Hammer, Robin <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)> wrote:

POB Members:

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Robin

**Robin S. Hammer, Esq.**

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Fax: (505) 924-3775

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

---

**From:** Joanne Fine [mailto:[joannefine413@gmail.com](mailto:joannefine413@gmail.com)]

**Sent:** Tuesday, April 28, 2015 8:32 AM

**To:** Hammer, Robin

**Cc:** Beth Mohr

**Subject:** Process for gathering emails re IPRA

This worked for me. Perhaps, you could share it with the entire POB membership and keep it for future reference.

M003764



Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Yntema IV, Hessel E."

Date: 04/23/2015 1:21 PM (GMT-07:00)

To: Joanne Fine

Subject: RE: Emails for POB

I would try this method:

<http://www.pcworld.com/article/2068494/google-finally-lets-you-download-your-gmail-and-calendar-data-heres-how.html>

If that doesn't work, I would suggest creating a dummy email and emailing it all of the emails that are responsive to the IPRA request. Then just send me the address and password for the dummy account.

**From:** Joanne Fine [mailto:[joannefine413@gmail.com](mailto:joannefine413@gmail.com)]

**Sent:** Thursday, April 23, 2015 12:36 PM

**To:** Yntema IV, Hessel E.

**Subject:** Re: Emails for POB

I cannot figure out how to get the emails off of my Google Account to get them to the new flash drive I bought. I have archived them all within Google, but I cannot click and drag them to the drive. Any suggestions?

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I will do my level best. I just returned from out of town.

M003765

On Apr 22, 2015 4:43 PM, "Yntema IV, Hessel E." <hyntema@cabq.gov> wrote:

Tomorrow or Friday. Is that possible?

**From:** Joanne Fine [mailto:[joannefine413@gmail.com](mailto:joannefine413@gmail.com)]

**Sent:** Wednesday, April 22, 2015 4:43 PM

**To:** Yntema IV, Hessel E.

**Subject:** RE: Emails for POB

When do you need it by?

On Apr 22, 2015 4:24 PM, "Yntema IV, Hessel E." <hyntema@cabq.gov> wrote:

You can drop it off on the 4<sup>th</sup> floor of City Hall at the City Attorney's office .

**From:** Joanne Fine [mailto:[joannefine413@gmail.com](mailto:joannefine413@gmail.com)]

**Sent:** Wednesday, April 22, 2015 4:24 PM

**To:** Yntema IV, Hessel E.

**Subject:** RE: Emails for POB

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On Apr 22, 2015 4:16 PM, "Yntema IV, Hessel E." <hyntema@cabq.gov> wrote:

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Do you need a drive? Is there a good time to pick it up from you?

Thanks,

Hess

---

**From:** Joanne Fine [mailto:[joannefine413@gmail.com](mailto:joannefine413@gmail.com)]

**Sent:** Wednesday, April 22, 2015 3:10 PM

**To:** Yntema IV, Hessel E.

**Subject:** Emails for POB

M003766

Is there a simple way to send you every email I have received relating to my role on the POB? It is my understanding I am to do this but I am not sure exactly how you prefer I do so. Flash drive? Paper print outs? Forward them one at a time? Your guidance would be welcomed.

Sent from my Verizon Wireless 4G LTE smartphone

--

Joanne Fine

Police Oversight Board Member

**From:** [Dave Ring](#)  
**To:** [cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)  
**Cc:** [rhammer@cabq.gov](mailto:rhammer@cabq.gov); [pob@cabq.gov](mailto:pob@cabq.gov); [hynterna@cabq.gov](mailto:hynterna@cabq.gov); [nbullock@cabq.gov](mailto:nbullock@cabq.gov)  
**Subject:** Re: FW: Process for gathering emails re IPRA  
**Date:** Tuesday, April 28, 2015 2:58:13 PM

---

Beth, Thanks for the sage internet usage advice. That is, in fact, precisely what I did. Blessings! --  
Dave Ring

**From:** [Silvio Dell'Angela](#)  
**To:** [jhernandez@cabq.gov](mailto:jhernandez@cabq.gov)  
**Subject:** The jury still out on you Ms. Hernandez-see some homework for you below  
**Date:** Tuesday, April 28, 2015 3:13:18 PM  
**Attachments:** [EdenAtoke.doc](#)  
[4-28-15JnlGreer.doc](#)  
[AFP-APD'sChavez.pdf](#)  
[Scan\\_Doc0023.pdf](#)  
[RodellaMess.doc](#)  
[Llvel.eakAPD.doc](#)

---

**TO: New City Attorney-Ms. Jessica Hernandez**

Bcc to many not shown

Like the disgraceful Rob Perry and David Tourek who preceded you, you also promised independence from the Mayor. Yet if history since Berry took office in 2009 is any indication, the reality is that if you don't do King Berry's wishes and compromise your integrity, you will be forced to resign and he will look for an attorney stooge who will do his and Perry's bidding.

Proving to all that he is a compulsive liar, this Mayor for only the rich who has made this city and APD the disgrace of the nation, demonstrated it first when running in 2009 when promising us voters "a new era of transparency and accountability."

We voters believed this liar who we then thought anybody would be better than Marty Chavez. We were wrong. He would win in 2009 and then win re-election four years later only because of well financed propaganda campaigns of lies against his opponents.

Berry lied in 2009 to advisor APD Sergeant Heh saying that he would not rehire Schultz or would need a Public Safety Officer (PSO). Soon after taking office would then rehire Schultz and also hire the equally disgraceful Darren White as PSO.

Berry's controlled disgraceful Journal Editorial Board would later praise Schultz as the best man for the job even in the midst of the bloodbath that he carried out since becoming Chavez's APD Chief in 2005. Berry ignored all that in 2009.

In 2009, when Berry created a tax wasting Constituent Services Office, he hired Tito Madrid (a former Heather Wilson staffer) to run it and also hired Joyce Pullen (a Domenici staffer) to be part of Tito's team. When Tito and Joyce dared to support my former good councilor Greg Payne who ran against Trudy Jones-(Berry's now disgraceful stooge), both Tito and Joyce were told to resign, which they did. Both had integrity, something deemed not acceptable in this Berry administration.

The city's good IG Neftali Carrasquillo then resigned also disgusted after Berry then contracted most of the IG work to his buddies at RCI whose investigations he could control. Berry then promoted Peter Pacheco to the job and rendered the IG office powerless-something Pacheco was OK with.

M003769

Pacheco was told by Berry to not investigate Schultz's \$1.9 million rip off of taxpayers when he "greased" a sole source AXON recorder and software buy from Schultz's employer Taser Inc. with Berry while Schultz was still on the City's payroll.

The culture of corruption here was alive and well and compulsive liar Berry who would go in hiding in his bunker would also make sure his Journal never blamed any of this on him. Then City attorney Perry moved was promoted into the CAO job. Berry later gave this other compulsive liar/loyalist Perry a big raise when claiming the MFA (who another loyalist Brad Winter's wife worked) for wanted to hire him. More lies.

Then in came Tourek as City attorney from the French law firm where his sister worked and his brother-in-law Steve owned. Berry would make sure a lot of sole source contract work went to the French law firm.

To hide the culture of corruption rampant in his administration, Berry then proceeded to direct the stonewalling of all IPRA requests from me and others that asked for incriminating information on APD and others in the administration who arranged for rigged contracts for Berry's friends. The worst liar and IPRA stonewalling offender was former DMD boss Mike Riordan who Berry recently promoted to COO.

Berry also brought in another unethical attorney-Amy Bailey as City Clerk to help him do this stonewalling and she later resigned when her complicity was revealed.

Tourek and his minions like Kathryn Levy and others equally corrupt would bless this IPRA stonewalling and even sue the family attorney of murdered attorney Mary Han for legal fees. APD deliberately contaminated the crime scene-Mary's home but Perry who was there and Berry looked the other way.

They also went into her home and likely stole some jewelry. One of Schultz's senior cops would then damn APD enemy Mary to "a special place in Hell" in a social media posting. All Schultz did was to then restrict social media postings by his cops.

APD may have been implicated in the murder believing Mary had incriminating information on high ranking APD, City officials and business leader friends. APD may have also been implicated in the record killings of women on the west mesa that APD was in no hurry to investigate.

The women were likely deemed by APD to be just human waste to be disposed of-a term cop Trey Economidy described his APD job as before killing yet another innocent victim. This scumbag cop is still on the job.

The self protection tactics of former FBI boss J Edgar Hoover to shut up critics was also implemented by Berry. Thus APD's secret investigation of DA Brandenburg that was only revealed to the Berry Journal. Ms. Brandenburg has reason to fear for her safety from APD. I too was also threatened by Schultz to "be careful" after I began asking too many questions and making IPRA requests in 2010 about the record APD murders. As a Vietnam vet, I don't scare

easily.

Dossiers by APD were also compiled on perceived threats. One was likely done by Schultz even on Berry including his possible relationship with alleged "bomb threat" Cory Crosby Lockwood who left her panties in an empty suitcase in the Mayor's office. Likely another dossier exists as well on Perry who seemingly has an alcohol problem.

In 2013 Tourek would also opined in a memo that IRO Hammer-another questionably ethical attorney Berry chose really worked for the executive branch (Mayor, CAO, APD Chief) rather than for the citizens on the POC as the Ordinance then stated. This insult caused three honest POC members to resign in disgust. That whole police oversight process was a joke as is the new one now-thanks to Scott Greenwood.

Ignoring the outstanding qualifications of over thirty applicants for the APD chief job from throughout the US , Berry then hired Governor Martinez's clearly unqualified Public Safety Secretary Gordon Eden as Chief who the councilors would praise. They never read Eden's voluminous irrelevant resume or the resumes of the other 40+ passed over candidates with outstanding qualifications-something that I did.

Your former boss Governor Martinez was likely happy to dump the incompetent Eden after he had "warrior" Jack Jones promoted to run the NM Police Academy and the shootings by his state cops of the fleeing cars driven by Oriana Ferrell and Jeanette Anaya . None of the shooters Elias Montoya or Oliver Wilson were punished by Eden.

See the attached February 25, 2014 letter to the editor saying Eden's hiring was a joke. It was more than a joke but a disgrace-an insult to us citizens. Knowing Eden's lack of qualifications and incompetence, he then brought Schultz's former "death squad" SWAT Commander Bob Huntsman out of retirement to be the shadow chief. Huntsman had retired in the midst of the record APD/SWAT bloodbath.

Then Eden created two more tax wasting new Majors, one a bad senior cop who tased the ear off a citizen. Eden never explained why the two were needed.

Nor did Eden ever do a manpower assessment of APD that the DOJ had to recommend he do. He clearly could get by with far less than the 1,100 he still claims he needs. When you deploy five to ten times the number of officers needed to an incident merely to justify higher than needed manpower needs, you are clearly incompetent.

Eden would begin his job by attempting to justify this murder of homeless camper James Boyd while ignoring the incriminating video and audio recording. Berry merely said this incompetent Chief just misspoke.

Over 40 officers were on the scene of the murder of James Boyd for well over 4 hours. They said that they had to kill Boyd who before gunning him down a K-9 officer would release a vicious K-9 on because it was getting dark and they just had to get back home to their families. Neither Eden

nor any of his senior staff were there during the four+ hours. All were in hiding.

Along with other activists, I was put on his and the Journal's enemy list for daring to ask too many questions about the corruption and killings. Then APD went after DA Brandenburg for daring to charge both Sandy and Perez because one helmet video and a State police audio recording proved it was a murder and even premeditated by Sandy.

Another disgusted retired cop Sam Costales who Schultz had retaliated against for telling the truth-the unjustified actions taken against Al Unser Jr. said publicly that this looked like a murder by Sandy and Perez. APD even withheld other made recordings of this Boyd murder-see Live Leak report attached.

Every honest cop in APD including those who were retired likely agree that Eden is a disgrace to the uniform and surrounds himself with senior staff like him. See the KRQE's report below by one retired APD Captain David Gilmore. He said that Eden had no right even wearing the sixteen bars on his uniform that represented 32 years in APD. Eden is a phony.

Losing all credibility, Eden hired Janet Blair as his PIO to lie for him since he couldn't lie to the media with a straight face. Blair finally got tired of lying for Eden and Berry and resigned months after being hired. Then Eden sent a series of disgraceful APD police officers out to speak for him who had no problem lying.

First it was Bill Roseman who lied when trying to justify why cop Jeremy Dear never recorded his murder of Mary Hawkes. Then Eden trotted out another liar cop-Tanner Tixier, Dear's accomplice in the Hawkes murder who like Dear also conveniently never turned on his recorder.

Then it was another equally disgraceful cop Celina Espinoza. See her comments in the KRQE article below about Eden's sixteen service bars on his uniform something only an APD cop for 32 years of service.

After the brutal beating by cop Cedric Greer of Adrian Marthell on March 10 was leaked to the media, both Eden and Perry began lying to try to justify keeping a secret for six weeks. Eden claimed that he immediately turned the case over to the DOJ and FBI, something he lied when claiming the (disgraceful powerless) APD reform agreement with the DOJ's required. NOTHING in the agreement justified this secrecy for six weeks!

Eden then claimed it was also to keep the honest whistleblower-a cadet safe from retaliation. Every cop in APD knew that it was the honest cadet Andrew Henry who likely leaked it to the media after Henry's supervisor took no action. Apparently it's now OK to release the honest cadet's name since that disgraceful excuse for keeping the Greer beating a secret was exposed-never believed. See the attached Journal article today.

I have repeatedly said that US Attorney Damon Martinez who helped negotiate the disgraceful agreement with the City is part of the problem. See the attached "RodellaMess" about him. Apparently it was OK for Damon to retaliate against Rio Arriba Sheriff Tommy Rodella for daring



to challenge DOJ people by getting him jailed for a long time for allegedly doing exactly what Greer and other rogue cops before him did.

But APD cop Greer was only charged with a misdemeanor. Again as with the record number of past excessive force incidents, no recordings of this Greer beating that I too made an IPRA request for were made by either Greer or his accomplice cop Jerry Rauch.

Eden's records custodian IPRA stonewaller-Reynaldo Chavez would insult me by asking me for the Greer case number. See attached Albuquerque Free Press article on the disgraceful Chavez's record and Scan 23, a policy of lying-something perfected by your boss Berry. Are you going to stop Berry's defiance of the IPRA or look the other way as your predecessors have done?

As one recent cartoon in the Journal depicted, an APD cop's badge here is apparently a get out of jail free card. If the DA has to rely solely on the lies told by the APD killers and their accomplices who intentionally don't record, then she can't charge the killers.

As was the case with your predecessors, Perry and Tourek who were also praised, both betrayed us. You must know that you now work for a corrupt man, a compulsive liar and the worst mayor in this City's history. Do you care?

I'm skeptical as are others that unlike Perry and Tourek that you will really serve the people. Both of these characters are the best reason to elect future City attorneys-as San Diego and other US cities are doing. The jury is still out on you despite the lavish praise given you by the Councilors and today's Berry Journal editorial.

Enough said.

Regards

Silvio

For WE THE PEOPLE

Do you want to meet and talk?

P.S.

You ought to start reading the blogs like Joe Monahan's, the Eye on Albuquerque, La Jicarita, and the ABQ Free Press and TV news reporters, primarily KRQE's rather than believe what you read in the Journal if you want to serve us properly.

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## **Albuquerque police chief's uniform raises eyebrows**

By Tina Jensen Published: April 27, 2015, 10:02 pm Updated: April 28, 2015, 9:40 am

ALBUQUERQUE (KRQE) – When Albuquerque Police Chief Gorden Eden began recording YouTube videos earlier this month, something on his uniform was especially noticeable: 16 gold bars on his sleeve, representing 32 years of service. According to APD's standard operating procedures listed on the city's website, those bars signify service to the Albuquerque Police Department. Eden has been with APD for one year. "There are people talking and the words that are thrown around now are 'fraud' and 'stolen valor,'" said David Gilmore, who retired as a captain after 25 years at APD. "It's not quite as bad as a guy wearing a military medal of honor, but he is wearing something he's not entitled to by the SOP and he needs to remove them." An APD spokesperson says the department changed the rules, but would not say when that happened or what the new policy is. On Friday, spokesperson Celina Espinoza said only, "The SOP has been changed." It has not been changed online. The SOP that's on the city's website is the Procedural Order 2-06-20 B: "Service bars may be worn on the long sleeve navy blue shirt to signify the number of years of service an officer has completed to the department." That rule is followed by 2-06-20 C: "Officers may not wear service bars ... for which they are not entitled or qualified." APD SOP Uniforms. When KRQE News 13 asked for a copy of the new policy, Espinoza replied, "You know how to file a public records request." KRQE News 13 sent two follow-up emails to Eden to ask him when the SOP was changed and what the new policy says. He did not respond. Gilmore was one of several dozen applicants for the chief's position. He says his displeasure about Eden's uniform isn't personal. "I think it's demoralizing for the younger officers and those who have been on for a long time to see someone come in and automatically claim service to the city of Albuquerque who hasn't earned it," he said. A review of Eden's resume shows he has 32 years of experience related to law enforcement. From 1975 to 1995, he worked for State Police, the Department of Public Safety, Northwestern University's Center for Public Safety and the New Mexico Attorney General's Office. From 2002 to 2010, he was a U.S. Marshal. He then spent three years as the DPS secretary before taking the job at APD in February last year. KRQE News 13 is still waiting to hear from Eden about when the policy was changed and what the new SOP says. Poll: 16 Gold bars representing 32 years of service. Should APD Chief Gorden Eden remove them from his uniform? -Yes, No, I am not sure

## **“APD police chief search was a joke”**

Article rank 25 Feb 2014 Albuquerque Journal

IF I UNDERSTAND correctly, the city spent tens of thousands of dollars to hire a professional recruitment service to do a national search for a police chief.

Also as I understand it, there was a selection “committee” consisting of two people that ultimately did two whole interviews with Texas applicants. These interviews were done on Skype!?

Are you kidding me? This was for chief of police! Is this what tens of thousands of dollars buys? The minimum requirements were clearly spelled out in the advertisement for the job.

One explicitly stating that the applicant had to have at least 10 continuous years of law enforcement experience on a metropolitan department with at least three acting as a captain/commander or above.

Where does the newly appointed chief, Gorden Eden, have these minimum requirements? Being U.S. marshal is not the same. Being a past federal official does not mean he has answers to problems in our city. People need to understand that by hiring former feds we are not getting what’s best for our city.

I personally know of at least a handful of applicants who met and exceeded the minimum requirements and were never even offered an interview, in person or on Skype. Some of these applicants would have blown away Eden’s qualifications for this job.

If, as it appears to me, that this appointment was the result of severe political implications, the city of Albuquerque and the police department have been delivered a tragic injustice once again.

By not truly searching for the best person to lead a department that is undermanned, lacking morale, lacking proper training (due to another bad appointment), and under investigation by the Department of Justice, it shows that the administration is not looking at the best interests of the citizens of Albuquerque.

The city panicked when current Chief Allen Banks decided to leave earlier than anticipated. This is no excuse to not conduct a thorough search for a new chief.

That sound you hear is the shoveling of a deeper hole the city and police department are digging themselves in to.

VINCE SALAS

## **"TOTAL DISGUST" Chief promises swift investigation into alleged beating by APD officer**

Albuquerque Police Chief Gorden Eden said Monday that he was disgusted by the allegations against an APD officer accused of beating and taunting an intoxicated man at a Central Avenue motel, promising a swift and thorough investigation. Officer Cedric Greer, 24, was charged with battery by State Police on Friday in connection with the March 20 incident in which he allegedly punched the man in the head and ribs, caused his head to slam against the pavement and wrenched his arm while asking him several times, "Who's the man?" The beating took place before another officer at the scene said he was going to turn on his lapel camera, according to the criminal complaint. "When people come into policing it's because of their heart ... It's the kind of heart where we want to help people," Eden said in an interview Monday. "As I read the reports and the interviews, the best way for me to describe my feelings was total disgust." The night of the incident, Greer, another officer and a police cadet were called to the Best Choice Motel on the 7600 block of Central Avenue on a report of a "down and out" subject, which commonly refers to a person who is too intoxicated to care for himself. Upon their arrival, police found Adrian Marthell, who was intoxicated and in possession of marijuana cigarettes, according to a criminal complaint. While Marthell was sitting on a curb outside the motel, Greer is accused of punching him in the head, causing his head to slam against the pavement. He also punched the man in the ribs, which caused bruising, the complaint says. During the attack, Greer allegedly pulled Marthell's arm toward his shoulder, causing pain. Greer asked Marthell, "Who's the man?" several times, until Marthell responded, "You are the man," in obvious pain, according to the complaint. Andrew Henry, an Albuquerque police cadet, reported the incident to a supervisor. State Police, who investigated the case, said Henry, officer Jerry Rauch and an eyewitness all said Marthell was cooperating with police at the time he was attacked, the complaint says. When police were arresting Marthell, Rauch said he was going "live," and he and Greer turned on their on-body cameras. Greer was polite to Marthell once the camera was recording, according to the complaint. Under APD's policy, officers are required to record most interactions with the public. Eden said in a statement issued Saturday that he found "items of grave concern" in Greer's actions. B.S. The chief said both officers have been on administrative leave since March 25, pending the internal affairs investigation. He said the investigation will examine both the excessive force allegations and possible lapel camera policy violations. Police said it's department policy not to discipline officers for misdemeanor (NOT A MISDEMEANOR) arrests until after an internal affairs investigation. Felony arrests can be grounds for immediate dismissal, police said. Greer began working for the department in November 2011 and was assigned to the Southeast Area Command. On Saturday, police said Greer had one sustained policy violation in his personnel file, which stemmed from a citizen complaint filed in August 2013 by a woman who didn't like the way he spoke to her 18-year-old daughter. The woman said her daughter was grabbed inappropriately by a man at an Albuquerque business. When Greer responded, he told the 18-year-old that her skirt was too short and that she had a bad attitude, according to the complaint. "I also have concerns that this officer responds to crimes committed against women," the complainant wrote. "At least my daughter deserves an apology from officer Greer. I would also ask that officer Greer perhaps get sensitivity training on women's issues." A criminal complaint filed in Metropolitan Court shows Greer facing a felony aggravated battery charge, but a spokeswoman for the Bernalillo County District Attorney's Office said he is charged with a misdemeanor. (AGAIN-THIS IS B.S.) "The District Attorney's Office has determined a clerical error resulted in officer Greer being arraigned on a felony charge, instead of a misdemeanor charge of aggravated battery," Kayla Anderson said. On Friday evening, Greer turned himself in to State Police headquarters and was booked into jail on \$5,000 bail. He was released later that night. Greer made his first appearance in Metropolitan Court on Sunday and remains free on bond.

# Meet the Czar of APD Records, The Man Without a Boss

BY DAN VUKELICH



**A**pparently, there is a man at the Albuquerque Police Department, sitting alone at his desk, talking to no one else in his organization, denying public records requests from the public and news media.

Some of these denials are for records requested by investigative reporters. Some denials come in response to requests by lawyers, including lawyers for the ACLU. Others come in response to people with individual grievances against the police.

According to this man, these denials happen without consultation with his police superiors — lieutenants, commanders, deputy chiefs, assistant chief or the chief.

They also occur without his consulting with anyone over at City Hall, including the Mayor's office, the Chief Administrative Officer or even — except in rare instances — lawyers at the City Attorney's office.

In his time on the job, this man has handled 2,000 to 3,000 Inspection Public Records Act requests per year, he says.

His training for handling these requests, he says, was an intensive "one-on-one" with former City Clerk Amy Bailey on public records laws.

The training may have also included — although he's not sure — attending an IPRA training program. He says he is "vaguely" aware such training exists and "may" have actually attended such a session or something "related closely to it."

This man, who has been on the job for four years, has cost the city tens of thousands of dollars in legal settlements over those records denials.

And he gets to keep his job.

Meet Reynaldo Chavez.

If Chavez's testimony in a deposition is to be believed, he is the sole arbiter, the judge, the decider, the Supreme Court, the czar, the Caesar, the King Louis XIV of what we are allowed to know about the Albuquerque Police Department.

Chavez's deposition in late October came in a lawsuit filed last winter by this newspaper and independent journalist Peter St. Cyr. Before ABQ Free Press published its first issue, we sought an inventory of APD's military weapons and equipment. Chavez denied our IPRA request.

Nothing about the sensitivity of a records request by news media or the public influences his decision, he testified. Nor does the sensitive nature of any request compel him to seek counsel from his police superiors or others in City Hall or from city lawyers, he said.

That's Reynaldo Chavez's story about how he handles the six or seven requests he gets, on average, each day, every day of the week, 365 days a year.

So, he must be one of the most powerful people in city government.

We have yet to get the weapons inventory, even though we know it exists and even though we know it must be reported to the New Mexico Department of Public Safety and to the Department of Defense, whose weapons and equipment are on loan to APD.

In our case, Chavez decided that telling us

about the military weapons inventory would help terrorists. So, out came his big, red block-letter "DENIED" rubber stamp (I'm speaking rhetorically here).

We believe that when the weapons inventory is finally made public, it will show that APD has lost some of the DOD equipment — including, as we report in this issue, an M16 assault rifle.

Maybe Reynaldo Chavez's denials reflect the "old" APD and not the "new" APD that Mayor Richard Berry and Chief Gordon Eden say is committed to constitutional policing in this town.

Maybe he'll see the light and realize how much his big, red rubber stamp is costing APD in public trust and taxpayer dollars.

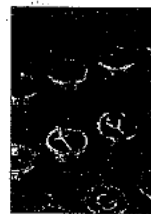
And maybe we'll get to see how APD has accounted for all the military weapons and equipment it has grown so fond of.

We doubt it.

Because while some things may be changing at APD, a lot is not at City Hall.

# APD Records Stonewalling Costs ABQ Big Money

BY DAN VUKELICH



**B**efore this newspaper published its first issue back in April, ABQ Free Press and Peter St. Cyr, an independent journalist who periodically writes for us, asked for

the Albuquerque Police Department's inventory of its military-style weapons.

When we were refused, we sued APD under the provisions of the New Mexico Inspection of Public Records Act. The case has been percolating along for months, but quite shortly, depositions will be taken — by both sides.

The public records law, commonly called IPRA, has protections built in to protect the public from unreasonable denial of public records. If found by a judge or jury to have wrongly withheld records, a governmental entity — like the City of Albuquerque and APD — can be liable for payment of the requesters' attorneys' fees, costs, and up to \$100 a day in damages.

Since we filed our case, KRQE Channel 13 filed a broader case. The TV station's suit alleges that APD has engaged in a pattern of wrongly withholding public records, including: lapel-camera video; records related to the James Boyd shooting; correspondence relating to the U.S. Department of Justice's probe of APD; records regarding APD shootings since 1994; APD's dealings with former APD Chief Ray Schultz and Taser; APD's 2013 review of its use-of-force policy; SWAT team reports of various incidents; surveillance video of the Mayor's Office during a protest and sit-in; crime-scene photos; dash-cam footage; and an inventory of APD weapons.

The TV station asked for more records than I can list here — but you get the idea.

In all cases, APD refused to release the requested information or was not fully responsive in what it did release. Some of the KRQE cases go back more than a year.

When totaled up, should the city be found in violation of the records act, APD — or, more properly, Albuquerque taxpayers — could be on the hook for well over \$100,000 for the KRQE case alone.

This pattern of refusal to release public records is being used against the public, as well as the news media. Reports of settlements and case dispositions that the Albuquerque Police Department

Council shows the city paid more than \$48,000 in damages in three citizens' records cases between Oct. 1, 2013, and June 30, 2014.

Colin Hunter, an attorney with the Barnett Law Firm, who is representing this newspaper in its IPRA case against APD, said the denials are part of a legal strategy by APD and the city.

"They are making a PR and calculated risk assessment decision in denying those requests," Hunter said, "hoping that the requesters go away and that only one in 10 will actually sue."

Hunter said he believes the city will seek to dismiss the newspaper as a plaintiff and cut its exposure under the bad-faith portion of the IPRA statute, which calls for damages to be paid to all plaintiffs wrongfully denied records.

The records denials are the stick in APD's carrot-and-stick strategy in dealing with the news media — which is play ball with us and we'll spoon-feed you access, stories, video, mug shots and story leads; ask difficult questions and get the stick — no cooperation, no access and a big "no comment."

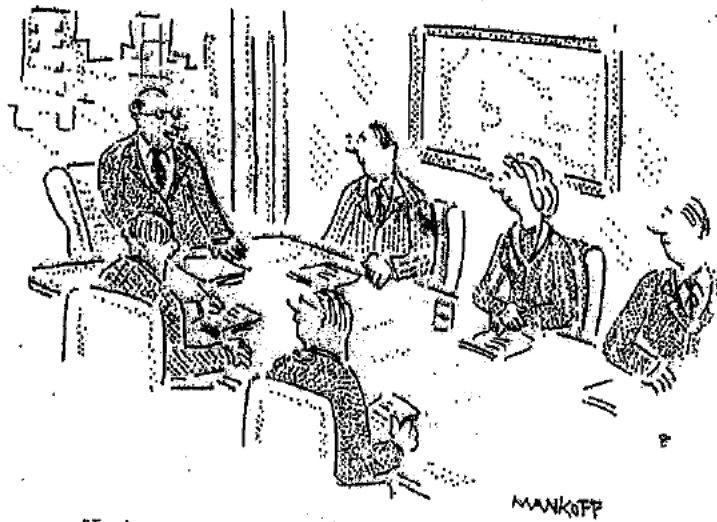
To be fair, other agencies do the same thing. The governor's people don't answer questions they don't like. Hell, they don't even return phone calls from media outlets they don't like.

But the APD records situation has become intolerable for a population that requires spin-free information to hold a troubled police department accountable. Case law is against APD and the civilians directing its policy. Taxpayers are paying the financial price, but eventually, someone's going to pay a political price.

This issue marks our sixth month of publication. Our readership is growing and, just as importantly, our advertising is picking up. People have told us they've been looking for another media voice in our community. We hope we're providing that voice.

We could use your help in identifying high-traffic business locations that would benefit both you and them if ABQ Free Press were allowed to place a wire rack inside or a weatherproof box outside their premises.

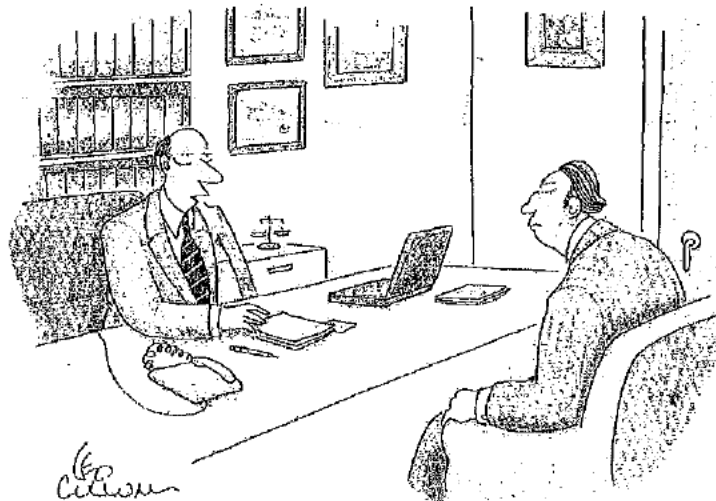
We'll gladly accept your suggestions. All you need to do is talk to the manager or owner and ask them if they'd be willing to let us to distribute there. Send us an email with the business name, address and the person you talked to and we'll get it done.



MANKOFF

*"Let's never forget that the public's desire for transparency has to be balanced by our need for concealment."*

**Let's never forget that the public's desire for transparency has to be balanced by our need for concealment**



CULLINAN

*"I find in these cases that the best defense is a pack of lies."*

**I find in these cases that the best defense is a pack of lies**



- *Article rank*
- *12 Oct 2014*
- *Albuquerque Journal*
- *Mark Oswald*

# A NEW MEXICO MESS:

## Rodella, land grants and the feds

It's an only-in-New Mexico question: Is the prosecution and conviction of former Rio Arriba County Sheriff Tommy Rodella on civil rights charges part of the historic clash between landgrant heirs and the federal government?

Some version of an answer may result if Rodella's lawyers follow through with claims made in court documents that U.S. Attorney Damon Martinez went after Rodella in a "vendetta" over the ex-sheriff's refusal to deputize U.S. Forest Service officers to enforce state law.

Rodella's prosecution comes as land-granters and ranchers have been pushing back anew against the feds — specifically the Forest Service — in a fight over grazing, wood gathering and other activities on national forest lands that pretty much goes back to when New Mexico became U.S. territory in 1848.

The sheriff, in fact, had at one point during the months before his arrest threatened to arrest any Forest Service officer who illegally detained people on public roads outside national forest boundaries, according to an account by one of his supporters.

Earlier this year, there were public meetings and a petition effort by Rio Arriba County residents who maintained that Forest Service officers were unfairly and illegally stopping and harassing forest users with "Gestapo tactics."

Subsequently, in April, the public affairs officer for the U.S. Attorney's Office sent an email inviting the sheriff and other Rio Arriba County officials to a meeting "in an effort to facilitate a positive working relationship between County and Federal officials."

That meeting took place May 7 and apparently did not go swimmingly, judging from the "vendetta" charges that have since emerged.

Rodella's lawyer, in a court filing, maintains that, at the meeting, U.S. Attorney Martinez "personally threatened arrest and prosecution if Mr. Rodella did not comply with his demands to deputize federal law enforcement agents."

Jake Arnold, who served as public information officer for the Sheriff's Office under Rodella, described the alleged threat differently in a court affidavit. Arnold said Martinez threatened to prosecute Rodella if he "interfered with any USFS law enforcement officer carry(ing) out his/her supposed legitimate mission anywhere in Rio Arriba County."

That's different from pushing Rodella to deputize Forest Service officers, although the warring parties in this story also have vastly different ideas about the "legitimate mission" of the Forest Service's law enforcement wing.

In court, federal prosecutor Jeremy Peña has acknowledged that Martinez said in the meeting that interference with federal agents performing their duties could result in "arrest and prosecution." Peña called the get-together with the Rio Arriba officials a "normal meeting in which two agencies did not see eye to eye."

At issue in the dispute is whether Forest Service agents can, in fact, enforce state law, on or off Forest Service land, without deputization by a local sheriff, and whether the USFS agents have been making stops without reasonable suspicion. We'll leave the detailed arguments on those issues for another day.

In any case, less than a month after the May meeting, on June 4, FBI agents were searching Rodella's Española home, gathering evidence in the case that now has him behind bars awaiting sentencing on the day after Christmas.

A martyr?

No one is claiming that any of the Forest Service/ land grant controversies led Michael Tafoya, 26, of Española to call the FBI to pursue his complaints about how Rodella had chased him down, terrorized him and had him arrested one day in March. Or that the other three motorists who backed up Tafoya by testifying in federal court last month describing Rodella as an intimidating bully were part of some vast, federally inspired conspiracy that led to the sheriff's Sept. 26 conviction for violating Tafoya's civil rights.

Also, remember that the often controversial Rodella has now left public office under a cloud three times — once resigning an appointed magistrate judgeship under pressure over alleged improprieties, once booted off the bench by the state Supreme Court and told to never run for judicial office again, and now losing the sheriff's job (and getting jailed) due to a federal felony conviction.

But this time around, his supporters and others in northern New Mexico see him as something of a martyr for refusing to deputize Forest Service officers. "I'm starting to believe there's a pattern here," said David Sanchez of the Northern New Mexico Stockmen's Association. He said Rodella "stood with the people" against the Forest Service before his arrest.

Grazing, land grants

The story line from the Rodella side leading up to his arrest goes something like this:

In 2010, the Forest Service ordered cuts in the number of cattle allowed under grazing allotments in sections of the Carson National Forest, renewing a battle for what cattlemen contend is the area's historic Hispanic culture based on land grants from the Spanish and Mexican governments. Ranchers maintained the El Rito ranger who ordered the grazing reductions acted out of retaliation after they spoke out against previous efforts to curtail grazing.

In January 2012, ranchers and Rio Arriba County government filed suit over the grazing reductions and accused the Forest Service of trying to destroy traditional Hispanic communities.

About four months later, in May 2012, the El Rito ranger issued an order authorizing Forest Service officers to enforce New Mexico state motor vehicle laws.

Earlier this year, the El Rito Citizens Caucus, led by former County Commissioner Felipe Martinez, circulated a petition to federal Agriculture Secretary Tom Vilsack complaining about Forest Service officers harassing and "terrorizing" people and using "Gestapo intimidation tactics" on land grant heirs via arrests and issuance of federal citations for traffic or motor vehicle violations, particularly aimed at people hauling wood off the national forest. Rodella, Arnold and the sheriff's wife, state Rep. Debbie Rodella, met with a Forest Service captain at the Roundhouse. Arnold says two people described by phone how they were "verbally abused" and terrorized by Forest Service officers. (The Forest Service's law enforcement chief, by the way, denied this week that the agency is operating improperly, outside the law or with any kind of "agenda.")



## PROOF - APD Covered Up Production of Videos of Shooting of James Boyd HD

On March 17th 2014 Albuquerque Police (APD) shot and killed a homeless and mentally ill man - whose only crime was a violation of a municipal ordinance against camping in an open space area in the Sandia foothills at the eastern edge of the city.

On March 17th, the day after the fatal shooting, KRQE made a public records request for the videos of that incident. On April 1st, APD unlawfully denied that request.

**BUT ... Here is the REST of that Story.**

To this day - not only have the Keith Sandy videos mysteriously disappeared - but when the APD finally produced videos claiming to be ALL the videos of the incident - many of the videos were missing INCLUDING almost all that actually show the SHOOTING - most NOTICEABLY - the very videos (from the other shooter - Dominique Perez) from which the now-famous shooting clip was taken and released by APD that week.

On April 2nd, one day after KRQE's request was unlawfully denied, an investigator with the APD interviewed Kevin Fuller, APD Video Unit Supervisor. According to the interview - included in this video - Fuller was instructed on FRIDAY March 21st - to obtain the videos and place them in a Drop Box account.

On Thursday, March 27th - he was instructed to coordinate with several other persons - and to look at all the videos, frame by frame, and identify those parts that the Chief might have an "interest" in BEFORE they were released to the media.

Although those videos have since been released (those that have) WITHOUT being identified by officer or time - Fuller and his team broke down each video by officer and began this work. He was, at this time, told to "take out" all videos in which the audio or video contained the actual shooting.

On Friday March 28th Fuller was instructed to place the videos on another hard drive and provide them to the FBI. BUT ... on Friday evening - Commander Montano on behalf of the Chief contacted Fuller and stated he had "concerns" allegedly about the Chain of Custody. He ordered Fuller to "cease and desist." He was later then told to give Montano the hard drive and to delete the videos from the drop box account.

It is unlawful for the APD to withhold, delay, or deny public records that have no exemption provided by law. The APD clearly DELAYED production in order to find those videos it might find embarrassing - or creating liability - with regard to the act of the shooting of Boyd. It then DENIED unlawfully the production of those videos.

Since then - it has produced videos it has CLAIMED were the complete set. BUT there are several known videos missing - not least being all the videos taken by the second shooter, Dominique Perez, from whose videos the famous clip released by APD initially came. Although several other officers' videos are MISSING from the set produced as well.

It is clear that the APD has and continues to knowingly and willfully withhold those videos. This interview contains proof, at minimum, that the APD had delayed production of the videos, contrary to the Public Records law, in order to try and identify those videos it considered problematic - this specifically was a reference to anything officers may have said to each other during the incident AND anything that revealed either audio or video of the actual shooting of Boyd.

Read more at [http://www.liveleak.com/view?i=b19\\_1406012736#AwZiqcT7vXDsvvfx.99](http://www.liveleak.com/view?i=b19_1406012736#AwZiqcT7vXDsvvfx.99)

**From:** Hammer, Robin  
**To:** Leonard Waites; Moira Amado-McCoy; Scott S. Wilson  
**Cc:** Cash, Paul; Contreras, Michelle  
**Subject:** Citizen Police Complaint Subcommittee  
**Date:** Tuesday, April 28, 2015 2:55:26 PM

---

Police Complaint Subcommittee,

We have set a meeting of this Subcommittee for Thursday, May 7 at 9:30 am in the basement hearing room of Plaza del Sol, 600 2<sup>nd</sup> St NW, room 160. Because there is no Chair designated for this Subcommittee, please email me your items for the Agenda. I will draft a copy and then solicit response from the group.

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

**From:** Maira Amado-McCoy  
**To:** Hammer, Robin  
**Cc:** Leonard Waites; Scott S. Wilson; Cash, Paul; Contreras, Michelle  
**Subject:** Re: Citizen Police Complaint Subcommittee  
**Date:** Tuesday, April 28, 2015 3:26:34 PM

---

Thanks, Robin.

We actually have this underway already, though. I'll send you a draft of the agenda once I have it put together, and you can then incorporate it into the standardized format.

Maira

On Tue, Apr 28, 2015 at 2:55 PM, Hammer, Robin <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)> wrote:

Police Complaint Subcommittee,

We have set a meeting of this Subcommittee for Thursday, May 7 at 9:30 am in the basement hearing room of Plaza del Sol, 600 2<sup>nd</sup> St NW, room 160. Because there is no Chair designated for this Subcommittee, please email me your items for the Agenda. I will draft a copy and then solicit response from the group.

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) 924-3770

Fax: (505) 924-3775

M003783

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

**From:** Moira Amado-McCoy  
**To:** amadamccoy.pob@gmail.com; jvbaca.pob@gmail.com; eric.huizar.cruz@gmail.com; joannefine413@gmail.com; cabq.pob.mohr@gmail.com; dzr3@juno.com; Leonard Waites; jswilsonpob@outlook.com; nbullock@cabq.gov; julianmoya@cabq.gov; Cash, Paul; christopherdavidson@cabq.gov; dmcdermott@cabq.gov; eoneil@cabq.gov; pskotchdopole@cabq.gov; Hammer, Robin; mcontreras@cabq.gov  
**Subject:** brief on meeting RE proposed resolution  
**Date:** Saturday, April 18, 2015 3:36:32 PM

---

Dear POB Colleagues, CPOA staff members, and Ms. Hammer,

As directed by the full Board at our last meeting, I met with Councilors Winter and Garduno and their staff yesterday, RE the proposed resolution that was to come before City Council at their meeting this coming Monday.

I will provide a full report at our next Board meeting. The outcome of the yesterday's meeting, however, will affect our preparation for May's board meeting, so I need to pass along three critical issues today.

First, as I suspected, Councilors' intent in this proposed resolution was not to affect our mandated work. Case review should not have been removed from April's agenda, and they should not be removed from May's agenda.

There will be much discussion regarding this misunderstanding in the next couple of weeks, no doubt. With a backlog as long as my arm (okay, Leonard's arm) however, and only 12 meetings annually in which to accomplish our mandated functions, I believe this "misunderstanding" should have at least one immediate effect on our processes. We must be vigilant in assuring that we are provided information that will aid us in responsibly carrying out our decision making capacity. That is, we ourselves must be proactive about assuring the quality and fullness of the advice we are given.

We must take special precautions to assure that we are not mislead about process with which we are not intimately familiar, but which nevertheless govern our responsibilities. A perceived lack of due diligence on our part--engendered, no question, by our faith that we were being provided with both accurate and sufficient information with which to make appropriate decisions regarding "approving" the agenda as substantially presented to us--is something we will need to be very careful about in the future.

The Complaint Review Committee, for instance, should probably meet before our next full board meeting, even though in April we were told we would not have to do so, "because the Board won't be able to hear any cases." That committee, then, would work closely with CPOA staff and Ms. Hammer to assure that the cases brought before the Board in May are appropriate and timely, that we begin receiving a much better understanding of the scope and priority of backlogged cases in general (as was particularly articulated by Mrs. Fine at April's meeting), and in the reasoning and processes behind the cases that reach us as an oversight board, specifically.

I would ask that both Ms. Hammer and Mr. Cash (as analyst) be available to appear for the benefit of the Complaint Review Committee in this regard.

In this way, the Complaint Review Committee will also help to assure that Mr. Waits and/or Ms. Mohr/Mr. Wilson have substantial information regarding case review, to

assist them as they design May's agenda.

The second issue I need to share with you from our meeting yesterday is in regard to City Council's immediate intention with the proposal at issue. We have assurances that the proposed resolution will be deferred from Monday's meeting at least to May's meeting (4th). Unless directed otherwise, then, I will NOT be attending this Monday's Council meeting. I have been assured that one of the first orders of business Monday night will be to defer discussion of the proposal at issue.

Third, I need to report to you that a meeting is being organized between Council members (as authors of the proposed resolution), the Federal Monitor (the apparent cause of the proposed action), and representatives of the POB (those to whom the consequences of the proposed action would fall). The purpose of the meeting will be at least partially to clarify the Board's position/s regarding the form, substance, and consequences of the proposed resolution as currently conceived. We don't have a date for this meeting yet, but we will be kept "in the loop" from here-on, I suspect.

In summary. The POB should continue with the work we were commissioned to do as a third-party, neutral, civilian oversight board, which we began during our first meeting in March and which was unnecessarily disrupted in April. City Council will defer consideration of the proposed resolution until the POB has had a formal opportunity to air their concerns and to provide critical information to those who would be in favor of once again moving the goalposts in terms of POB "training" and in fact, of altering the fundamental assumptions underlying Albuquerque's commitment to the robust "investigative/auditor" model of civilian police oversight the Council both intended and commissioned. The organization of a meeting for this purpose, among the three concerned parties, is currently being pursued by City Council staff.

With great regard,

Maira

**From:** [Maira Amado-McCoy](#)  
**To:** [Hammer, Robin](#); [Cash, Paul](#); [christopherdavidson@cabq.gov](#); [eoneill@cabq.gov](#); [dmcdermott@cabq.gov](#); [pskotchdopole@cabq.gov](#); [Contreras, Michelle](#); [Maira Amado-McCoy](#); [jybaca.pob@gmail.com](#); [Eric Cruz](#); [Joanne Fine](#); [cabq.pob.mohr@gmail.com](#); [dzt3@juno.com](#); [Leonard Waites](#); [Scott Wilson](#); [nbullock@cabq.gov](#)  
**Subject:** Fwd: brief on meeting RE proposed resolution  
**Date:** Tuesday, April 28, 2015 5:12:17 PM

---

Dear Robin,

I'm taking a moment to resend my email of Saturday 18 April, (below) as it seems there might be some confusion RE some of the consequences of my discovery that the POB--as a body--was misled about the status of our work last month. I've drawn your attention as boldly as I am able in email, short of dancing leprechauns, to the paragraphs most relevant to what seems yet another misunderstanding or purposeful disregard.

Without rehashing what I've already said, please understand that the first order of business for the Case Review Committee is specifically to define the most reliable way to assure that cases come to us in a manner both appropriate and timely, and to prevent any further obstruction. We will also take this time to identify the cases that will be brought before the Board in May.

It would be wildly inappropriate for you to try to take a lead in this process, Robin, as the source of our concern is the very fact that we are now forced to question the accuracy and sufficiency of the information you've presented to us as factual in the past. We can probably both agree that this is a horribly unfortunate situation, but I think that ignoring our intentions, backpedaling, and equivocating won't help the situation in any way. Please understand that when I said we would be "vigilant," I was not grandstanding.

Please reread the highlighted paragraphs, below, and assure, to the best of your ability that you and your staff are ready to answer any case related questions that we might have next week.

The direction you received from the Personnel subcommittee yesterday will provide a good direction for these efforts until Scott and I (with Leonard's oversight) are able to provide you with a draft of the agenda. Your input will be welcome at that time, but it would be most useful to have staff review this draft as well, as they are, naturally, the closest to the heartbeat in terms of individual cases.

Most sincerely,

Maira

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

**From:** **Maira Amado-McCoy** <[amadamccoy.pob@gmail.com](mailto:amadamccoy.pob@gmail.com)>  
**Date:** Sat, Apr 18, 2015 at 3:36 PM  
**Subject:** brief on meeting RE proposed resolution  
**To:** [amadamccoy.pob@gmail.com](mailto:amadamccoy.pob@gmail.com), [jybaca.pob@gmail.com](mailto:jybaca.pob@gmail.com), [eric.huizar.cruz@gmail.com](mailto:eric.huizar.cruz@gmail.com), [joannefine413@gmail.com](mailto:joannefine413@gmail.com), [cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com), [dzt3@juno.com](mailto:dzt3@juno.com), Leonard Waites <[phamason.lw@gmail.com](mailto:phamason.lw@gmail.com)> ,

M003787

jswilsonpob@outlook.com, nbullock@cabq.gov, julianmoya@cabq.gov, "Cash, Paul" <pcash@cabq.gov>, christopherdavidson@cabq.gov, dmcdermott@cabq.gov, eoneil@cabq.gov, pskotchdopole@cabq.gov, "Hammer, Robin" <rhammer@cabq.gov>, mcontreras@cabq.gov

Dear POB Colleagues, CPOA staff members, and Ms. Hammer,

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I would ask that both Ms. Hammer and Mr. Cash (as analyst) be available to appear for the benefit of the Complaint Review Committee in this regard.

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With great regard,

Moir

**From:** [Nancy Koenigsberg](#)  
**To:** [pob@cabq.gov](mailto:pob@cabq.gov)  
**Cc:** [Nancy Koenigsberg](#)  
**Date:** Monday, April 27, 2015 3:31:10 PM  
**Attachments:** [Police Oversight Board attorney ltr \(2\).doc](#)

---

Ladies and Gentlemen of the Police Oversight Board:

Please see the attached letter regarding the POB's ability to secure independent legal counsel.  
Thank you for your consideration.

**Nancy Koenigsberg**

\*\*\*\*\*

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Nancy Koenigsberg  
317 Fontana Place NE  
Albuquerque, NM 87108

April 26, 2015

Re: Professional Legal Services for the Police Oversight Board

Dear Ladies and Gentlemen of the Police Oversight Board,

First, let me introduce myself. My name is Nancy Koenigsberg and I was a member of the Police Oversight Task Force (POTF) which drafted the recommendations for the City Council to consider when it passed the new Civilian Police Oversight Agency Ordinance. I am writing to focus your attention on a particular provision of the ordinance which I believe will be very helpful to the newly established Police Oversight Board (POB).

The POTF worked hard to assure the Civilian Police Oversight Agency and Board had independence from city government. The City Council adopted two very important POTF recommendations: 1. that the CPOA had its own budget and 2. that the Board had the ability to retain independent legal counsel rather than rely on an attorney whose salary is paid for by the City.

The POB will soon need Rules and Regulations to govern its operations. I believe this is exactly the kind task for which obtaining independent professional legal services, rather than legal services provided by a city employee, is not only appropriate but crucial. It appears the POB can indeed contract with an attorney to provide a particular legal service. The Ordinance says:

"Professional Legal Services. 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 authority of the City Attorney's Office. Sec. 9-4-1-4-A (3) (emphasis added)."

Because I believe so strongly that the POB should retain an attorney independent of city government to draft its Rules and Regulations, I have spoken with a professor at the UNM School of Law who is familiar with administrative law and procedure. He has a great deal of interest in seeing that the Police Oversight Board has a solid operational framework which well constructed Rules and Regulations would help create. He would be interested in discussing the possibility of working with the POB

on this project. If you would like to speak with him, please let me know and I will provide you his contact information.

If you choose not to meet with this individual, I strongly recommend you seek other independent counsel to draft the Police Oversight Board's Rules and Regulations.

Sincerely,

Nancy Koenigsberg

**From:** [Beth Mohr](#)  
**To:** [Nancy Koenigsberg](#)  
**Cc:** [pob@cabq.gov](mailto:pob@cabq.gov)  
**Subject:** Re:  
**Date:** Monday, April 27, 2015 4:48:07 PM

---

Ms. Koenigsberg,

Thank-you for your email. I am acting Chair right now and am responding in that role. The POB has placed an advertisement in the NM Bar Bulletin, which went to all licensed NM attorneys on April 23, 2015, which reads as follows:

***The Albuquerque Police Oversight Board is seeking a contract Independent Counsel to advise and represent the POB. Must be NM Bar member with experience in civil rights, police misconduct cases, criminal law, contract law, municipal regulations, Open Meetings Act/IPRA and union contracts. Contract thru June 30, 2015 with possible extension to June 2016. Submit letter of interest and CV by May 1<sup>st</sup> to Beth A. Mohr, POB Personnel Subcommittee Chair, at [cabq.POB.Mohr@gmail.com](mailto:cabq.POB.Mohr@gmail.com).***

If you know of anyone who might be interested in applying for the contract Independent Counsel position, please have them contact me as indicated above, by May 1, 2015.

Thank-you again, -Beth

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

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

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

On Mon, Apr 27, 2015 at 3:29 PM, Nancy Koenigsberg <[koenigsbergn@drmm.org](mailto:koenigsbergn@drmm.org)> wrote:

Ladies and Gentlemen of the Police Oversight Board:

Please see the attached letter regarding the POB's ability to secure independent legal counsel.

Thank you for your consideration.

M003793

**Nancy Koenigsberg**

\*\*\*\*\*

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**From:** Leonard Waites  
**To:** Nancy Koenigsberg  
**Subject:** Re:  
**Date:** Monday, April 27, 2015 7:35:34 PM

---

Thanks Nancy

On Apr 27, 2015 3:31 PM, "Nancy Koenigsberg" <[koenigsbergn@drmm.org](mailto:koenigsbergn@drmm.org)> wrote:

Ladies and Gentlemen of the Police Oversight Board:

Please see the attached letter regarding the POB's ability to secure independent legal counsel.

Thank you for your consideration.

**Nancy Koenigsberg**

\*\*\*\*\*

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**From:** [Nancy Koenigsberg](#)  
**To:** [Leonard Waites](#)  
**Subject:** RE: Re:  
**Date:** Wednesday, April 29, 2015 7:58:52 AM

---

You are welcome.

**Nancy Koenigsberg, Legal Director**  
Disability Rights New Mexico  
1720 Louisiana Blvd. NE, Suite 204  
Albuquerque, NM 87110  
Phone: (505) 256-3100 Fax: (505) 256-3184  
[nkoenigsberg@drnm.org](mailto:nkoenigsberg@drnm.org)  
New Mexico's protection and advocacy system

\*\*\*\*\*

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---

**From:** Leonard Waites [<mailto:phamason.lw@gmail.com>]  
**Sent:** Monday, April 27, 2015 7:36 PM  
**To:** Nancy Koenigsberg  
**Subject:** Re:

Thanks Nancy

On Apr 27, 2015 3:31 PM, "Nancy Koenigsberg" <[koenigsbergn@drnm.org](mailto:koenigsbergn@drnm.org)> wrote:  
Ladies and Gentlemen of the Police Oversight Board:

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**Nancy Koenigsberg**

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**From:** [Nancy Koenigsberg](#)  
**To:** [Beth Mohr](#)  
**Cc:** [pob@cabq.gov](mailto:pob@cabq.gov)  
**Subject:** RE: Re:  
**Date:** Wednesday, April 29, 2015 8:05:10 AM

---

Beth:

It looks like I didn't see that ad in the bar bulletin! Regardless, I'd also like the POB to consider a contract specifically for the task of developing the by-laws which would be limited to that work as opposed to being general counsel for the agency.

Thank you for your consideration and the best of luck to the POB.

**Nancy Koenigsberg, Legal Director**  
Disability Rights New Mexico  
1720 Louisiana Blvd. NE, Suite 204  
Albuquerque, NM 87110  
Phone: (505) 256-3100 Fax: (505) 256-3184  
[nkoenigsberg@drnm.org](mailto:nkoenigsberg@drnm.org)  
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---

**From:** Beth Mohr [<mailto:cabq.pob.mohr@gmail.com>]  
**Sent:** Monday, April 27, 2015 4:48 PM  
**To:** Nancy Koenigsberg  
**Cc:** [pob@cabq.gov](mailto:pob@cabq.gov)  
**Subject:** Re:

Ms. Koenigsberg,

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If you know of anyone who might be interested in applying for the contract Independent

M003797

Counsel position, please have them contact me as indicated above, by May 1, 2015.

Thank-you again, -Beth

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

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Thank you for your consideration.

**Nancy Koenigsberg**

\*\*\*\*\*

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**From:** Hammer, Robin  
**To:** Beth Mohr; David Ring; Eric H. Cruz; Hammer, Robin; Jeannette V. Baca; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Scott S. Wilson; "susanne.brown37@gmail.com"  
**Cc:** Bullock, Nicholas  
**Subject:** New Member Susanne Brown  
**Date:** Wednesday, April 29, 2015 8:20:37 AM

---

POB Members:

Here is the contact information for our newest member,

Dr. Susanne Brown

[Susanne.brown37@gmail.com](mailto:Susanne.brown37@gmail.com)

505-515-1204

300 Tulane Place NE, 87106

I will send out an updated Contact document for your records later today.

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>

M003799

**From:** Hammer, Robin  
**To:** Gonzalez, Arturo E.  
**Cc:** Gallegos, John C.; Jeannette V. Baca; David Ring; Leonard Waites  
**Subject:** Final materials for printing  
**Date:** Wednesday, April 29, 2015 10:10:57 AM  
**Attachments:** CPOA Brochure-color FINAL.pub  
CPOA Poster FINAL.pub  
CPOA Brochure B-W FINAL.pub

---

Commander:

Attached are the final version of the CPOA Complaint Process Brochures. Please use these versions for printing.

We created a Black and White and color version of the brochure. The Black and White version would be suitable for inexpensive copying, ie Xerox machines at substations.

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>

M003800

## THE CIVILIAN POLICE OVERSIGHT AGENCY

The Civilian Police Oversight Agency (CPOA) was established in 2014 after the City amended its Police Oversight Ordinance and replaced the former Police Oversight Commission and Independent Review Office. The CPOA provides citizens with an independent, impartial, investigatory body to investigate their complaints and compliments about Albuquerque Police Department employees.

This brochure will provide you with instructions on how to file your complaint or compliment with the CPOA and explain the investigatory process to you.

# The Civilian Police Oversight Agency

### Mailing Address:

CPOA, City of Albuquerque  
P.O. Box 1293, Albuquerque,  
NM 87103

### Physical Address:

600 2nd NW #813  
Albuquerque, NM, 87102  
(505) 924-3770

[www.cabq.gov/CPOA](http://www.cabq.gov/CPOA)

THE CITY OF  
ALBUQUERQUE

## Civilian Police Oversight Agency



An independent Agency of civilian professional investigators and community members who receive, investigate and review complaints, as well as compliments, about the Albuquerque Police Department. The Agency also reviews APD policies, practices, and procedures, making recommendations to the Chief of Police.

[www.cabq.gov/CPOA](http://www.cabq.gov/CPOA)  
505-924-3770



## Tell About Your Experience with the Albuquerque Police Department

**INPUT INFORMATION** There are many ways you can provide input; you can file a compliment (A Job Well Done Form) or a complaint (Citizen Police Complaint) about APD Employees. Complaints will be thoroughly investigated, findings made, and forwarded to the Chief of Police. You have the option of providing your input by several means:

- **Online**  
([www.cabq.gov/CPOA](http://www.cabq.gov/CPOA))
- **Written**  
(Mail or hand-deliver)
- **Fax** (505-924-3775)
- **Verbal**  
(to CPOA or APD employees)
- **Ask an APD supervisor, or**
- **TTY** (800-659-8331)

You can have someone else file a Complaint or Compliment for you and you can file on behalf of someone else. You may also file an anonymous Complaint or Compliment. Please keep in mind that anonymous Complaints are more difficult to investigate because we will not be able to contact you for more information.

Written complaint and compliment forms are located at the CPOA office, all APD facilities, public libraries, community centers, or by asking any uniformed APD Officer. You can also enter your input Compliment online at [www.cabq.gov/CPOA](http://www.cabq.gov/CPOA)

## INVESTIGATION PROCESS OF A COMPLAINT

You are encouraged to file complaints as soon as possible and with as much information in order to help make sure your allegations are thoroughly investigated and in a timely manner.

Regardless of how and when your complaint is received, it will be forwarded to the CPOA for investigation. Upon receipt of your complaint, the CPOA will notify you in writing, if you provided a contact address. APD Internal Affairs does not investigate citizen complaints. Complaints involving criminal allegations will be forwarded to the appropriate criminal agency to investigate the criminal allegation; however, the CPOA will still conduct an administrative investigation. Mediation may be encouraged, based on the nature of the allegation.

When the investigation is completed, the CPOA will notify you in writing of its findings. If you are unsatisfied with the CPOA's findings or recommendations or those of the Chief of Police, you may request a reconsideration within 30 days.

**If you file a complaint, it is unlawful and against APD Policies for anyone to retaliate against you for the filing of the complaint.**



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The POB typically meets on the 2nd Thursday of each month. Meeting schedules and Agendas can be found at [www.cabq.gov/CPOA](http://www.cabq.gov/CPOA)



# LET'S PUT "CO APD COMMUN

*Tell the Civilian Police  
About your Expe  
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*Your input is important to the  
(CPOA) and APD. If you have  
about APD employees, the CPOA*

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The CPOA's staff will investigate  
You have the option of providin

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(www.cabq.

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*Civilian Police Oversight Agency  
Experience with the  
Police Department*

*Civilian Police Oversight Agency  
something good or bad to say  
wants to hear from you!*

provide feedback about APD.  
it (A Job Well Done); or a  
Police Complaint).  
each fully and independently.  
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**e Forms**

.gov/CPOA)



- **Written**  
(Mail or ha
- **Fax** (505
- **Verbal St**  
(to CPOA or AF
- **Ask an API**
- **TTY** (800

You can have someone else file a Compliment or Complaint on your behalf. You may also file an anonymous Complaint. Note that anonymous Complaints are more difficult to investigate. If you need contact you for more information. **If you file a Complaint, you are protected by APD Policies for anyone to retaliate against you.**

Forms are located at the CPOA office, 600 West 10th Street, Suite 100, all APD facilities; City Hall; public libraries; police stations; or by asking any uniformed APD Officer. You can also file a Complaint entered online at [www.cabq.gov/CPOA](http://www.cabq.gov/CPOA)

*Questions? Call the Civilian Police Oversight Board at (505)924-3770 or APD Internal Affairs at (505)924-3770 or go to the CPOA Website at <http://www.cabq.gov/CPOA>*

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t you for the filing of the complaint.

2nd St. NW, #813;

community cen-  
er. Forms can be

ht Agency at

505)768-2880

ca/bq.gov/cpoa



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M003807



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**From:** Beth Mohr  
**To:** Eric Cruz; Hults, Samantha M.; Jenica Jacobi; Joanne Fine; jvbaca.pob@gmail.com; Leonard Waites; Moira Amado-McCoy; nbullock@cabq.gov; Scott Wilson, POB; susanne.brown37@gmail.com; dzr3  
**Subject:** Personnel Matter - Attorney-Client Privilege  
**Date:** Wednesday, April 29, 2015 11:57:07 AM

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Dear POB Members,

As many of you already know, the Staff of the CPOA has made serious allegations against Acting Interim Director (former IRO) Robin Hammer. The written and verbal complaints made against Ms. Hammer by her staff, allege various improper acts, and specifically allege subsequent retaliation against employees who have tried to bring these problems to light.

In my role as Acting Chair, and in consultation with City Attorney Samantha Hults, the Director of City Human Resources, Mr. Waites and Mr. Wilson of the Board, I have requested that the City undertake an investigation into these serious allegations. An independent investigator has been retained for this purpose.

Yesterday afternoon, I met with Ms. Hammer and delivered to her a letter informing her of the investigation and directing her to cooperate; she was further directed not to retaliate against employees as a result of this investigation. Ms. Hammer indicated that she will comply.

I have no idea what the outcome of the investigation will be, nor do I know what we as the Board that supervises Ms. Hammer, will be called upon to do in response in the coming days. Therefore, I wanted to make you aware of what was happening.

I feel confident in stating that we all joined this Board for what we hope to contribute toward the efforts of citizens in this community to provide oversight to the Albuquerque Police Department. The personnel issues within the CPOA, in my view, are distracting from our ability to work towards our common goal. That being said, these issues are also our responsibilities; it is my intention as your Acting Chair to deal with them in a way that is fair and proper, but which also expeditiously moves us toward resuming actual work towards our common goal.

This email is part of the attorney-client privilege with the City Attorney for the purposes of employment issues in anticipation of litigation. The attorney-client privilege means you may not forward or share this email with others; the appropriate forum for any discussion of this matter would be during an executive session of the POB at our next regularly scheduled meeting.

Thank-you for your service on this Board and to our community; I appreciate your continued confidence in me as Acting Chair. -B

Beth A. Mohr, Acting Chair  
Albuquerque Police Oversight Board

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

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

M003809

**From:** Beth Mohr  
**To:** [susanne.brown37@gmail.com](mailto:susanne.brown37@gmail.com); Leonard Waites  
**Subject:** Welcome from the Acting Chair  
**Date:** Wednesday, April 29, 2015 12:24:41 PM

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Dr. Brown - Welcome to the Police Oversight Board! I'm very glad that you're here, and I'm looking forward to working with you. I looked at your original application and was delighted to see that you have significant experience dealing with non-profit organizations and boards. I know that your experience and wisdom will be appreciated.

As you have probably gathered already, the Board is dealing with complex issues involving Ms. Hammer's performance of her job as Director, as well as her treatment of staff. I won't go into any details in this email, which is subject to IPRA and will no doubt eventually be part of the public record. Suffice it to say that we are working to get through this and get into our actual jobs here on the POB.

I'd like to take you to lunch or spend some time chatting prior to our next POB meeting. Mr. Waites has asked me to step in for a while as Acting Chair as he convalesces. I'm sure he would be delighted to speak with you, too; he is included on this email.

I am getting ready to travel out of town, but I have some availability the week of May 6th. As an alternative to lunch, we could also try to catch a quick dinner before the Citizen's Academy. I don't know if you'll be attending now, but Officer Saavedra suggested that you could start now and catch the remaining classes, and then be ready to graduate early once you've attended the beginning of the next Academy. You can reach Officer Sharon Saavedra at [ssaavedra@cabq.gov](mailto:ssaavedra@cabq.gov) if you'd like to speak with her about this. I'm sure you'll find her to be very responsive and helpful.

Thank-you again for your willingness to serve. You can reach me at this email, or at 505-450-2818. Thanks very much, -B

Beth A. Mohr, Acting Chair  
Albuquerque Police Oversight Board

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

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

**From:** Beth Mohr  
**To:** pob@cabq.gov  
**Subject:** Community Police Project  
**Date:** Wednesday, April 29, 2015 12:52:17 PM

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All: I thought you might be interested in the following study, the link takes you to a PDF of the complete study. -B

## Commuity Police Project - Completed Research

Dr. Matthew J Stiehm

In an effort to validate community policing effectiveness and best practices, the authors conducted a scholarly research project, based in the city of Columbia Heights, MN, involving a series of surveys and examining the historical data from 2008 to 2014. This paper will include a review of relevant criminal justice literature, and is a case-study in nature, with qualitative and quantitative data to evaluate practices employed by the Columbia Heights Police Department since 2008. The research team crafted a series of Likert scale surveys for police department employees, city employees, and key stakeholders to determine if there was a verifiable statistical significance to the community policing initiatives that the Columbia Heights Police Department implemented, adopted and employed to reduce crime and improve community partnerships. The city has recorded a 50% reduction in crime across the board from six years ago (CHPD, 2014). The research question is: have the strategies that have been implemented since 2008 improved law enforcement effectiveness and reduced crime? This paper will also provide a series of recommendations and lessons learned for other agencies that may be considering a transition to community oriented policing.

<http://www.ci.columbia-heights.mn.us/DocumentCenter/View/1821>

**[ci.columbia-heights.mn.us](http://www.ci.columbia-heights.mn.us)**

Beth A. Mohr, Acting Chair  
Albuquerque Police Oversight Board

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

**From:** Silvio Dell"Angela  
**To:** jhernandez@cabq.gov  
**Cc:** "Steven Robert Allen"  
**Subject:** Your first test for us to see whether you are just like Perry and Tourek or instead will serve us? The jury is out  
**Date:** Wednesday, April 29, 2015 1:16:56 PM  
**Attachments:** image002.png  
4-28-15EYE-BARS.doc  
Scan\_Doc0121.pdf  
1upsideownflag.doc

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Jessica

Copy also to many not shown

#### References

My 4/28 e-mail to you, subject "*The jury still out on you Ms. Hernandez-see some homework for you below*"

Today's Berry Journal editorial, '*Know rules of seizure road before turning a key*'

You have been on the job for a week and apparently you still can't be trusted to talk to the media. This time it's whether the city should comply with the recently passed amendment to the State Forfeiture Act.

Instead your Mayor remains in hiding and your real boss Perry, his little mob Consigiere is trotted out to claim some non-existent ambiguity in the legislation and will ask your legal department to analyze it and determine whether APD should comply.

What is also outrageous in the editorial is Berry Journal Editorial Board/writers claiming that it apparently implies that you should allow APD to continue to do what it is doing because it is "*part of the millions of dollars the program brings in pays the salaries of attorneys and staff one might look at as a jobs program of sorts.*"

So let's get this straight. You will be asked to analyze the current law for its applicability here knowing that it provides you money for continuing to not comply?

Are we fools? Will you be played for a fool by Berry and Perry-our own disgraceful Mutt and Jeff here.

See Scan 121. All that little thug Perry-one also for only the rich here shown with a top hat has to do is grow a mustache .

As ACLU's lead attorney Steven Robert Allen says that the intent of the Forfeiture Act change is clear-as likely you also know.

EXPOSING MORE PERRY AND EDEN LIES

M003812



At the last Council meeting, I called out both Berry and his little thug CAO Perry and APD Chief Eden for their B.S. and doubletalk (actually lying) to the Council when claiming the current toothless DOJ/City agreement justified not revealing to the public the beating of a citizen six weeks earlier on March 20 by thug cop Greer who like his complicit partner never recorded it.

The DOJ's disgraceful US attorney here Damon Martinez didn't have the guts to say publicly that both Eden and Perry had lied as there is nothing in the agreement justifying what they did.

Will the honest cadet who revealed the March 20 beating be honored by the city and Council as he should be?

Or will he instead be ignored and instead labeled a rat by APOA Union VP Willoughby as he/or an APOA Board member labeled cop Paul Heh for exposing the corruption by the former union president in Willoughby's 2013 memo to the rank and file?

#### **MORE LIES**

Eden and Perry also lied when claiming that the DOJ required that APD purchase of 350 AR-15 assault rifles for weapon standardization purposes. Another of Berry's mob Consiglieres-Cincinnati's (\$350/hour plus a lavish expense account) Scott Greenwood would also lie to the Council when claiming his new police oversight ordinance changes represented the desires of the DOJ..

This likely suggested by Eden practice of conveniently leaving their video and audio recorders off happens all of the time. We saw how Eden's killer cop Jeremy Dear and his equally disgraceful accomplice APD cop/Eden's PIO Tanner Tixier left their recorders off to hide the lies both had told. Another disgraceful Eden PIO Roseman tried to justify Dear's lack of a recordings with more lies.

Dear murdered the fleeing Mary Hawkes and afterwards Dear likely left this throw-down pistol next to Mary's dead body. The OMI report showing where the bullets entered her body also exposed Dear's and Tixier's lies.

#### **EDEN'S LATEST INSULT TO ALL HONEST RETIRED AND ON-DUTY APD OFFICERS**

My latest e-mail discussed KRQE's Tina Jensen's report of Eden's illegal placement of 16 bars on his uniform claiming 24 years of service in APD that it signifies. The posting also damns another disgraceful Eden PIO Celina Espinoza for her arrogance in Tina's demand to see the new SOP she claims justifies it. See the latest Eye on Albuquerque posting attached.

The disgraceful Eden who never even met the City's posted qualifications for the Chief's job and has proven this repeatedly since his hiring that he is incompetent should issue an apology and remove the bars. He insulted every good officer in APD.

Eden's Mayor and little Consigliere/CAO Perry didn't even trust Eden to be part of the reform

negotiations with the DOJ. Instead brought in Schultz's Taser Inc buddies, the disgraceful former Cincinnati police chief Tom Streicher at \$350/hour along with an equally dishonest buddy attorney Scott Greenwood to do the same stonewalling of any real change to APD.

Streicher fought and nail when the DOJ investigators tried to impose real changes to Streicher's own dangerous police department. This is exactly who Berry wanted him to do the same here and he succeeded-thanks to buddy Scott Greenwood and DOJ 's Damon Martinez.

#### JURY IS STILL OUT

The jury is still out on you Jessica. Will you show any integrity or be just another Perry and Tourek in order to keep your high paying job?

This is your first real test!

Regards

Silvio

For WE THE PEOPLE

P.S.

I have been banned from displaying the US flag upside down at Council meetings based on an asked for opinion by former Council President Sanchez of one of your corrupt staff attorneys who claimed it was just a banned banner-something it clearly is NOT. I served under this flag in the military for 22 years-one in Vietnam and it is a sign of distress here. DA Brandenburg said we are a city in crisis-the same thing

See the US flag Code attached. Will Council President Garduno have the courage to rescind that ban? Will you agree?





XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

This is right from the dictionary and seems to describe Albuquerque, Berry and Sonitz. **Fascism** (fash ,izem) noun an authoritarian right wing system of government and/or social organization. (In general use) extreme right wing, authoritarian, chauvinistic and/or intolerant views or practices. Fascism tends to include a belief in the supremacy of one group over another, national, ethnic, especially social strata or monetarily; a contempt for democracy, an insistence on obedience to a powerful leader, and a strong demagogic approach. *Compliments of one of our Eyes*

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Apr 28, 2015 EYE ON ALBUQUERQUE

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## **Corruption starts at the TOP and Trickles Down**

Recently KRQE 13 News reported on a blatant violation by Berry's selection for the APD Chief's position ([READ IT HERE](#)). According to 13 News Berry's Chief Gordon Eden is sporting service bars that represent 32 years of service with the Albuquerque Police Department. This is a violation of the APD policy. According to the story Eden was sporting 16 Gold Bars on his left sleeve which represents 32 years of service with the APD. We all know Eden should only be wearing a half of a bar which would represent his real time with APD; one year.

You will continue to hear it from the Eye On Albuquerque; corruption starts at the top and trickles its' way to the bottom. If Mayor Berry allows this type of disrespect and dishonor and Chief Eden is allowed to commit this type of disrespect and dishonor what is the message the lower rank and file are hearing?

The message is clear; I am better than you and I can do whatever I want without any consequences.

The example the old salts told us at coffee was; "This follows the same premise as why officers give citations for minor violations; it prevents or at a minimum deters the person from committing worse offenses." If this is true, this means Berry and Eden are or will be headed to commit worse violations. This also means the rest of the rank and file is learning from the Mayor and APD's Top Cop how bad behavior is accepted and rewarded. Berry is the boss and should initiate discipline immediately and set the correct tone. Gordon Eden should openly admit he was wrong, take his punishment, apologizes and goes on about his business of being the Chief.

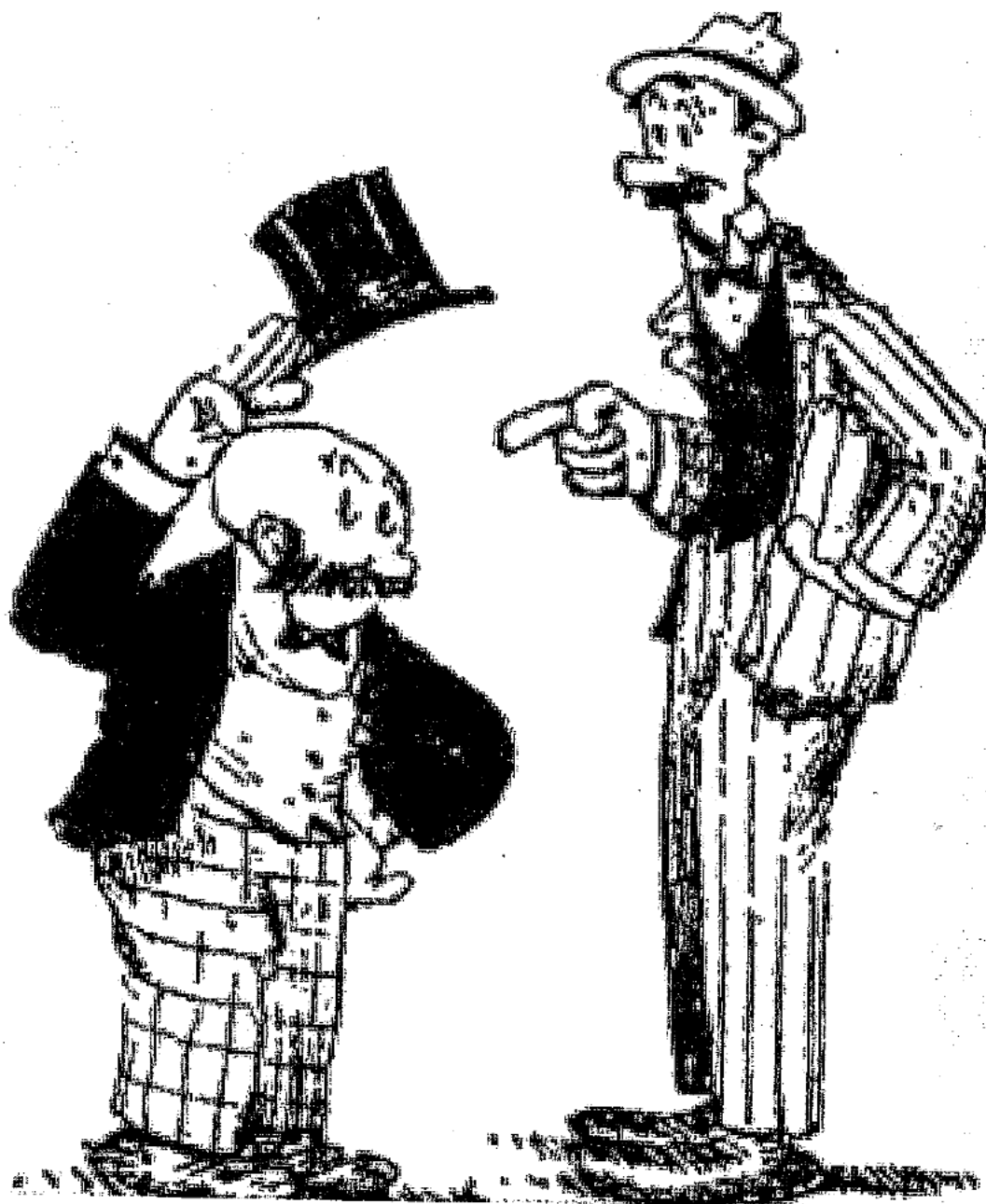
With Chief Eden at \$158,000.00 per year; the least he can do is follow a few simple rules and not make them up as he goes along...We feel obligated to mention the tacky cheap comment made to News 13 by APD's high dollar PIO. When asked for a current copy of APD's uniform policy, Espinosa replied, "You know how to file a public records request." That type of cheap and demeaning behavior may be acceptable in the "City Different" but it is considered unprofessional and trashy here in Burque.

Doesn't anyone have any morals anymore? Kudos to Captain Gilmore for standing up and saying what all the coppers told us they were feeling. We here at the Eye salute you Sir! Our Eyes tell us Captain Gilmore was a real cop and a real leader.

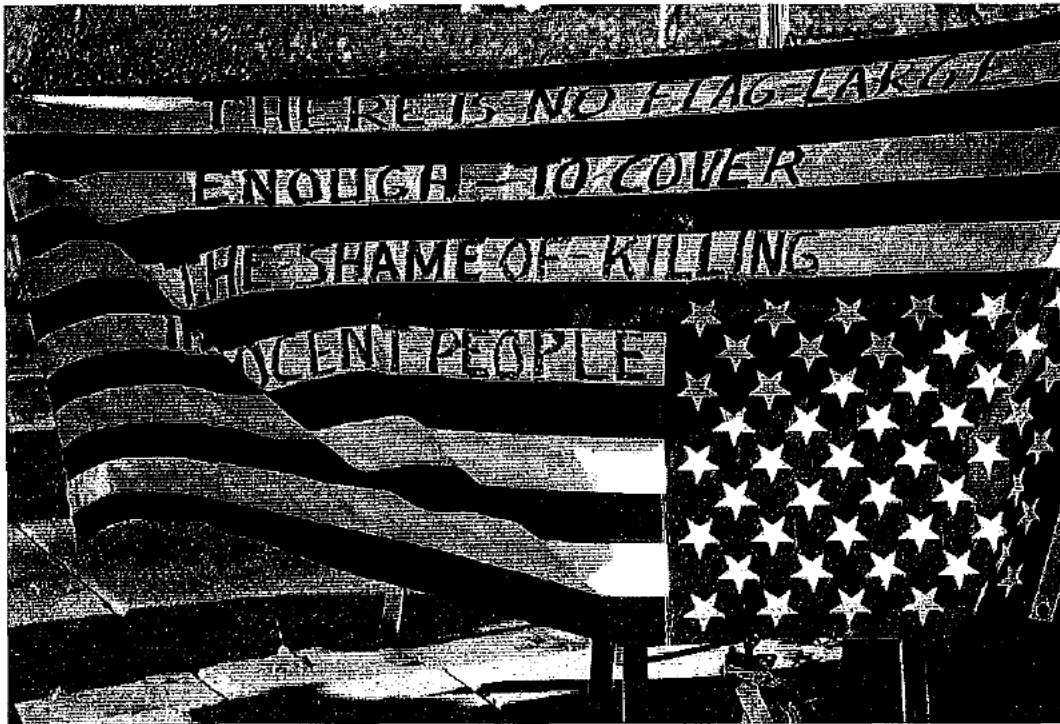
And then again; there are those who have an alter-ego, right Eden?

Posted by [Stealth](#) at 4/28/2015 09:52:00 PM 2 comments: [✉](#) [Links to this post](#)

Labels: [Berry](#), [Chief Gordon Eden](#)



**OUR OWN MUTT AND JEFF-PERRY AND BERRY**



## Why is the US Flag displayed Upside Down?



The upside down U.S. flag is an official signal of distress. It is not meant to be, and is not officially recognized as any type of disrespect when so displayed for the right reasons. To the contrary, here is the relevant part of the US Code of Laws regarding how to fly the flag when in distress:

### THE FLAG CODE

Title 36, U.S.C., Chapter 10

As amended by P.L. 344, 94th Congress

Approved July 7, 1976

§ 176. Respect for flag: No disrespect should be shown to the flag of the United States of America; the flag should not be dipped to any person or thing. Regimental colors, State flags, and organization or institutional flags are to be dipped as a mark of honor. (a) *The flag should never be displayed with the union down, except as a signal of dire distress in instances of extreme danger to life or property.* Most individuals who have served in the military service of our nation will (or should) recognize this signal. As a result of the many traitors and enemies we as a free people have, both foreign and domestic, as a result of the many unconstitutional acts, legislation and atrocities passed and/or committed against US citizens and their life, liberty and property, and as a result of policies that have allowed (and continue to allow) enemies of this nation to enter in large numbers through a porous border policy, I believe the life, liberty and property of US Citizens are in dire danger and distress.

**From:** Hammer, Robin  
**To:** Beth Mohr; David Ring; Eric H. Cruz; Hammer, Robin; Jeannette V. Baca; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Scott S. Wilson; susanne.brown37@gmail.com  
**Cc:** Yntema IV, Hessel E.; Bullock, Nicholas; Locher, Eric J.; DuBois, John E.  
**Subject:** Reminder of Open Meetings Act Training tonight from 5-7 pm  
**Date:** Wednesday, April 29, 2015 2:35:23 PM

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POB Members:

The Open Meetings Act Training put on by Foundation for Open Government will be held at Plaza del Sol, 600 2<sup>nd</sup> St NW, Basement Hearing Room, # 160 from 5-7 pm.

We will be videotaping the training. If you are not available attend the training, hopefully we will be able to provide a DVD of it.

Please let me know if you have any questions.

Thanks,  
Robin

**Robin S. Hammer, Esq.**

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**To:** Beth Mohr; David Ring; Eric H. Cruz; Hammer, Robin; Jeannette V. Baca; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Scott S. Wilson; susanne.brown37@gmail.com  
**Subject:** Updated Contact List sheet  
**Date:** Wednesday, April 29, 2015 2:59:18 PM  
**Attachments:** POB Contact Info 4-29-15.doc

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Attached is the updated POB Members Contact List sheet with the addition of Dr. Susanne Brown.

Thanks,

Robin

**Robin S. Hammer, Esq.**

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**Civilian Police Oversight Agency  
POLICE OVERSIGHT BOARD  
April 29, 2015**

<b>Name</b>	<b>Term</b>
<b>Dr. Moira Amado-McCoy</b> 2804 Maximillian Rd. NW Albuquerque, NM 87104 Phone number: (505) 553-1818 <a href="mailto:amadomccoy.pob@gmail.com">amadomccoy.pob@gmail.com</a>	Appointed 02/02/2015  Expires 02/02/2016
<b>Dr. Jeannette Baca</b> 4516 Tres Vistas Rd. NW Albuquerque, NM 87120 Phone number: (505) 573-1439 <a href="mailto:jvbaca.pob@gmail.com">jvbaca.pob@gmail.com</a>	Appointed 02/02/2015  Expires 02/02/2016
<b>Dr. Susanne Brown</b> 300 Tulane Place NE, Albuquerque, NM 87106 Phone number: 505-515-1204 <a href="mailto:Susanne.brown37@gmail.com">Susanne.brown37@gmail.com</a>	Appointed 4/20/2015  Expires 02/02/2018
<b>Eric H. Cruz</b> 7220 Central Ave. SE Apt. 1086 Albuquerque, NM 87108-2069 Phone number: (505) 804-2536 <a href="mailto:eric.huizar.cruz@gmail.com">eric.huizar.cruz@gmail.com</a>	Appointed 02/02/2015  Expires 02/02/2016
<b>Joanne Fine</b> 13012 Glenwood Hills Ct. NE Albuquerque, NM 87111 Phone number: (505) 350-2531 <a href="mailto:joannefine413@gmail.com">joannefine413@gmail.com</a>	Appointed 02/02/2015  Expires 02/02/2017
<b>Beth A. Mohr</b> 933 San Mateo Blvd. NE Ste. 500-151 Albuquerque, NM 87108 Phone number: (505) 450-2818 <a href="mailto:CABQ.POB.Mohr@gmail.com">CABQ.POB.Mohr@gmail.com</a>	Appointed 02/02/2015  Expires 02/02/2017
<b>Rev. Dr. David Z. Ring III</b> 5901 Wyoming Blvd. NE Ste. J-300 Albuquerque, NM 87109 Phone number: (505) 412-3950 <a href="mailto:dzr3@juno.com">dzr3@juno.com</a>	Appointed 02/02/2015  Expires 02/02/2017
<b>Leonard Waites</b> 4504 Martinsburg NW Albuquerque, NM 87120 Phone number: (505) 975-4951 <a href="mailto:phamason.lw@gmail.com">phamason.lw@gmail.com</a>	Appointed 02/02/2015  Expires 02/02/2018
<b>Jeffrey Scott Wilson</b> 10404 Rayner Dr. NW Albuquerque, NM 87114 Phone number: (505) 250-2134 <a href="mailto:jswilsonpob@outlook.com">jswilsonpob@outlook.com</a>	Appointed 02/02/2015  Expires 02/02/2018

**Civilian Police Oversight Agency  
POLICE OVERSIGHT BOARD  
April 29, 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

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**Michelle Contreras, Senior Administrative Assistant**

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**Paul Skotchdopole, Assistant Lead Investigator**

**Diane McDermott, Investigator**

**Christopher Davidson, Investigator**

**Erin O'Neil, Investigator**

**Paul Cash, Analyst**

Physical Address:

Plaza del Sol Building

600 2nd Street NW, Suite 813

Albuquerque, NM 87102

Mailing Address:

CPOA

City of Albuquerque

P.O. Box 1293

Albuquerque, NM 87103

**From:** [Silvio Dell'Angela](#)  
**To:** [Silvio Dell'Angela](#)  
**Subject:** Yes-we are a city in crisis and distress as my upside down US flag signifies. This investigation of the corrupt APD public records unit too little and too late-Chief Eden. Just more damage control?  
**Date:** Wednesday, April 29, 2015 8:34:47 PM  
**Attachments:** [IPRA requests-Banks.doc](#)  
[APD-IPRAstonewalling.doc](#)  
[AFP-APD'sChavez.pdf](#)

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**TO: All-sent this Bcc**

See the KOB report below and some latest examples of stonewalling of my NM IPRA requests by APD's records custodians attached.

Reynaldo Chavez and David Torres are assumed to be two of the three put on administrative leave.

The third should be Chief Eden himself who sanctioned this stonewalling that was also blessed by both Perry and Berry Deputy Chief Roseman was also quoted by Chavez as claiming that an earlier IPRA request reply to me could not be satisfied providing a bogus IPRA paragraph.

Sometimes they don't even respond to me even with the typical bogus excuses for not complying.

See my six first submitted to Chief Banks almost two years ago on July 27, 2013 and then repeatedly to Chief Eden and Chavez who ignored them.

One of the six on July 27, 2013 was to expose the fact that two APD cops murdered homeless Vincent Wood, an African-American fellow Vietnam vet in early July 2013 where videos were made.

Also see the attached two articles in the ABQ Free Press documenting the history of the disgraceful Reynaldo Chavez.

Joe Monahan hit the nail on the head.

Yet it's not surprising that this defiance of the IPRA was not even mentioned in the toothless DOJ/City APD reform agreement blessed irresponsibly by Judge Brack that also made the tax wasting \$4.5 million monitor James Ginger powerless. It's a complete waste of our tax dollars to hire Ginger.

Silvio

For WE THE PEOPLE

### 3 members of APD public records unit under investigation, placed on administrative leave

Updated: 04/29/2015 5:18 PM | Created: 04/29/2015 5:07 PM By: Blair Miller, KOB.com

Three members of the Albuquerque Police Department's public records unit have been placed on administrative leave while the department investigates allegations of "unprofessional conduct, workplace safety and inadequate supervision" the department says "have impacted the efficiency and effectiveness of the [Inspection of Public Records Act (IPRA)] Unit."

Javier Urban will be the acting Records Custodian for the department. There are seven members of the public records unit; the suspensions cut that number to four, according to APD.

The department says it will not release any more information at this time because the investigation is into personnel matters.

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Joe Monahan: APD - cultural rot - not Baltimore, but rogue behavior continues

<http://www.joemonahansnewmexico.blogspot.com/>

#### Tuesday, April 28, 2015 We're Not Baltimore But APD Saga Goes On And On, Plus: The Pope's Pick For NM Readies An Agenda

Well, at least we're not Baltimore. Over there they're taking it to the streets in a most violent way over actions of their police department. Our city's protests last year over the APD killing of James Boyd had tense moments, but nothing like what's happening back East. Still, the APD saga goes on, with Chief Eden saying the most recent revelation over an officer's misconduct fills him with "total disgust." You might agree: *Police found Adrian Marthell, who was intoxicated and in possession of marijuana cigarettes, according to a criminal complaint. While Marthell was sitting on a curb outside the motel, (Officer) Greer is accused of punching him in the head causing his head to slam against the pavement. He also punched the man in the ribs, which caused bruising, according to the complaint . . . Greer allegedly pulled Marthell's arm toward his shoulder, causing pain. Greer asked Marthell "who's the man?" several times, until Marthell responded "You are the man," in obvious pain, according to the complaint. That punk behavior--as in "who's the man"--*



reveals that the cultural rot at APD that brought the US Justice Department in here and which has given us--like Baltimore--the proverbial back eye--still spreads its putrid odor. And one senses that the community-at-large--not just those who have been in the vanguard of the protest movement--is tiring of it. The City Council finding some hind legs by delaying approval of a multi-million dollar contract for the federal monitor hired to oversee APD reform is one sign. All three TV stations being in battle mode with APD over accessing information is another. 2010 Republican gubernatorial candidate and veteran businessman Doug Turner told us a few months ago he was baffled as to why it is taking so long to set APD right given that it is a department with less than 900 officers. It's not as though we're dealing with LAPD here. Yes, any culture--large or small--takes time to change but it's not as if Mayor Richard Berry hasn't had over 5 years to get it right. He has and still the rogue behavior continues. A hopeful sign in this most recent case of abuse is that it was reported by an APD cadet. Maybe we should make that young man the new APD chief or even Mayor. It is his kind of courage and forthrightness that is needed to end our city's too long nightmare.

**From:** Silvio Dell'Angela [mailto:Dellansi@comcast.net]

**Sent:** Saturday, July 27, 2013 3:43 PM

**To:** 'abanks@cabq.gov'

**Cc:** 'cityclerk@cabq.gov'; 'lhoffman@cabq.gov'; 'kensanchez@cabq.gov'; 'ibenton@cabq.gov'; 'bwinter@cabq.gov'; 'reygarduno@cabq.gov'; 'dharris@cabq.gov'; 'rmeyers@cabq.gov'; 'winter@aps.edu'; 'Jarnold-jones@cabq.gov'; 'eromero@cabq.gov'; 'ddolan@cabq.gov'; 'jessicagonzaless@cabq.gov'; 'julianmoya@cabq.gov'; 'tduran@cabq.gov'; 'mhoranburg@cabq.gov'; 'lmason@cabq.gov'; 'ygallegos@cabq.gov'; 'azizachavez@cabq.gov'; 'trudyjones@cabq.gov'; 'danlewis@cabq.gov'; 'lewisforabq@gmail.com'; 'saramancini@cabq.gov'

**Subject:** NM IPRA Request Listing of Officers issued new audio/video recorders made by TASER and procurement documentation showing when received

## **TO: Interim (to be sworn in next week) APD Chief Banks**

IAW the NM IPRA, request within the prescribed 15 days (August 12) the opportunity to review

- a. The listing of all APD officers issued the new audio/video recorders made by TASER including date issued.
- b. The procurement documents showing when received and total cost to taxpayer to include supporting software and other associated interface equipment
- c. The SOP(s) requiring their use

I await your prompt response

Regards,

Silvio Dell'Angela

**Stop Police Atrocities NOW**

P.S.

### Councilors

Pass to your POC appointees as the recording capability of officers who are the subject of CPCs and shooting cases is relevant to evaluating the adequacy of IRO and APD conducted investigations and also in their decision process. These TASER Company made recordings currently never asked for during investigations considered by the POC.

-----  
**From:** Silvio Dell'Angela [mailto:Dellansi@comcast.net]

**Sent:** Saturday, July 27, 2013 3:41 PM

**To:** 'abanks@cabq.gov'

**Cc:** 'cityclerk@cabq.gov'; 'lhoffman@cabq.gov'; 'kensanchez@cabq.gov'; 'ibenton@cabq.gov'; 'bwinter@cabq.gov'; 'reygarduno@cabq.gov'; 'dharris@cabq.gov'; 'rmeyers@cabq.gov'; 'winter@aps.edu'; 'Jarnold-jones@cabq.gov'; 'eromero@cabq.gov'; 'ddolan@cabq.gov'; 'jessicagonzaless@cabq.gov';

'julianmoya@cabq.gov'; 'tduran@cabq.gov'; 'mhoranburg@cabq.gov'; 'lmason@cabq.gov';  
'ygallegos@cabq.gov'; 'azizachavez@cabq.gov'; 'trudyjones@cabq.gov'; 'danlewis@cabq.gov';  
'lewisforabq@gmail.com'; 'saramancini@cabq.gov'

**Subject:** NM IPRA request for updated lapel recorder information

**TO: Interim (to be sworn in next week) APD Chief Banks**

IAW the NM IPRA, request within the prescribed 15 days (August 12) the opportunity to review

- a. An updated listing of all APD officers issued the lapel audio-video recorder including date issued.
- b. The procurement documents showing when received and total cost to taxpayer to include supporting software and other associated interface equipment
- c. The SOP(s) requiring their use

I await your prompt response

Regards,

Silvio Dell'Angela

**Stop Police Atrocities NOW**

P.S.

Councilors

Pass to your POC appointees as the recording capability of officers who are the subject of CPCs and shooting cases is relevant to evaluating the adequacy of IRO and APD conducted investigations and also in their decision process.

-----  
**From:** Silvio Dell'Angela [mailto:Dellansi@comcast.net]

**Sent:** Saturday, July 27, 2013 3:38 PM

**To:** 'abanks@cabq.gov'

**Cc:** 'cityclerk@cabq.gov'; 'info@nmfog.org'; 'kensanchez@cabq.gov'; 'lbenton@cabq.gov';  
'bwinter@cabq.gov'; 'reygarduno@cabq.gov'; 'dharris@cabq.gov'; 'rmeyers@cabq.gov'; 'winter@aps.edu';  
'Jarnold-jones@cabq.gov'; 'eromero@cabq.gov'; 'ddolan@cabq.gov'; 'jessicagonzaless@cabq.gov';  
'julianmoya@cabq.gov'; 'tduran@cabq.gov'; 'mhoranburg@cabq.gov'; 'lmason@cabq.gov';  
'ygallegos@cabq.gov'; 'azizachavez@cabq.gov'; 'trudyjones@cabq.gov'; 'danlewis@cabq.gov';  
'lewisforabq@gmail.com'; 'saramancini@cabq.gov'; 'lhoffman@cabq.gov'

**Subject:** NM IPRA Request for Officers issued Tasers, procurement information and pertinent SOP(s)

**TO: Interim (to be sworn in next week) APD Chief Banks**

IAW the NM IPRA, request within the prescribed 15 days (August 12) the opportunity to review

M003827

- a. The listing of all APD officers issued Tasers including date issued.
- b. The procurement documents showing when received and total cost to taxpayer to include supporting software and other associated interface equipment
- c. The SOP(s) requiring their use

I await your prompt response

Regards,

Silvio

**Stop Police Atrocities NOW**

P.S.

**Councilors**

Pass to your POC appointees as this non-lethal Taser capability of officers who are the subject of CPCs and shooting cases is relevant to evaluating the adequacy of IRO and APD conducted investigations and also in their decision process.

-----  
**From:** Silvio Dell'Angela [mailto:Dellansi@comcast.net]

**Sent:** Saturday, July 27, 2013 3:35 PM

**To:** 'abanks@cabq.gov'

**Cc:** 'cityclerk@cabq.gov'; 'lhoffman@cabq.gov'; 'info@nmfog.org'; 'kensanchez@cabq.gov'; 'ibenton@cabq.gov'; 'bwinter@cabq.gov'; 'reygarduno@cabq.gov'; 'dharris@cabq.gov'; 'rmeyers@cabq.gov'; 'winter@aps.edu'; 'Jarnold-jones@cabq.gov'; 'eromero@cabq.gov'; 'ddolan@cabq.gov'; 'jessicagonzales@cabq.gov'; 'julianmoya@cabq.gov'; 'tduran@cabq.gov'; 'mhoranburg@cabq.gov'; 'lmason@cabq.gov'; 'ygallegos@cabq.gov'; 'azizachavez@cabq.gov'; 'trudyjones@cabq.gov'; 'danlewis@cabq.gov'; 'lewisforabq@gmail.com'; 'saramancini@cabq.gov'

**Subject:** NM IPRA Request for Video Crime Center and Radio equipment and related SOPs

**TO: Interim (to be sworn in next week) APD Chief Banks**

IAW the NM IPRA, request within the prescribed 15 days (August 12) the opportunity to review

- a. The SOP(s) requiring each APD area command to record all officer radio transmissions on their assigned nets.
- b. A listing of the officers issued these tactical radios and when issued
- c. The SOP governing the operation of the Video Crime Center (VCC) and SOP(s) providing guidance governing the deployment of the pole mounted deployable records



- d. The procurement documents showing the equipment associated with the Video Crime Center to include the deployable pole mounted camera system

I await your prompt response

Regards,

Silvio

**Stop Police Atrocities NOW**

P.S.

Councilors

Pass to your POC appointees as how and where deployment of the VCC's mobile camera systems as well as required recording of radio transmissions should be known by them in evaluating the adequacy of IRO and APD conducted investigations of CPCs and shooting cases and also relevant to their decision process. Currently they are not even mentioned during the investigations considered by the POC.

-----  
**From:** Silvio Dell'Angela [mailto:Dellansi@comcast.net]

**Sent:** Saturday, July 27, 2013 3:24 PM

**To:** 'abanks@cabq.gov'

**Cc:** 'cityclerk@cabq.gov'; 'lhoffman@cabq.gov'; 'kensanchez@cabq.gov'; 'ibenton@cabq.gov'; 'bwinter@cabq.gov'; 'danlewis@cabq.gov'; 'reygarduno@cabq.gov'; 'dharris@cabq.gov'; 'lewisforabq@gmail.com'; 'rmeyers@cabq.gov'; 'winter@aps.edu'; 'Jarnold-jones@cabq.gov'; 'eromero@cabq.gov'; 'ddolan@cabq.gov'; 'jessicagonzales@cabq.gov'; 'saramancini@cabq.gov'; 'julianmoya@cabq.gov'; 'tduran@cabq.gov'; 'mhoranburg@cabq.gov'; 'lmason@cabq.gov'; 'ygallegos@cabq.gov'; 'azizachavez@cabq.gov'; 'trudyjones@cabq.gov'; 'info@nmfog.org'

**Subject:** NM IPRA request for information including SOPs related to helmet mounted recorders now in use by SWAT and other officers

**TO: Interim (to be sworn in next week) APD Chief Banks**

IAW the NM IPRA, request within the prescribed 15 days (August 12) the opportunity to review

- a. The listing of all APD officers issued the new helmet mounted audio/video recorders worn by SWAT and other officers including date issued.
- b. The procurement documents showing when received and total cost to taxpayer to include supporting software and other associated interface equipment

c. The SOP(s) requiring their use

I await your prompt response

Regards,

Silvio Dell'Angela

Stop Police Atrocities NOW

P.S.

**Councilors**

Pass to your POC appointees as recording capability of SWAT and other officers who are the subject of CPCs and shooting cases is relevant to evaluating the adequacy of IRO and APD conducted investigations and in their decision process. APD's helmet mounted recorders currently never mentioned in investigations considered by POC.

---

**From:** Silvio Dell'Angela [mailto:Dellansi@comcast.net]

**Sent:** Saturday, July 27, 2013 12:02 PM

**To:** 'abanks@cabq.gov'

**Cc:** 'community.albuquerque@usdoj.gov'; 'Chavez, Reynaldo L.'; 'cityclerk@cabq.gov'; 'info@nmfog.org'; 'kensanchez@cabq.gov'; 'jbenton@cabq.gov'; 'bwinter@cabq.gov'; 'danlewis@cabq.gov'; 'reygarduno@cabq.gov'; 'dharris@cabq.gov'; 'lewisforabq@gmail.com'; 'rmeyers@cabq.gov'; 'winter@aps.edu'; 'Jarnold-jones@cabq.gov'; 'eromero@cabq.gov'; 'ddolan@cabq.gov'; 'jessicagonzaless@cabq.gov'; 'saramancini@cabq.gov'; 'julianmoya@cabq.gov'; 'tduran@cabq.gov'; 'mhoranburg@cabq.gov'; 'lmason@cabq.gov'; 'ygallegos@cabq.gov'; 'azizachavez@cabq.gov'; 'trudyjones@cabq.gov'; 'info@petedinelli.com'; 'The Eye on Albuquerque'; 'Joe Monahan'; 'dherrera@abqjournal.com'

**Subject:** NM Inspection of Public Records Act (IPRA) request-APD recordings of Vincent Wood killing

**TO: Interim (to be sworn in next week) APD Chief Banks**

IAW the NM IPRA, request within the prescribed 15 days (August 12) the opportunity to review the lapel audio/video recordings, belt audio recordings and recordings made at the APD Area Headquarters of the radio transmissions made by the two officers involved in the recent killing of Vincent Wood-a Vietnam veteran with PTSD.

Also please indicate when the TASERS were issued to each officer and confirm that each of the two had one prior to the killing.

I just want to see and hear the recordings of the events leading up to and the actual shooting that the media said were made-no edited versions please and none that were made afterwards.

This is public information under the IPRA as you know. I am not interested in seeing the CAD or anything else.

M003830

Since you will be Chief next week within the required 15 day IPRA response time, this is being sent to you.

As you also know a lawsuit will be filed by the family against APD for what they feel is an unjustified killing. I am anxious to see whether this is true or not. Likely you know.

You are also aware that of the nine shots into Wood, some were into his back-unlike the version of the shooting Chief Schultz told the media during his press conference.

You also read today's Journal editorial that tells us some there are finally "getting it." See "9 shots puts judicious use of force in question" on Page A6 of July 27, 2013 issue of Albuquerque Journal

If you are indeed an "independent thinker" as some say you are, I'm sure you also "get it" and want both transparency and accountability in what your officers do-unlike Chief Schultz.

I assume this killing will also be considered by the POC in the near future.

Likely others as well as I wonder why the CPC against Officer Roberto wasn't sent to the POC before she was fired. I understand IRO investigator (former Belen police chief) Paul Scottdopole who has come under a lot of criticism for his APD-biased investigations had investigated this alleged charge against Officer Roberto. Is this seemingly premature firing of Roberto of any concern to you?

I await your prompt response

Regards,

Silvio

Stop Police Atrocities NOW  
296 3241

P.S.

Councilors:

Pass copy to your POC appointees

**From:** Chavez, Reynaldo L. [mailto:chavezr@cabq.gov]  
**Sent:** Monday, April 20, 2015 1:38 PM  
**To:** Dellansi@comcast.net  
**Subject:** NM Inspection of Public Records Act-IPRA Request and US Freedom of Information Act-FOIA requests-RE the alleged excessive force by two officers against a citizen on March 20

Dear Mr. Dell'Angela,

This email will acknowledge receipt of your public records request dated Saturday, April 18, 2015 and received by my office on Monday April 20, 2015. Please be advised we are reviewing your request to determine what public records are responsive and whether any exceptions to their production apply. We will continue our review and contact you prior to the expiration of fifteen (15) days from the receipt of your request.

Please note: providing a case number with your request will help expedite the retrieval and provision of the requested material.

Please do not hesitate to contact me if you have any questions or comments.

NOTE: Please be advised Mr. Torres is not a records custodian sir.

Kind regards,

Reynaldo L. Chavez  
APD Records Custodian/IPRA Manager  
Office: (505) 768-2007  
Cell: (505) 235-2160  
[chavezr@cabq.gov](mailto:chavezr@cabq.gov)

**From:** Silvio Dell'Angela [mailto:Dellansi@comcast.net]  
**Sent:** Saturday, April 18, 2015 4:17 PM  
**To:** Eden, Gorden  
**Cc:** Chavez, Reynaldo L.; Torres, David L.; City Clerk Staff; Mayor Berry; [info@nmfog.org](mailto:info@nmfog.org); 'Peter Simonson'; [info@nmfog.org](mailto:info@nmfog.org); [Damon.Martinez@usdoj.gov](mailto:Damon.Martinez@usdoj.gov); [Vanita.Gupta@usdoj.gov](mailto:Vanita.Gupta@usdoj.gov); [tammy.peter@ic.fbi.gov](mailto:tammy.peter@ic.fbi.gov); 'Hermilla, Nelson (CRT)'; Huntsman, Robert Y.; [KBrandenburg@da2nd.state.nm.us](mailto:KBrandenburg@da2nd.state.nm.us); POB; Hammer, Robin; [PMRinc@mac.com](mailto:PMRinc@mac.com)  
**Subject:** NM Inspection of Public Records Act-IPRA Request and US Freedom of Information Act-FOIA requests-RE the alleged excessive force by two officers against a citizen on March 20

**TO: Chief Eden and to your two records custodians Chavez and Torres shown**

(Info to those shown and others not shown including the media.)

IAW the NM IPRA, request I be allowed to review all recordings made and other documentation that you have and also made available to the offices of the US Attorney and FBI regarding the alleged excessive force against an unnamed citizen that occurred over four weeks ago on March 20 as reported by an honest APD whistleblower and discussed in the Journal article shown below and in other news sources.

My April 16 e-mail to you, DOJ, FBI, Mayor Berry, City Councilors and to many others including the media also commented on the indefensible statements made by you and Mayor Berry to the April 17 article below that attempted to justify keeping this excessive force incident secret from the public, claiming that was done solely to protect the whistleblower. This whistleblower should be honored-not kept anonymous. All in APD already know just who this honest whistle blower is (one source said it was an APD cadet) so your excuse in the article below to have someone other than your Internal Affairs and the Police Oversight Agency investigate this egregious punishable act that was leaked to KOB is clearly indefensible.

As Chief it is also your responsibility (as is the Mayor's) to see any recordings made by the two officers and whistleblower as well as other documentation of the incident as have those in APD's Internal Affairs.

Please respond within the prescribed 15 days to include any reasons why no recordings exist or will not be provided.

I not only await your prompt reply to this request as well as replies to all of the other NM IPRA requests never complied with beginning with the six sent on July 27, 2013 that included the recordings of the killing in early July of homeless Vietnam vet with PTSD Vincent Wood. See attached six IPRA requests once again that apparently are too incriminating to comply with.

Thank you

Silvio Dell'Angela  
For WE THE PEOPLE

---

**TO the Offices of the US Attorney for NM and FBI**

IAW the US Freedom of Information Act (FOIA) request you also allow me to review the recordings made and other materials turned over to you by APD regarding this egregious use of excessive force against a citizen on March 20.

Also indicate also cite any specific requirement in your recent APD reform agreement with the City that requires that you do such secret investigations of just those egregious

excessive force acts reported by whistleblowers. In reading the agreement, I note no such requirement justifying that either of your offices doing this investigation.

Citizens have noted that in the past APD also claimed that the DOJ required their purchase of 350 AR-15, something your office denied. Also that the mayor's hired negotiator Scott Greenwood would claim to the City Council that his changes to the new police oversight ordinance represented your DOJ specific changes-something your office also denied.

I think citizens expect you to put an end to this misrepresentation of their agreements with you on these and a variety of matters regarding APD and be a part of the solution rather than part of the problem with APD here.

I await your prompt reply as likely do the media reporters provided copies of this e-mail.

Thank you

Silvio Dell'Angela  
For WE THE PEOPLE

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*Feds are investigating report of excessive force by APD"*

*By Ryan Boetel / Journal Staff Writer PUBLISHED: Wednesday, April 15, 2015 at 12:05 am*

*Albuquerque police Chief Gorden Eden said Tuesday that in order to protect the whistleblower who accused two Albuquerque police officers of using excessive force, the department has referred the investigation to outside law enforcement agencies. Eden said in an interview Tuesday that the two officers are on paid administrative leave after another employee reported to a supervisor seeing the officers use excessive force. He announced the investigation in a YouTube video posted Monday evening. "In the settlement agreement, it says the Albuquerque Police Department will do everything it can to prevent retaliation against people who report official misconduct," Eden told the Journal. "My duty as police chief is to protect the person who came forward with that information to make sure there is no retaliation." Police only have said the incident occurred March 20 and involved two Albuquerque police officers, whom the department hasn't named. Eden said another employee witnessed the incident. Eden said as soon as he learned of the investigation, he notified federal law enforcement agencies and asked them and New Mexico State Police to investigate. The U.S. Attorney's Office confirmed it is reviewing the incident. "In accordance with the Settlement Agreement between the United States and the City of Albuquerque, APD recently referred a matter involving allegations of excessive use of force by APD officers to the Department of Justice and U.S. Attorney's Office," a U.S. Attorney's Office spokeswoman said in a prepared statement. "The U.S. Attorney's Office confirms that, together with the FBI, it is reviewing this matter for potential criminal investigation." The settlement agreement was reached after the DOJ investigated the Albuquerque Police Department and found it had a practice of using excessive force. Eden said he made the*

*announcement on YouTube because there were rumors about the investigation circulating inside and outside the department. "There was misinformation going out," he said. "I felt it was important to get (some information) out there immediately." Eden said he used social media instead of discussing the case with local media or at a press conference because he wasn't going to answer any questions. It doesn't mean we're changing policy or procedures within the department," Eden said of the YouTube post. "All it means is that we are using social media as an avenue to provide information. After being briefed by police, Mayor Richard Berry said he was confident that Eden made the right decision with the YouTube post. "It's always a balance. We tried something new," Berry said. "Maybe there's some lessons there ... that we can do better next time."*

**From:** Chavez, Reynaldo L. [mailto:chavezr@cabq.gov]

**Sent:** Wednesday, April 08, 2015 9:36 AM

**To:** Dellansi@comcast.net

**Subject:** Completed and Closed 4/8/2015 IPRA/CIT/DELL'ANGELA/Taxpayer cost to honor officer John Kelly and his autopsy report

**Dear Mr. Dell'Angela,**

**This email will acknowledge completion of your public records request dated April 3, 2015 in which you requested the following:**

1. IAW the NM IPRA, request you provide me with the cost to taxpayers including the sources of those funds to honor John Kelly over the past week.
2. Also provide a copy of his autopsy report showing Kelly's cause of death before he was cremated, something that would reveal whether he had a known heart condition that should have contributed to his sudden death since he was never under stress.

**There is no responsive information available for Item #1.**

**As far as Item #2, you may wish to contact OMI.**

**Please do not hesitate to contact me if you have any questions or comments.**

**Kind regards,**

**Reynaldo L. Chavez**  
**APD Records Custodian/IPRA Manager**  
**Office: (505) 768-2007**  
**Cell: (505) 235-2160**  
**chavezr@cabq.gov**

**From:** Silvio Dell'Angela <[Dellansi@comcast.net](mailto:Dellansi@comcast.net)>  
**Date:** April 4, 2015 at 2:24:23 PM MDT  
**To:** "Torres, David L." <[dltorres@cabq.gov](mailto:dltorres@cabq.gov)>  
**Cc:** "Chavez, Reynaldo L." <[chavezr@cabq.gov](mailto:chavezr@cabq.gov)>, "Chief Gorden Eden, APD" <[geden@cabq.gov](mailto:geden@cabq.gov)>, <[cityclerk@cabq.gov](mailto:cityclerk@cabq.gov)>, <[info@nmfog.org](mailto:info@nmfog.org)>  
**Subject:** RE: IPRA/CIT/DELL'ANGELA/Taxpayer cost to honor officer John Kelly and his autopsy report

You know I have no case number. You have it. Don't insult me with this B.S. reply.

**From:** Torres, David L. [<mailto:dltorres@cabq.gov>]  
**Sent:** Friday, April 03, 2015 3:07 PM  
**To:** [Dellansi@comcast.net](mailto:Dellansi@comcast.net)  
**Cc:** Chavez, Reynaldo L.  
**Subject:** IPRA/CIT/DELL'ANGELA/Taxpayer cost to honor officer John Kelly and his autopsy report

Mr. Dell'Agnela, (It's Dell'Angela or can't you read?)

This email will acknowledge receipt of your public records request ***dated April 3<sup>rd</sup>, 2015.*** Please be advised we are reviewing your request to determine what public records are responsive and whether any exceptions to their production apply. We will continue our review and contact you prior to the expiration of fifteen (15) days from the receipt of your request. Please do not hesitate to contact me if you have any questions or comments.

Please note: providing a case number with your request will help expedite the retrieval and provision of the requested material.

Please do not hesitate to contact me if you have any questions or comments.

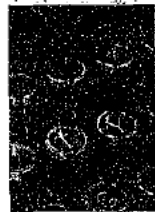
Kind regards,

**Office of the APD Records Custodian**  
**Reynaldo Chavez**  
**APD Records Custodian/IPRA Manager**  
**400 Roma Avenue NW, Alb., NM 87102**  
**Office (505) 768-2007**  
**City Cell (505) 235-2160**  
**FAX (505) 768-2540**  
**[chavezr@cabq.gov](mailto:chavezr@cabq.gov)**  
**[rey\\_chavez@iCloud.com](mailto:rey_chavez@iCloud.com)**



# Meet the Czar of APD Records, The Man Without a Boss

BY DAN VUKELICH



**A**pparently, there is a man at the Albuquerque Police Department, sitting alone at his desk, talking to no one else in his organization, denying public records requests

from the public and news media.

Some of these denials are for records requested by investigative reporters. Some denials come in response to requests by lawyers, including lawyers for the ACLU. Others come in response to people with individual grievances against the police.

According to this man, these denials happen without consultation with his police superiors — lieutenants, commanders, deputy chiefs, assistant chief or the chief.

They also occur without his consulting with anyone over at City Hall, including the Mayor's office, the Chief Administrative Officer or even — except in rare instances — lawyers at the City Attorney's office.

In his time on the job, this man has handled 2,000 to 3,000 Inspection Public Records Act requests per year, he says.

His training for handling these requests, he says, was an intensive "one-on-one" with former City Clerk Amy Bailey on public records laws.

The training may have also included — although he's not sure — attending an IPRA training program. He says he is "vaguely" aware such training exists and "may" have actually attended such a session or something "related closely to it."

This man, who has been on the job for four years, has cost the city tens of thousands of dollars in legal settlements over those records denials.

And he gets to keep his job.

Meet Reynaldo Chavez.

If Chavez's testimony in a deposition is to be believed, he is the sole arbiter, the judge, the decider, the Supreme Court, the czar, the Caesar, the King Louis XIV of what we are allowed to know about

Chavez's deposition in late October came in a lawsuit filed last winter by this newspaper and independent journalist Peter St. Cyr. Before ABQ Free Press published its first issue, we sought an inventory of APD's military weapons and equipment. Chavez denied our IPRA request.

Nothing about the sensitivity of a records request by news media or the public influences his decision, he testified. Nor does the sensitive nature of any request compel him to seek counsel from his police superiors or others in City Hall or from city lawyers, he said.

That's Reynaldo Chavez's story about how he handles the six or seven requests he gets, on average, each day, every day of the week, 365 days a year.

So, he must be one of the most powerful people in city government.

We have yet to get the weapons inventory, even though we know it exists and even though we know it must be reported to the New Mexico Department of Public Safety and to the Department of Defense, whose weapons and equipment are on loan to APD.

In our case, Chavez decided that telling us

about the military weapons inventory would help terrorists. So, out came his big, red block-letter "DENIED" rubber stamp (I'm speaking rhetorically here).

We believe that when the weapons inventory is finally made public, it will show that APD has lost some of the DOD equipment — including, as we report in this issue, an M16 assault rifle.

Maybe Reynaldo Chavez's denials reflect the "old" APD and not the "new" APD that Mayor Richard Berry and Chief Gordon Eden say is committed to constitutional policing in this town.

Maybe he'll see the light and realize how much his big, red rubber stamp is costing APD in public trust and taxpayer dollars.

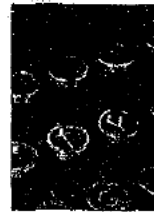
And maybe we'll get to see how APD has accounted for all the military weapons and equipment it has grown so fond of.

We doubt it.

Because while some things may be changing at APD, a lot is not at City Hall.

# APD Records Stonewalling Costs ABQ Big Money

BY DAN VUKELICH



**B**efore this newspaper published its first issue back in April, ABQ Free Press and Peter St. Cyr, an independent journalist who periodically writes for us, asked for

the Albuquerque Police Department's inventory of its military-style weapons.

When we were refused, we sued APD under the provisions of the New Mexico Inspection of Public Records Act. The case has been percolating along for months, but quite shortly, depositions will be taken — by both sides.

The public records law, commonly called IPRA, has protections built in to protect the public from unreasonable denial of public records. If found by a judge or jury to have wrongly withheld records, a governmental entity — like the City of Albuquerque and APD — can be liable for payment of the requesters' attorneys' fees, costs, and up to \$100 a day in damages.

Since we filed our case, KRQE Channel 13 filed a broader case. The TV station's suit alleges that APD has engaged in a pattern of wrongly withholding public records, including: lapel-camera video; records related to the James Boyd shooting; correspondence relating to the U.S. Department of Justice's probe of APD; records regarding APD shootings since 1994; APD's dealings with former APD Chief Ray Schultz and Taser; APD's 2013 review of its use-of-force policy; SWAT team reports of various incidents; surveillance video of the Mayor's Office during a protest and sit-in; crime-scene photos; dash-cam footage; and an inventory of APD weapons.

The TV station asked for more records than I can list here — but you get the idea.

In all cases, APD refused to release the requested information or was not fully responsive in what it did release. Some of the KRQE cases go back more than a year.

When totaled up, should the city be found in violation of the records act, APD — or, more properly, Albuquerque taxpayers — could be on the hook for well over \$100,000 for the KRQE case alone.

This pattern of refusal to release public records is being used against the public, as well as the news media. Reports of settlements and case dispositions that

Council shows the city paid more than \$48,000 in damages in three citizens' records cases between Oct. 1, 2013, and June 30, 2014.

Collin Hunter, an attorney with the Barnett Law Firm, who is representing this newspaper in its IPRA case against APD, said the denials are part of a legal strategy by APD and the city.

"They are making a PR and calculated risk assessment decision in denying these requests," Hunter said, "hoping that the requestors go away and that only one in 10 will actually sue."

Hunter said he believes the city will seek to dismiss the newspaper as a plaintiff and cut its exposure under the bad-faith portion of the IPRA statute, which calls for damages to be paid to all plaintiffs wrongfully denied records.

The records denials are the stick in APD's carrot-and-stick strategy in dealing with the news media — which is play ball with us and we'll spoon-feed you access, stories, video, mug shots and story leads; ask difficult questions and get the stick — no cooperation, no access and a big "no comment."

To be fair, other agencies do the same thing. The governor's people don't answer questions they don't like. Hell, they don't even return phone calls from media outlets they don't like.

But the APD records situation has become intolerable for a population that requires spin-free information to hold a troubled police department accountable. Case law is against APD and the civilians directing its policy. Taxpayers are paying the financial price, but eventually, someone's going to pay a political price.

This issue marks our sixth month of publication. Our readership is growing and, just as importantly, our advertising is picking up. People have told us they've been looking for another media voice in our community. We hope we're providing that voice.

We could use your help in identifying high-traffic business locations that would benefit both you and them. If ABQ Free Press were allowed to place a wire rack inside or a weatherproof box outside their premises.

We'll gladly accept your suggestions. All you need to do is talk to the manager or owner and ask them if they'd be willing to let us distribute there. Send us an email with the business name, address and the person you talked to and we'll get it done.